

Message

From: Provost, Megan (J) [MProvost@dow.com]
Sent: 4/12/2017 6:42:26 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
CC: 'Mike Seyfert (mike.seyfert@fmc.com)' [mike.seyfert@fmc.com]
Subject: Touching Base re: Endangered Species Act & Pesticides

Importance: High

Byron-

I wanted to touch base with you on behalf of Adama, Dow AgroSciences, and FMC, to give you a quick heads up that you all will be receiving a letter later this week sharing some concerns with the Environmental Protection Agency's (EPA's) recently finalized Endangered Species Act (ESA) biological evaluations (BEs) for diazinon, chlorpyrifos, and malathion.

On January 18, 2017, the EPA finalized BEs for these three important organophosphate (OP) pesticides. These BEs were conducted (1) as part of an "interim approach" agreed to by EPA and the Services to create a path forward for pesticide registrations under the ESA and (2) in addition to the detailed evaluation of the ecological impact these pesticides have gone through over decades of registration and re-registration already required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Unfortunately, these BEs were seriously flawed. For example, with regard to one OP, EPA proposed that over 97% of the 1,835 endangered species and 98% of the 794 critical habitats have a "likely to adversely affect" determination – for a product that has been in use since 1965. In addition, these BEs were rushed through the rulemaking process and demonstrate the unworkability of the "interim approach" being proposed by the agencies. These BEs have now been passed to the Services for use in developing more detailed biological opinions (BiOps).

As such, we are asking that the BEs be withdrawn because those work products did not provide a rational basis for further analysis. We're happy to answer any questions you have and to discuss this in further detail.

Thanks,
Megan

Megan J. Provost
U.S. Government Affairs

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