



June 17, 2016

Ms. Susan Lewis  
Director, Registration Division  
Office of Pesticide Programs  
Regulatory Public Docket (7502P)  
U.S. Environmental Protection Agency  
One Potomac Yard (South Building)  
2777 South Crystal Drive  
Arlington, VA 22202

**RE: Proposed Registration Decision for Sulfoxaflor (Docket No. EPA-HQ-OPP-2010-0889)**

Dear Ms. Lewis,

The National Sorghum Producers (NSP), representing 40,000 sorghum farmers in 21 states with over 7 million planted acres, appreciates the opportunity to comment on EPA's proposed registration decision for sulfoxaflor (EPA-HQ-OPP-2010-0889). While sorghum is not being considered for inclusion in this proposed registration, we are hopeful that it will be considered for a Section 3 registration in the near future. We want to take this opportunity to address the issues of tank mixing and buffers as well as address what we believe to be an overly conservative approach to bee protection and a misinterpretation of the USDA's bee attractiveness report.

**Bee Attractiveness**

NSP believes the EPA is misinterpreting the USDA's Bee Attractiveness report. The agency is ignoring the distinctions made in the report, specifically a single-plus (+) and a double-plus (++). A double-plus is meant to signify a plant that a bee is highly attracted to while a single-plus indicates that the crop is utilized by a bee under certain circumstances. Yet EPA appears to treat any crop with even a single-plus as equally attractive as a double-plus, ignoring the distinction made by the USDA. Again, EPA is choosing the most conservative approach to its evaluation, ignoring distinguishing information, and misrepresenting the very report developed to guide the agency with these decisions.

**Buffers**

NSP strongly recommends EPA not include a 12-foot on-field buffer requirement on the sulfoxaflor label. Buffers cause crop losses both in the buffer zone and further on-field by creating a refugia where crop pests maintain their populations, and it reduces farmer revenue. In addition, the continued presence of the pests in significant numbers allows them to rebuild populations quickly, which often leads to

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increased application frequency and thereby increasing a grower's input costs. Furthermore, more applications mean more active ingredient and increased risk of negatively impacting non-targets and beneficial insects.

The agency admits that the assumptions used to estimate risk of off-site exposure are not realistic.

*"... several assumptions that collectively are to likely over estimate off-site exposure (and risk) to bees. These include assuming that: 1) plants in the spray drift zone are blooming at the time of application, 2) 100% of the bee's diet comes from the blooming plants inhabiting the spray drift zone, and 3) residues in pollen and nectar of plants in the spray drift zone equate to maximum residues observed in submitted studies."*

Yet, the agency decides to embrace their impractical estimations. Why? Certainly some steps could be taken to lessen the level of overestimation.

### **Tank Mixes**

Unless significant concerns regarding synergistic effects of sulfoxaflor with other potential tank mixed chemicals is identified, NSP would urge EPA to avoid restriction on tank mixes. The practice of tank mixing, as the EPA highlights in the proposal, is an economic necessity for the viability of farming in the U.S. In the Mid-South each application can cost \$5-\$8 per acre or \$5,000 - \$8,000 for a 1000 acre farm. Prohibiting the ability to use tank mixing could easily quadruple the costs associated with applications. Some tank mixes help with drift. Furthermore, tank mixing results in significant fossil fuel savings, which should not be underestimated.

Tank mixing also allows for growers to carefully plan when applications are made while also providing the flexibility for timely applications in responding to pest pressure. With significant breaks in applications, growers can work with applicators and pest scouts to make informed decisions on the timing of treatments. Shifting to a single chemistry per application approach would stretch the availability of applicators beyond their current capacity and require applications to be scheduled well in advance. This would cause the end of integrated pest management programs and require farmers to "calendar" pesticide treatments rather than making informed decisions based on observed circumstances in the field.

### **Precautionary Approach of EPA to Risk to Bees**

According to the proposal, the agency has made the decision to adopt a "no risk," and "no exposure" approach for bees to crop protection tools. While the focus of this proposal is sulfoxaflor, there is no reason to believe the approach would be limited to sulfoxaflor and creates a decision matrix that places bees above all else, including feeding and clothing our population. The agency has chosen this path without calculating the risks to bees and no evaluation of the lost benefits to crops like cotton, citrus, cucurbits, soybeans and strawberries. To call this anything other than an adoption of the "precautionary principle" is to either misunderstand the phrase or ignore the realities.

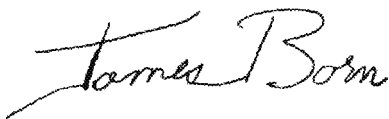
Why would the agency decide to go deny the registration for crops that are clearly in need of this important crop protection tool (e.g., cotton for tarnished plant bug, citrus for Asian citrus psyllid) when other steps to mitigate the risk are available? In the case of sulfoxaflor, with its brief residual activity, EPA could have instructed that applications be made any time after dusk or pre-dawn if managed hives are known to be in close proximity to the field. For products with longer residual activity and managed beehives in close proximity to the field, applications could be timed so that the risk was sufficiently reduced by the time bees would again be foraging or if applications were made to parts of the plant that are not blooming, shedding pollen or producing nectar.

### **Synergistic Effects of Overestimated Risks and Conclusion**

EPA's proposed registration for sulfoxaflor is a good example of the negative impacts on regulatory decision-making when each individual risk area is overestimated and then evaluated in combination. It causes decisions to be made that are not at all reflective of reality. It is doubtful the worst-case scenario imagined by EPA could be recreated in nature, even if we tried.

A product like sulfoxaflor has great utility in many crops for a wide range of pests, yet due to EPA's myopic view on risk it may only be approved for a narrow subset of crops (zero evidence of bee visits), under limited circumstances (without blooms) and with the potential of significant restrictions (no tank mixing and on-field buffers). The synergistic effect of all of these limitations results in the neutering of an advanced crop protection tool with a significantly improved environmental profile and a novel mode of action. It seems that we should be encouraging chemical products like this one rather than inhibiting their adoption.

Regards,



James Born  
Chairman of the Board  
National Sorghum Producers