Message

From: Joe Bischoff [JBischoff@cgagroup.com]
Sent: 5/26/2017 7:18:39 PM
To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
CC: Tim Lust [tim@sorghumgrowers.com]
Subject: Impact of recent changes to risk assessment
Attachments: ATZ EPA Review Memo_5.16.2017[2].docx; Atz summary - 11may17[2].docx; neonicotinoid-new-use.pdf; 2016_06_17_Sulfoxaflor_EPA-HQ-OPP-2010-0889-Final.docx

Justin,

My apologies for taking so long to get back to you with examples of how things have significantly changed in the registration and re-registration of pesticides in recent years. I am still gathering examples, as they are a more difficult to tease out than I initially anticipated but they remain very much real and impactful to growers.

We know that there have been significant changes to risk assessment, not through stakeholder engagement or notice and comment but through fiat. These changes were first signaled by Dr. Thomas Burke (Former Dep. Assistant Administrator at EPA) in 2009 when he presented, "New Directions for Risk Assessmentin the Incoming Administration and Beyond" to the Wharton School of Business. While the changes were done through policy and model shifts within the agency the impacts have been profound.

HERBICIDE

The first example is in regards to Atrazine, which is the second most widely used herbicide in the United States, primarily on corn, sorghum, soybean and sugarcane production. Atrazine has been around for more than 50 years and few chemicals have been studied more closely. Atrazine is currently going through re-registration at EPA, as it did in 2003, but this time through significant policy changes appear to have been made and the goalposts moved. Below I have provided a list of some of the major concerns. Attached, you'll find two documents that provide additional details about these concerns. One document (ATZ summary) was produced by folks at Syngenta. The other document (ATZ EPA Review Memo) was produced through the Triazine Network which is a coalition of grower organizations, including the National Sorghum Producers).

- EPA ignored the recommendations of their own Science Advisory Panels (2007, 2009, 2012) in setting aquatic level of concern (LOCs).
- Preliminary assessment focuses on models that clearly overestimate potential environmental concentrations of atrazine in water and ignores real-world and robust data taken over a 10 year period that completely contradicts the imaginative models used by EPA.
- Different outcomes despite the same information
    - In 2003 EPA concluded "atrazine is practically non-toxic to slightly toxic to birds and mammals". But in 20016, despite the thresholds remaining unchanged EPA concluded that atrazine posted a chronic risk to mammals.
    - In 2003 EPA concluded "atrazine is practically non-toxic to slightly toxic to birds." But in 2016 EPA concluded that there was acute risk for plant-eating, insect-eating and omnivorous birds for nearly all use patterns.

PESTICIDES AND POLLINATORS: Decisions based on hazards and not on risk assessment

I have attached the National Sorghum Producers' comments on the registration of sulfoxaflor (EPA-HQ-OPP-2010-0889) and a 2015 letter from EPA to the registrants instructing them not to pursue further neonicotinoid uses. I provided these two documents to help illustrate how OPP has made registration decisions that were influenced by the NGO outcry about honeybees and other pollinators without documenting risk (e.g., exposure). These are hazard-based decisions that have been repeated over and over and are not in keeping with a risk-benefit evaluation as required under FIFRA. Below I have highlighted some of the specific concerns captured and further explained in the attached documents.

- EPA identified the hazard and assumed a harmful exposure without data to support their assumptions.
    - Crops like sorghum, soybean and citrus were prevented from being registered uses, keeping a useful tool out of producers hands.
- EPA's letter prohibiting new neonic registrations has kept cost effective tools out of growers hands do to their "no risk" approach to bees.
    - Sorghum faces a new and devastating pest (sugarcane aphid). Studies have shown that an imidacloprid in-furrow treatment would be effective and inexpensive for this low-input cost crop. Unfortunately, EPA has told the registrants not to apply for the use due to their presumed concerns about bees.
    - The letter circumvents the risk/benefit evaluation process required under FIFRA and blocks registrations without evidence.
    - A letter from OPP instructing registrants that the moratorium no-longer applies would be a strong message and encourage innovation and new uses.
- Honeybees are non-native livestock in the United States. Beekeeping is a form of agriculture. However, EPA has chosen that form of agriculture over all others.
- While beekeepers do have significant pest and pathogen challenges, we have more honeybee colonies in the U.S. than we have had in 20 years.
- The abundance of caution and concern that EPA is exhibiting to bees, and honeybees in particular, is keeping important crop protection tools out of the hands of producers and ignoring their needs to control pests.

I am working to gather specific examples of how the models have changed and the resulting impacts on registrations. Hope to have that to you in the next week or two.

On a different topic, can you tell us if there has been any progress on the sorghum oil pathway? We are still waiting to hear from EPA regarding next steps, which we hope is a letter providing the approval.

Thank you for your continued attention to our issues and please let me know if you have any questions. Hope you enjoy the holiday weekend.

— Joe

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