



1156 15TH Street, NW · Suite 500 · Washington, DC 20005
T 202.457.0825 · F 202.457.0864 · www.aradc.org

April 27, 2020

U.S. Environmental Protection Agency
Office of Pesticide Programs
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460-0001

RE: Registration Review Proposed Interim Decisions; Docket ID #s EPA-HQ-OPP-2008-0844 (Imidacloprid), EPA-HQ-OPP-2011-0865 (Clothianidin), EPA-HQ-OPP-2011-0581 (Thiamethoxam), and EPA-HQ-2011-0920 (Dinotefuran)

Dear Sir or Madam:

On behalf of the Agricultural Retailers Association (ARA), I am writing to provide comments to the U.S. Environmental Protection Agency (EPA) regarding the Proposed Interim Decisions (PIDs) recently released for neonicotinoid (neonics) including clothianidin, dinotefuran, imidacloprid and thiamethoxam.

Statement of Interest

ARA is a not-for-profit trade association that represents America's agricultural retailers and distributors. ARA members provide goods and services to farmers and ranchers which include fertilizer, crop protection chemicals, seed, crop scouting, soil testing, custom application of pesticides and fertilizers, and development of comprehensive nutrient management plans. Retail and distribution facilities are scattered throughout all 50 states and range in size from small family-held businesses or farmer cooperatives to large companies with multiple outlets. ARA members employ certified crop advisors (CCAs), qualified agronomy experts who advise farmers on the most up-to-date and effective agronomic practices. CCAs provide advice on proper pest management to avoid development of resistance or alleviate resistance problems to meet the need for improved environmental stewardship.

General Comments

On January 30, 2020 the Environmental Protection Agency (EPA) released updated pollinator risk assessments and proposed interim decisions for clothianidin, dinotefuran, imidacloprid, and thiamethoxam. This is an extensive scientific process that EPA conducts on all registered pesticides every 15 years to ensure they meet the latest scientific standards. It is ARA's understanding that the agency's intent was to review all neonics in the same timeframe to ensure consistency across the class.

Neonics are a modern class of insecticides that have been widely adopted by agricultural retailers and their farmer customers to manage some of the most destructive insect pests on crops. These products are being used in place of older insecticides because of their effectiveness against pests, favorable environmental profile and mammalian safety. Neonics are used on many crops such as soybeans, wheat, cotton, sorghum and canola. They are also used on many smaller-acreage horticultural crops, ornamental plants, lawns and even on pets for flea control. These pesticide products are extremely valuable for America's agricultural industry because of their use in integrated pest management (IPM) programs. Neonics help ensure beneficial insects remain available to keep other potential pests in check due to their selective control of target pests. If farmers were potentially forced to rely on older classes of chemistry it could result in reduced yields, more frequent sprays, higher costs, and less selectivity on types of pests impacted.

Pesticides are highly regulated products in commercial use, with over 120 different baseline studies required for new EPA registrations. These studies assess safety to humans, wildlife, and the environment. On average it takes around 11 years for a new product to be registered, sold and used in the U.S. marketplace. All pesticides, including neonics, are required to undergo periodic evaluation to ensure they continue to meet the highest standards of safety necessary to protect human health and the environment.

One of the most common uses for neonics is as part of seed treatments technologies to protect vulnerable seeds from threats of insects and diseases that exist in soil during early developmental stages. Agricultural retailers provide seed treatment services for their farmer customers to deliver a very precise pesticide application that ensures the plant has a greater opportunity to grow a strong root system which is the foundation of a healthy, productive plant. Seed treatments also reduce the environmental impact on the crop production process by decreasing the necessary number of pesticide applications during the planting season and lessening potential exposures to non-target species, including humans and pollinators. Agricultural retailers, their farmer customers and other segments of the industry are constantly evolving to improve seed treatment processes. Due to these technological advances, only milligrams of active ingredient are now used per individual seed. ARA applauds EPA for their acknowledgement of the benefits of seed treatment uses.

Comments on EPA's Mitigation Proposals

ARA recognizes and commends EPA's consideration of benefits of these neonicotinoid products in issuing their proposed interim decisions. EPA's proposed mitigations generally fell into 6 main categories: 1) additional PPE requirements; 2) use cancellations; 3) reductions in seasonal application rates; 4) changes in application timings; 5) crop growth stage reductions; and 6) language to reduce spray drift and runoff.

Additional PPE Requirements

EPA has proposed that applicators wear a respirator and gloves for certain uses of clothianidin and thiamethoxam including for treating corn and seed. This proposed mitigation is based on overly conservative exposure scenarios. While safety is of the highest importance for ARA and its members, we want to ensure that any additional PPE requirements are based on confirmed risks so to maximize employee compliance and not overburden our members with unnecessary costs.

Use Cancellations

EPA has proposed the cancellation of on-farm seed treatment uses for canola, millet and wheat to reduce human exposure concerns. These potential risks are based on overly conservative exposure scenarios. On-farm treatment is an important application method for treating seed and needs to be maintained. This on-farm method of application should be modeled using scientifically sound assumptions and the most current exposure data that is available.

Reductions in Seasonal Application Rates

ARA is concerned that the proposed reduced application rates will result in fewer total soil and foliar application availability for all neonics. For some crops, these reductions would have minimal impact but for others it would be more significant. Since these restrictions are based on maximum pounds of active ingredient per acre per year, they may harm industries where multiple crops are grown per year on the same site. In this case, the restriction would not account for the need of applications across multiple crop growing seasons. Foliar Insect Resistance Management (IPM) programs in most crops are dependent on a limited number of effective Modes of Action (MOA) (primarily pyrethroids and organophosphates). Reducing the number of neonic applications and/or rate per application could lead to resistance to the remaining chemical classes by limiting viable MOA from season-long rotational programs. In several benefit assessments, EPA points to the availability of products such as pyrethroids and organophosphates

as alternatives to neonics. However, those chemical classes are also under registration review and should not be considered confidently as viable alternatives, as they are also potentially subject to similar restrictions in the future. Compared to other insecticides, neonotinoids are more selective, allowing for the preservation of beneficial insects, which are a key element of IPM programs. Neonicotinoid products are very effective against certain types of insects and would be replaced with older, less selective products that would negatively affect beneficial insects, reduce yields, and lead to more frequent and costly applications of insecticide products.

Crop Growth Stage Restrictions

In an effort to reduce harm to pollinators, EPA has proposed changes that would broadly eliminate needed bloom applications for crops where previous exemptions were made. The main crop groups affected include fruiting vegetables, tree fruit and nut crops. The language in appendix B is inconsistent with the benefits documents included in past dockets, EPA's Policy Mitigating Acute Risk to Bees from Pesticide Products (2017), managed pollinator protection plans, and numerous discussions with neonicotinoid registrants and commodity group stakeholders. We urge EPA to remove the second paragraph of appendix B as it is overly restrictive and will be an unnecessary burden for growers.

Reducing Spray Drift and Runoff.

ARA is concerned by the language proposing applicators be required to use a "medium or coarser droplet size." This wording is problematic because it makes compliance unlikely and open to litigation. While applicators aim to reduce the frequency of fine droplets, requiring "all" droplets to be a certain size is not reasonable. We ask that EPA consider more realistic language such as, "Applicators are required to use nozzles that are designed to emit medium or coarser droplets." The average droplet size ranges for nozzles are readily available from the manufacturer and is something the applicators can control. This language would achieve EPA's goal in a manner that allows the grower to be compliant.

Conclusion

ARA believes risk decisions and benefit assessments by EPA need to be based on actual data and real-world situations that can be properly peer reviewed. Industry stakeholders should play a critical role in any sensible mitigation process to ensure they are realistic and achievable while continuing to allow access to these critical insecticide products.

Thank you for your review and consideration of our comments.

Sincerely,



Richard D. Gupton
Senior Vice President, Public Policy & Counsel