CENTER for BIOLOGICAL DIVERSITY Because life is good.

December 21, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator, MC 1101A
1200 Pennsylvania Avenue NW
Washington, DC 20004

Jack Housenger
Director
Office of Pesticide Programs
Environmental Protection Agency
2777 South Crystal Drive
Arlington, VA 22202

Dear Administrator McCarthy, Director Housenger,

We write to you today on behalf of fifteen non-profit organizations and over five million members to urge you to take action on the issue of pesticide synergy. For years, people have expressed concern about the increased toxicity and harm to humans and wildlife, including farmworkers and pollinators, from the mixture of chemicals contained in pesticide products and co-applied in the environment. The Environmental Protection Agency has a duty to ensure that the use of these chemical concoctions will not unreasonably adversely affect humans or the environment, yet the EPA consistently approves new uses and new products without adequate information to reach any reasoned conclusions.

We ask that the EPA require all information from applicants concerning mixture and co-application of ingredients before reaching any decisions to allow new, additional or continued uses of these chemicals. And, we ask that the EPA use this information to implement the strict prohibitions and mitigations necessary to avoid the negative consequences on people and our water, land and wildlife; or, if those consequences cannot be sufficiently mitigated, to deny these applications. In aid of this, we ask the EPA to recommit to a transparent process in which, to the greatest degree possible, the EPA provides information to the public, whether through notice of actions, publication of information (including studies and data) in the dockets, or timely responses to requests under the Freedom of Information Act.

The bottom line is whether the application of multiple ingredients can have a synergistic effect for certain combinations of pesticides. Without expressly requiring applicants to provide information on synergy, it is highly likely that the EPA is underestimating the negative impacts on the environment of pesticide exposure in its analyses. In July 2016, the Center for Biological Diversity submitted a petition for rulemaking requesting that the EPA restore and strengthen the requirement for applicants to provide this type of information to the agency. Without it, the EPA cannot comply with its duty under the Federal Insecticide Fungicide and Rodenticide Act to ensure that its registration of pesticides will not result in unreasonable adverse effects on the environment.[1] The EPA responded on August 15, 2016, that it had received the petition and

[1] 7 U.S.C. § 136a(c)(5).

would keep us informed of the agency's progress in evaluating the petition; however, the Center has received no further information in the three months since that time. Time is of the essence as the EPA continues to approve more uses of mixtures, like the new approval of RoundUp Xtend, a combination of dicamba and glyphosate for use of genetically-engineered crops.

In addition to products that contain either multiple active or inert ingredients that result in synergism, pesticide products can often be mixed or co-applied in the field in a way that results in synergistic effects. For example, in the recent pollinator risk assessment for Imidacloprid, the EPA noted that this pesticide was often mixed with fungicides in tank mixtures.[2] In the risk assessment, the EPA stated:

> "fungicides, particularly those of the sterol biosynthesis inhibitor class that include the triazole fungicides were detected with high frequency. There are reports in the literature that these chemicals may exhibit a greater than additive (e.g., synergistic) effect on toxicity when bees are exposed simultaneously with neonicotinoid chemicals like imidacloprid. While the extent of this relationship is beyond the scope of this assessment, it highlights the complex nature of interactions of different stressors that exist in the hive.[3]

These mixtures have real impacts on pollinators and other wildlife that the EPA must take into account and act upon when it makes pesticide registration decisions.

To aid in making informed decisions, the EPA must engage in a transparent process. Instead, the registration process does not afford the public a meaningful opportunity to participate because few, sometimes none, of the underlying studies or data are provided in the docket on regulations.gov. And, when we attempt to obtain this information through FOIA, the EPA spends years providing information that should logically be contained in one decision file. We ask that the EPA engage the public while it is making these decisions as fully as it is attending to the applicants. We have a real stake in these decisions and need to have a mechanism for providing input to EPA.

Many pesticide products on the market are likely more harmful than the EPA has previously assumed because some of the most common combinations of ingredients cause synergistic effects, and most pesticide product labels do not meaningfully limit tank mixtures or co-application. Therefore, it is imperative that the EPA consider synergistic effects of pesticide products during its registration and registration review process, and include protective label restrictions to eliminate or mitigate adverse, synergistic environmental impacts. The EPA should prohibit tank mixes on the labels unless there is sufficient information demonstrating that no synergistic effects will occur. For example, pesticides such as the sterol biosynthesis-inhibiting fungicides known to disable the insect detoxification system, the EPA should prohibit

[2] EPA Pollinator Ecological Risk Assessments: Imidacloprid Registration Review. Docket # EPA-HQ-OPP-2008-0844 (Jan. 15, 2016).
[3] *Id*. at 100.

applications to blooming crops.[4] During the risk assessment and risk mitigation process, the EPA should candidly engage with the public.

Sincerely,

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[4] See, e.g., Sgolastra, F., et al., *Synergistic Mortality Between a Neonicotinoid Insecticide and an Ergosterol-biosynthesis-inhibiting Fungicide in Three Bee Species*, Pest Manag. Sci., 2016, 10.1002/ps. 4449.

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