



PPC

PESTICIDE POLICY COALITION
A Coalition Working for Sound Pest Management Policies

August 15, 2019

Attn: Ms. Tracy Perry
Docket No. EPA-HQ-OPP-2019-0185
Pesticide Re-Evaluation Division (7508P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Submitted electronically via Federal eRulemaking Portal

Re: Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides; Notice of Availability and Public Meeting; 84 Fed. Reg. 22,120 (May 16, 2019); Docket No. EPA-HQ-OPP-2019-0185

The Pesticide Policy Coalition (PPC or “the Coalition”) appreciates the opportunity to comment on U.S. Environmental Protection Agency's (EPA) to the above-referenced draft guidance document, “Pesticides; Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides” (hereinafter “Draft Revised Method”).

The PPC is an organization of food, agriculture, forestry, pest management and related industries, including small businesses/entities, which support transparent, fair and science-based regulation of pest management products. PPC members include: nationwide and regional farm, commodity, specialty crop, and silviculture organizations; cooperatives; food processors and marketers; pesticide manufacturers, formulators and distributors; pest and vector-control operators; research organizations; equipment manufacturers; and other interested stakeholders. PPC serves as a forum for the review, discussion, development and advocacy around pest management regulation and policy, including assessment of pesticides under Endangered Species Act (ESA) authorities.

PPC members have a great interest in EPA's review procedures generally and about ESA in particular to ensure that applicators have access to innovative pest management tools, which meet EPA's requirements to protect health and the environment. Coalition members are uniquely suited to review and provide input on EPA's assumptions related to pesticide usage patterns and practices that inform EPA's risk assessment process, including modeling. An improved risk assessment process that avoids overly conservative assumptions and incorporates probabilistic methods will help ensure the continued availability of safe and affordable pesticide products, including important crop protection tools.

The PPC appreciates the EPA's effort to improve and refine its ESA risk assessment process as outlined in the Draft Revised Method. The following comments focus on a few key areas of the Draft Revised Method. PPC encourages EPA to consider individual comments submitted by PPC members, including detailed comments submitted by CropLife America.

COMMENTS

I. Use of Pesticide Usage Date in Biological Evaluations

The PPC supports EPA's proposal to incorporate pesticide usage data into its Biological Evaluations (BEs). For example, data on agricultural pesticide usage volumes and patterns reliably predicts how and where pesticide products are applied in the field. Incorporating usage data will ensure that BEs are grounded in the "best scientific and commercial data available" as proscribed under the ESA.

a. Usage Data Sets

The PPC emphasizes the following feedback related to EPA's proposed method for incorporating usage data:

- i. It is appropriate for EPA to use national and state level data from the past five years to identify those geographic areas that do not actually receive pesticide applications in spite of being identified as potential use sites.
- ii. EPA should also consider utilization of county level data where available to further refine its usage data set.
- iii. National scale data sets for non-agricultural pesticide use may be less robust. In instances where EPA may need to examine risk to endangered species from non-agricultural pesticide use, it should consider other sources of data and information and engage

stakeholders to inform understanding of non-agricultural pesticide usage practices and where usage is likely to occur.

b. Use of Percent Crop Treated Concept

EPA proposes to use the Percent Crop Treated (PCT) concept to incorporate usage data in its risk assessment process. PCT values are derived based on state level usage data and total crop acreage from the United States Department of Agriculture (USDA) census. The PPC cautions that EPA's proposed PCT approach has the potential to grossly overestimate exposure risk to species because it assumes all usage in a potential use site occurs within a species range before extending anywhere outside the range.

Therefore, EPA should take steps to eliminate or address conservatizing factors in its Final Revised Method, including the following:

- i. EPA should clarify which methods it will use to determine application volume from the five years of state level data, as particular years may contain anomalies and outliers that could misrepresent typical use.
- ii. EPA should clarify whether it will calculate PCT using actual usage rather than usage derived using label rates, as applicators rarely apply pesticides at a label's maximum rates.
- iii. Where available, EPA should consider utilizing more realistic approaches to determine acreage treated within a species range, including assuming a uniform likelihood of treatment across potential use sites.

II. Use of Drift Models

The PPC is concerned that assumptions relied on by EPA in modeling pesticide drift do not reflect reality in the field. Numerous studies demonstrate that off-site movement of chemicals from ground applications greatly dissipate within 10 meters of the edge-of-field, and there is a 90 percent reduction in chemical deposition within 30 meters of the field edge. However, the Draft Revised Method caps drift exposure at 2600 feet (approximately 800 meters). EPA should acknowledge this conservatizing factor in the Final Revised Method.

III. Use of Probabilistic Methods

Overly conservative risk estimations that presume anything and everything is at risk do not allow for sound decision-making and selection of appropriate risk mitigation tools (e.g., buffer zones, temporal restrictions on pesticide applications etc.). As strongly recommended by the 2013 ESA National Academy Report, probabilistic methods provide a scientifically defensible means of addressing uncertainty and understanding risk. The PPC supports EPA's use of probabilistic methods in its endangered species risk assessment process. Probabilistic risk assessment (PRA), which openly addresses sources of uncertainty, enhances transparency and allows for meaningful involvement of all pesticide stakeholder groups, including PPC members.

The PPC recommends that EPA include sensitivity analyses in its PRA approaches to identify the most substantial sources of uncertainty. This allows for improved and targeted data collection important to understand any risks in those areas and in turn the adoption of appropriate mitigation measures by farmers, applicators, manufacturers, and other stakeholders where necessary.

IV. Weight-of-Evidence Approach

The PPC is encouraged by EPA's shift toward a weight-of-evidence (WOE) approach in its Draft Revised Method. However, the Draft is short on details on how EPA will weigh and consider each line of evidence in its WOE approach. While EPA should not delay its adoption of the Final Revised Method to build out this WOE framework, the PPC recommends the EPA prioritize this as a future project and provide for stakeholder review and input at that time.

V. Characterizing and Communicating Uncertainty

The PPC encourages EPA to include clear explanations of sources, directional implications, and magnitude of uncertainty in its BEs. EPA should make clear that any risk assessment will include some amount of uncertainty, and that uncertainty does not equate to risk. This clarity will benefit public understanding and improve credibility and public trust around the outcomes of EPA's risk assessment process.

CONCLUSION

Agricultural producers are important stakeholders in any discussion of pesticide regulation and the ESA. The pesticide approval process needs to be predictable and timely in order for the pesticide industry to provide needed pest control tools to American growers. The PPC appreciates the opportunity to provide the above input on aspects of EPA's Draft Revised Method. This revised approach is an important step toward improving the efficiency, transparency, and credibility of the ESA risk

assessment process. The PPC looks forward to implementation of the Revised Method in the near future.

Sincerely,

A handwritten signature in cursive script that reads "Renée Munasifi".

Renée Munasifi
Chair, Pesticide Policy Coalition

A handwritten signature in cursive script that reads "Beau Greenwood".

Beau Greenwood
Vice Chair, Pesticide Policy Coalition