



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 21, 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Frances Beinecke, President
Natural Resources Defense Council
40 West 20th Street, #11
New York, NY 10011

Dear Ms. Beinecke:

I write to express my great disappointment with the words and actions of NRDC regarding EPA's pesticide program and protection of bees. EPA's Office of Pesticide Programs (OPP) recognizes that Colony Collapse Disorder (CCD) and general pollinator decline have become a matter of serious concern. Pesticide use has been suggested as a possible contributor to the problem, along with other potential factors, such as new and re-emerging pathogens, pests, and environmental and nutritional stressors. Given OPP's active involvement in addressing this critical issue, I was very disappointed to read the misleading statements in the press and on the Natural Resources Defense Council (NRDC) website regarding its recently filed complaint against EPA under the Freedom of Information Act (FOIA) relating to information about the pesticide clothianidin. In particular, I take issue with NRDC's assertion, as represented on its website, that EPA "refuses to tell the public what it knows" and that EPA is somehow hiding information regarding CCD.

It is unclear to me what actions or statements on EPA's part could possibly have led NRDC to the conclusion that it was EPA's intention, as your website suggests, to withhold information on this issue from the public. Indeed, EPA's correspondence with NRDC should have led it to the opposite conclusion. EPA sent two responses to this FOIA prior to NRDC's suit. EPA acknowledged receipt of NRDC's request in a letter dated July 22, 2008. In a follow-up letter, on August 14, 2008, we explain that the FOIA request itself was very broad and extensive and would require additional time beyond the 20-day deadline for the Agency to fully respond to all of the material requested. No mention of those letters is made on your website or in your statements to the press.

As for the issue of whether EPA's efforts to protect pollinators from pesticide risk are sufficient, we would have been happy to discuss this issue with NRDC. After reading recent misleading press articles about our actions, we checked to determine if anyone from NRDC had tried to contact anyone within the pesticide program, as was claimed. To the best of our knowledge, there is no record of any calls that were not responded to by any of the program's senior managers who are well known to NRDC staff and readily available to discuss

issues and concerns. Moreover, NRDC sits on OPP's public advisory group – the Pesticide Program Dialogue Committee (PPDC) – which meets two to three times a year. OPP also has regular meetings with the environment/public interest community, and the agenda is set by them. At no time has there been a request by NRDC for a meeting to discuss clothianidin. We continue to be willing to discuss this issue with NRDC.

We also would like to set the record straight about what the Agency is doing to protect pollinators. Even before the phenomenon of Colony Collapse Disorder (CCD) was discovered, the Agency was actively working on several fronts to address the protection of pollinators through regulatory and voluntary programs as well as through research programs.

Regulatory Programs: If non-target insects such as honey bees are likely to be exposed to a pesticide, EPA requires the manufacturer of a pesticide to conduct bee toxicity tests before the pesticide can be registered and sold on the market. Depending on the outcome of these toxicity tests, EPA classifies the pesticide as non-toxic, toxic, very toxic, or highly toxic to bees. If the pesticide has a toxicity level that is less than an LD₅₀ (lethal dose that kills 50% of the exposed organisms) of 11 micrograms/bee, EPA requires additional data in the form of a foliar residue study to determine the length of time over which field-weathered foliar residues remain toxic to honey bees. The data from these studies may lead to requirements for one of several versions of precautionary labeling statements that prohibit application of the product under conditions that may kill bees. On a case-by-case basis, the Agency may also require other studies such as field pollinator studies if data from toxicity studies indicate potential chronic effects or adverse effects on colonies. Several field pollinator studies have been conducted in the U.S. and in other countries for pesticides that have a potential to affect bees, and EPA has been working with researchers and regulators to ensure that these studies are being conducted according to the highest scientific standards.

Due to concerns about unusual honey bee losses in this country, we are now examining more advanced methodologies for assessing behavioral effects, such as mobility, navigation/orientation, feeding patterns, learning performance, and community ecology. In order to appropriately evaluate these types of sub-lethal effects, however, standardized methods and protocols need to be developed for assessing these types of behavioral effects in beneficial insects. To this end, we are actively working with academia and with the USDA to develop methodologies for characterizing sub-lethal effects to beneficial insects. Once these tests are developed, EPA will be able to use the information from these tests to link the toxicity of a particular pesticide with effects associated with exposure in the field. These advanced methodologies should improve our understanding of what impacts, if any, the legal use of registered pesticides is having on bees.

Research Programs: Another way that EPA is addressing CCD is by actively participating in the Colony Collapse Disorder Steering Committee and Working Group, which is led by the U.S. Department of Agriculture and includes representatives from academia, the bee industry, and grower stakeholders. This group has developed an Action Plan or strategy for addressing CCD and for determining the extent of CCD in the U.S. and current status of honey bee colony production and health (http://www.ars.usda.gov/is/ccd/ccd_action_plan.pdf). The largest component of the Plan is research concerning the impacts of new or re-emerging

pathogens, bee pests, environmental and nutritional stresses, and pesticides. As an active member of the CCD Steering Committee and Working Group, EPA has reviewed several research proposals and protocols for determining the potential role of pesticides in CCD. EPA is also providing input to state agencies such as the California Department of Pesticide Regulation and to academic institutions such as Penn State, which is conducting several research projects associated with CCD.

Voluntary Programs: A third way in which EPA is protecting pollinators is through a voluntary program called the Pesticide Environmental Stewardship Program (PESP). Through this program, EPA is working with the North American Pollinator Protection Campaign (NAPPC), a supporter of PESP since August 2003, to promote NAPPC goals of promoting healthy pollinator populations through reducing pesticide risks. A PESP-related NAPPC product is the “Reducing Risks to Pollinators from Pesticides” Web resource, which includes information about integrated pest management and how pesticide misuse may affect pollinators (<http://www.napcc.org/PesticidesMain.html>). PESP also supports NAPPC educational activities, including conferences, lectures, and exhibitions to increase awareness of the effects that pesticides may pose to pollinators.

Our website and docket also provide an extensive amount of information about the topics raised in the FOIA on clothianidin. We continue to update these sites:

Clothianidin risk assessments in 2006 & 2007 Registration Division dockets:

<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OPP-2007-0280>

<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OPP-2006-0902>

In our OPP Electronic Reading Room, also available to the public, we posted 38 clothianidin Data Evaluation Reports at: <http://www.epa.gov/pesticides/foia/reviews/044309/index.htm>.

EPA’s Office of Pesticide Programs “sets the bar” for its exceptional public participation processes and transparency throughout the programs it administers. Thus, we are especially concerned about the misleading press assertion that EPA is trying to conceal information about pesticides’ effects on bees. NRDC’s request was for all records related to all of our “FIFRA section 3 registrations and FIFRA section 18 emergency exemptions” for clothianidin. Given the extensive amount of data and information that EPA evaluates in making these kinds of decisions, your request is for a very large number of documents. Not providing these documents in 20 days hardly constitutes a cover-up. We operate in the public eye and strive to ensure that our actions are protective of public health and the environment. We highly respect and value stakeholder participation, including NRDC’s and all environmental/public interest groups. They have an important role to play and their input is critical to our mission. Neither OPP’s record of public transparency nor the facts of this case warrant the kinds of overheated rhetoric used by NRDC to describe our program.

In closing, we hope in the future that you will not hesitate to contact me directly when you have concerns about what we are doing so that we can work together to promote the protection of pollinators and our environment.

Sincerely yours,

A handwritten signature in black ink that reads "Debra Edwards". The signature is written in a cursive, flowing style.

Debra F. Edwards, Ph.D., Director
Office of Pesticide Programs

cc: Aaron Colangelo, NRDC
Jennifer Sass, NRDC
Michael Fry, ABC
Jack Peterson, Chair of SFIREG