



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

July 5, 2022

OFFICE OF CHEMICAL SAFETY AND
POLLUTION PREVENTION

The Honorable Abigail Spanberger
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Spanberger:

Thank you for the letter of December 9, 2021, to the U.S. Environmental Protection Agency (EPA) regarding pesticide registration. EPA understands your concerns and is committed to transparency and scientific integrity as it makes certain that pesticides can be used appropriately for the 2022 growing season and beyond. Since his start at the Agency more than a year ago, EPA Administrator Michael Regan has expressed his strong desire to work closely with the farming and ranching community to identify practical, science-based policies that protect our environment and ensure a vibrant and productive agricultural system.

Under the Biden-Harris Administration, EPA continues to ensure that risk assessments and regulatory decisions reflect the best available public health and ecological science. EPA has a responsibility to protect human health and the environment, and all pesticide decisions, including the regulation of significant herbicides such as Enlist Duo, Enlist One, and over-the-top dicamba, must be consistent with this principle. We also understand the need for certainty as farmers plan for this and future growing seasons.

This past January, when EPA renewed the registration of Enlist Duo and Enlist One, two herbicides used to control weeds in conventional and genetically-modified corn, cotton, and soybean crops, the Agency thoroughly evaluated scientific data and the economic impacts of potential restrictions on the Enlist registrations and labeling. EPA's decision to renew the registration provides more registered options to growers, lowering the likelihood for supply chain shortages. For more information regarding the renewal of Enlist Duo and Enlist One, including the protective measures EPA implemented as a condition of the product registrations to protect non-target plants and animals, please read EPA's statement (<https://www.epa.gov/pesticides/epa-renews-enlist-product-registrations-new-control-measures-providing-growers-certainty>) or EPA's FAQs (<https://www.epa.gov/ingredients-used-pesticide-products/registration-enlist-duo-and-enlist-one>).

In March, EPA approved the use of Enlist One and Enlist Duo in 134 additional counties, providing growers with additional weed management options for the 2022 growing season. This is an example of EPA's commitment to working with stakeholders when new information becomes available to make regulatory decisions that reflect the best available science and protect human health and the

environment. Several grower groups, including the American Soybean Association, American Farm Bureau Federation, National Corn Growers Association, and National Cotton Council welcomed and expressed appreciation for this approval.

Additionally, EPA continues to review whether over-the-top dicamba, an herbicide used to control certain types of broadleaf weeds, can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats. On Dec. 21, 2021, EPA released a summary of dicamba-related incident reports from the 2021 growing season. Despite the control measures implemented in EPA's October 2020 dicamba registration decision, the 2021 incident reports show little change in number, severity, or geographic extent of dicamba-related incidents when compared to the reports the Agency received before the 2020 control measures were required.

As EPA evaluates its options for addressing future dicamba-related incidents, the Agency will consider your concerns related to supply chain and availability of alternatives. The Agency acknowledged that changes to the national label would not be implemented prior to the 2022 growing season. However, the Agency implemented additional state-based restrictions in Iowa and Minnesota based on the registrant request in partnership with the respective state Departments of Agriculture. For more information regarding the 2021 incident reports, read EPA's statement (<https://www.epa.gov/pesticides/epa-releases-summary-dicamba-related-incident-reports-2021-growing-season>) or EPA's FAQs (<https://www.epa.gov/ingredients-used-pesticide-products/dicamba-2021-report-dicamba-incidents>).

EPA shares your concern regarding the supply chain and has been working diligently to relieve these issues when possible. Please see the overview of pesticide supply chain and COVID related flexibilities below the signature line. The Agency welcomes other suggestions that relieve supply chain issues provided they remain protective of human health and the environment.

Again, thank you for your letter and for sharing your concerns. If you have further questions, please contact me or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,

Michal Freedhoff, Ph.D.
Assistant Administrator

Pesticides Supply Chain and COVID Related Flexibilities

In response to the COVID-19 pandemic, EPA has expedited the approval of critical disinfectant products and implemented regulatory relief to provide flexibilities to industry and agricultural workers due to supply chain issues related to unforeseen circumstances (e.g., natural disasters, production facility fires, etc.), delays, production stoppages and customer shortages of pesticides products. The sources of supply chain issues have been both domestic (e.g., Texas) and global (e.g., China).

Expediting Approval of List N Disinfectant Products

- [List N](#) currently contains [a searchable list](#) of over 590 EPA registered disinfectant products that are expected to kill all strains and variants of the coronavirus SARS-CoV-2 (COVID-19) when used according to the label directions.
- In response to industry claims of List N disinfectant shortages, OPP expedited the reviews and approvals of 452 List N submissions from March 2020 to April 2021.

Initiating Supply Chain Flexibilities

- EPA has initiated several actions to alleviate supply-chain issues for the pesticide industry:
 - In the Spring of 2020, in response to supply chain disruptions of disinfectant products on List N, [the Agency issued three separate, temporary amendments to Pesticide Registration Notice \(PRN\) 98-10 over the course of 6 weeks](#). These temporary amendments helped to ensure that disinfectant products remain available as the country responds to the COVID-19 public health emergency.
 - From May 11, 2020 to September 15, 2021, the Agency allowed several changes to alleviate supply chain issues, including adding new sources for nine [commodity active ingredients](#), substituting similar inert ingredients sources, and allowing EPA registered establishments to be self-certified without Agency. In addition, the Agency provided similar self-certification flexibilities for food contact sanitizer products containing isopropyl alcohol, used in the essential role of food manufacture and preparation
 - On September 15, 2021, EPA determined that there was no longer a continued need for the flexibilities described above, and [issued a notice terminating the temporary amendments](#).
 - In July 2021, [EPA allowed](#) registrants of non-antimicrobial pesticide products to substitute some combination of pre-approved alternate inert ingredients for inert ingredients derived from propylene oxide (PO) feedstocks that are in limited supply due to weather events in the U.S. Gulf Coast in February 2021.
 - [In January 2022, EPA extended the July 2021 action](#) described above. Although this action was originally set to expire on Dec. 31, 2021, EPA extended the date to Dec. 31, 2022, due to continued disruptions to production.

Conditional Approving Non-Commodity Active Ingredients

- From July 2020 to January 2021, EPA conditionally approved new unregistered sources of pesticide active ingredients for 22 products.
- Applications to make these changes are typically submitted as 4-month [actions under the Pesticide Registration Improvement Act \(PRIA\)](#). Accepting these changes conditionally allowed List N products to be on the market faster during the health crisis.

- The Agency is currently following up with the registrants of those pesticides to ensure that they have satisfied the conditions of their registration.

Providing Flexibility for Non-List N products

- To add flexibility for products after the temporary amendment to PRN 98-10 expired and for products not on List N (including products without public health claims), EPA has approached supply chain flexibility requests on a case-by-case basis.
- In some instances, EPA has conditionally approved changes for new sources of active ingredients and has expedited review of other FIFRA submissions.
- EPA is currently developing a new process to ensure supply chain flexibility requests for these products are handled in a transparent and consistent manner.

Approving Electrostatic Sprayer Systems (ESS) for List N Products

- COVID-19 has resulted in an increased interest in the application of antimicrobial disinfectants on List N via electrostatic sprayer systems (ESS).
- In 2020, OPP developed and [posted guidance for registrants for expedited review of requests to add ESS directions to products on List N](#).
- Approximately 30 products now have label directions with ESS (12 are currently pending).

Providing Temporary Agricultural Worker Protection Standard Respirator Options [note: all 3 co-issued by OCSPP and OECA]

- In response to personal protective equipment shortages in the agricultural sector:
 - [In June 2020, EPA released temporary guidance on respiratory protection for agricultural pesticide handlers.](#)
 - [In May 2021, EPA extended respiratory protection flexibilities for agricultural pesticide handlers to September 30, 2021.](#)
 - [In August 2021, EPA announced the sunset of the temporary guidance on respiratory protection for agricultural pesticide handlers, effective August 19, 2021.](#)

Providing Agricultural Worker Protection Standard Pesticide Training Guidance

- [In June 2020, EPA released guidance on the annual pesticide safety training requirements](#) outlined in the Agricultural Worker Protection Standard that offers flexibility during the COVID-19 public health emergency.

Providing Temporary Pesticide Applicator Certification Program Guidance

- [In July 2020, EPA released temporary guidance on the certification of pesticide applicators of restricted use pesticides](#) that offers flexibility during the COVID-19 emergency.