



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Sanford D. Bishop, Jr.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bishop:

Thank you for the letter of September 13, 2021, to the U.S. Environmental Protection Agency (EPA) regarding chlorpyrifos and integrated pest management (IPM).

As the Biden-Harris Administration works to advance EPA's mission of protecting human health and the environment, EPA is committed to ensuring the safety of chemicals used by all Americans. At this time, EPA is reviewing a number of Agency actions in light of statutory obligations, policy objectives related to use of the best available science, and protection of human health and the environment in accordance with executive orders and other direction provided by the Biden-Harris Administration.

The Agency is dedicated to helping support and protect farmworkers and their families while making certain that pesticides are used appropriately among the nation's agriculture. EPA will continue to use sound science in the decision-making process under federal pesticide laws.

In August 2021, EPA released a final rule revoking all tolerances, which established the amount of a pesticide allowed on food, for chlorpyrifos (<https://www.epa.gov/newsreleases/epa-takes-action-address-risk-chlorpyrifos-and-protect-childrens-health>). As you are aware, that rule provided an additional six months for the chlorpyrifos tolerances to continue in place but set an expiration date for those tolerances as February 28, 2022 (<https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0001>). As required under the statute under which the final rule was issued, EPA held open a period for submission of objections to that rule; that period closed on October 29, 2021. The Agency is in the process of considering those objections and intends to issue an order responding to those objections soon.

The rule was issued in response to the Ninth Circuit's order directing EPA to issue a final rule in response to the 2007 petition filed by Pesticide Action Network North America and the Natural Resources Defense Council (<https://cdn.ca9.uscourts.gov/datastore/opinions/2021/04/29/19-71979.pdf>). In its decision, the Ninth Circuit Court, indicated that "EPA had abdicated its statutory duty under the Federal Food, Drug and Cosmetic Act (FFDCA)," ordered EPA to, within 60 days of the issuance of the mandate, issue a final rule in which the Agency either modifies the chlorpyrifos tolerances and issued a finding that the modified tolerances are safe, or revokes the tolerances. The petition requested that EPA revoke all chlorpyrifos tolerances, because those tolerances were not safe, in part due to the potential for neurodevelopmental effects in children. In issuing the final rule, EPA found that it could not determine that there is a reasonable certainty of no harm from aggregate exposure to

chlorpyrifos, based on currently available data and taking into consideration all currently registered uses for chlorpyrifos. The Agency's evaluation indicated that currently registered uses of chlorpyrifos result in exposures exceeding the safe levels of exposure, and thus have the potential to result in adverse effects.

Once the tolerances expire and are revoked, sale and distribution of chlorpyrifos products labeled for use on food crops would be considered misbranded; therefore, it would be a violation of FIFRA to sell and distribute those products. Tolerances are set to expire on February 28, 2021, as outlined in the final rule. Any registrant, including those who hold registrations of chlorpyrifos, can cancel the registration of a pesticide product or use at any time by voluntarily submitting a request to the Agency. If no voluntary cancellation requests are submitted for chlorpyrifos, the Agency intends to issue a Notice of Intent to Cancel (NOIC) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to cancel registered food uses of chlorpyrifos associated with the revoked tolerances. EPA would take the initiative to cancel the food uses of chlorpyrifos due to the unacceptable risks. When EPA issues an NOIC, it will be published in the Federal Register. For more information on the NOIC process, please visit EPA's website at <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

For the remaining non-food uses of chlorpyrifos, the Agency is proceeding with its statutorily required mandate to conduct registration review, which is a periodic review of all registered pesticide registrations at least every 15 years to make sure that, as the ability to assess risk evolves and as policies and practices change, all registered pesticides continue to meet the standard of no unreasonable adverse effects. After considering public comments on the December 2020 Proposed Interim Decision (PID), EPA will issue an interim decision by October 1, 2022, which may consider additional measures to reduce human health and ecological risks. More information about chlorpyrifos is available on EPA's website (<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>).

With regards to integrated pest management (IPM), we applaud your support and commitment to this environmentally friendly, common-sense approach to controlling pests. While traditional pest control involves the routine application of pesticides, IPM focuses on pest prevention and only using pesticides as needed which can result in less fuel consumption for pesticide application. As you know, this is an effective approach that combines biological, cultural, physical, and chemical tools to minimize risks associated with pests and pesticides. Furthermore, IPM has the potential to reduce greenhouse gas emissions that contribute to climate change.

EPA appreciates your interest in a possible IPM alternative to chlorpyrifos use for peanuts. The Agency is in the process of evaluating requests that were submitted during the objections period on the rule asking the Agency for a stay of the rule or an extension of the expiration date and cannot take a position on your request for an increased grace period at this time. Nonetheless, EPA encourages continued research on IPM alternatives to organophosphates and other insecticides. For example, in early 2021, EPA announced its renewed commitment to working with the agricultural community as a partner in the Pesticide Environmental Stewardship Program (PESP). EPA is supporting the agricultural community with PESP grants for projects that explore innovative practices, technologies, education, and non-regulatory solutions that promote the adoption of IPM. Grant recipients are expected to be announced in the next few months.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

Michal Freedhoff, Ph.D.
Assistant Administrator