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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAM DIALOGUE

COMMITTEE MEETING

DAY TWO - MAY 4, 2017

Conference Center - Lobby Level

2777 Crystal Drive

One Potomac Yard South

Arlington, VA 22202

1                                    P R O C E E D I N G S

2                                    -   -   -   -   -

3                    MR. KEIGWIN: Welcome, everyone, to the  
4 second day of the Pesticide Program Dialogue Committee  
5 Meeting. For those of you who weren't here yesterday,  
6 I am Rick Keigwin. I'm currently the Acting Director  
7 of the Office of Pesticide Programs.

8                    We're going to be spending the morning today  
9 getting public input on potential regulatory reform  
10 efforts in response to President Trump's Executive  
11 Order 13777. I want to thank in advance all of you  
12 who have come to participate in this meeting in person  
13 and to those of you that are joining us over the  
14 telephone.

15                    Just a little bit of background on this new  
16 executive order. President Trump issued the order  
17 entitled "Enforcing the Regulatory Reform Agenda" on  
18 February 24th of this year. In that order, it directs  
19 each agency to develop a regulatory reform task force  
20 to oversee the evaluation of existing regulations and  
21 to make recommendations about potential repeal,  
22 replacement, or modification of those regulations.  
23 The executive order also requires the task force to  
24 seek input from a variety of entities significantly  
25 affected by EPA regulations. So, that's one of the

1 purposes of today's meeting.

2 In March of this year, EPA Administrator  
3 Pruitt issued an Agency-wide memorandum on  
4 how we would be implementing this executive order at  
5 EPA. And among other things, it announced the members  
6 of the Regulatory Reform Task Force, which is headed  
7 by Samantha Dravis in our Office of Policy.  
8 It also describes how the task force is charged with  
9 evaluating existing regulations and making  
10 recommendations to Administrator Pruitt.

11 The Office of Chemical Safety and Pollution  
12 Prevention intends to submit a draft report of our  
13 findings to the task force by May 15th in response to  
14 Administrator Pruitt's memo.

15 So, I know for those of you on the PPDC,  
16 you're seated in a slightly different way than you  
17 normally would, this is to accommodate a high turnout  
18 of people that registered to participate. I think we  
19 have almost 100 people who registered to participate  
20 in person and a very large number who are joining us  
21 over the telephone. So, thank you for your patience  
22 and your flexibility for today.

23 For us at EPA, this is a listening session  
24 to hear your thoughts on which pesticide regulations  
25 should be repealed, replaced, or modified. We will

1 not be reacting to any of the comments that are made,  
2 but we are here to listen.

3 There will be a transcript generated from  
4 today's meeting, and we will post a copy of that  
5 transcript in the docket for the PPDC, as well as on  
6 the PPDC web site. That will probably take us a  
7 couple of weeks, but it will be there.

8 While we will be taking notes today, we  
9 strongly encourage anyone making public comments to  
10 also submit those to the docket that was created for  
11 this effort. The docket for this effort currently  
12 closes on May 15th. There is an information sheet.  
13 If you haven't received it, that gives a little bit  
14 more guidance on how to submit those comments and what  
15 the docket number is at [regulations.gov](http://regulations.gov).

16 So, a couple of logistics for today. We'll  
17 first be taking comments from members of the Pesticide  
18 Program Dialogue Committee who are seated up front  
19 with us. We have about 20 members of the PPDC who  
20 told us in advance that they intended to provide  
21 comments. If we still have time remaining before the  
22 break, we'll open it up to the full PPDC to see if  
23 there are any other comments that they'd like to make.

24 And then, after the break, we'll hear from  
25 people from the public who have signed up to provide

1        comments in person. For those of you in the room,  
2        we'll ask you to step up to the microphone. For those  
3        of you on the phone, we will work through the  
4        logistics, and Claire Gesalman from the  
5        Office of Pesticide Programs will help moderate that  
6        part of the proceedings.

7                Anyone who is going to provide public  
8        comment today, we ask that you, when it's your turn to  
9        speak, to begin by saying your name and your  
10       organization that you are representing. Because of  
11       the high number of people that have requested to  
12       speak, we are limiting people to three minutes so that  
13       we can accommodate all of the numbers.

14                Dea Zimmerman, who's standing up to my left,  
15       your right for most of you, will give you a one minute  
16       warning sign. So, we're not going to cut off your mic  
17       or anything, but in the interest of letting as many  
18       people speak as possible, try to limit your comments  
19       to three minutes.

20                And then, one last thing, for those of you  
21       on the phone who don't have the advantage of the one-  
22       pager that we handed out, if you're interested in  
23       receiving a copy of that one-pager, you can send an  
24       e-mail request to a very long e-mail address. It's  
25       EPA.OPP.regulatoryreform -- that's all one

1 word -- @EPA.gov, EPA.OPP.regulatoryreform@EPA.gov.

2 So, we're going to turn now to our PPDC  
3 members who requested to speak. Actually, the first  
4 PPDC member that requested to speak is Amy Liebman  
5 from the Migrant Clinicians Network. So, Claire, if  
6 you can help us open up Amy's line.

7 MS. ZIMMERMAN: Yes, well, she just  
8 needs -- Amy, if you're on the phone, if you hit pound  
9 6, please.

10 MS. LIEBMAN: I just did. Can you hear me?

11 MS. ZIMMERMAN: Yes.

12 MS. LIEBMAN: Wonderful. You ready for me  
13 to go?

14 MR. KIEGWIN: Okay, you're on the clock.

15 MS. LIEBMAN: Good morning. This is Amy  
16 Liebman. I'm from the Migrant Clinicians Network. I  
17 just wanted to say that I think the EPA has just an  
18 incredible responsibility to protect human health and  
19 the environment. As such, there are numerous  
20 regulations that are critical to the EPA's mission.

21 So, today, as part of the effort to examine  
22 regulations, I want to talk about some important  
23 pesticide regulations. I'm going to address the  
24 importance of the Worker Protection Standard as well

1 as the Certified Pesticide Applicator Rule.

2 First, on both rules, I commend the Agency  
3 for their long and extensive effort to engage  
4 stakeholders as they developed the proposed rule. In  
5 2001, I attended my first stakeholder meeting in  
6 Orlando, Florida. This is one of many, many meetings  
7 that the EPA facilitated across the country to obtain  
8 diverse stakeholder perspectives. These perspectives  
9 were from industry, from farmworker groups, to  
10 clinicians. Their work continued throughout various  
11 administrations.

12 In 2006, I participated in the worker  
13 protection subgroup of the PPDC. Again, this involved  
14 diverse stakeholders. While we often criticize the  
15 EPA for how much time it took to revise the rules, the  
16 result is that we have rules with input from  
17 stakeholders across the spectrum, and it offers  
18 stronger protections to the workers that put the food  
19 on our tables.

20 It's not a perfect rule, and there are many  
21 protections such as cholinesterase monitoring  
22 that the EPA failed to include, but it is important  
23 and a moderate step forward. It is based on science  
24 and evidence-based best practices. There is finally a  
25 much needed minimum age requirement. This is critical

1 for protecting working children. There are more  
2 robust training requirements and notification  
3 processes. And, more importantly, it eases worker and  
4 clinician access to critical life-saving information  
5 about the pesticides used where farmworkers toil to  
6 plant and harvest our food. The certification rule  
7 also offers important clarifications and stronger  
8 protections for worker groups that are likely to be  
9 the most overexposed to pesticides.

10 I expect that all stakeholders in this room  
11 understand the importance of these rules and that  
12 everyone will rally around their implementation. To  
13 weaken or reject these rules is simply unconscionable,  
14 and this will result in a failure of a profound  
15 government responsibility to protect workers.

16 I will remind everyone that these are the  
17 only regulations, the only ones, that protect the most  
18 overexposed worker population of pesticides. And it's  
19 in everyone's best interest that these pesticides are  
20 applied safely as possible, and that workers are  
21 protected. And it is in everyone's best interest that  
22 we move forward with the rules as they stand. Thank  
23 you so much for listening to my comments.

24 MR. KEIGWIN: Thanks, Amy.

25 The next person from the PPDC will be Lori



1 Ann Burd with the Center for Biological Diversity.

2 MS. BURD: We're here to discuss pesticide  
3 regulatory burdens on industry. I want to start by  
4 talking about other burdens, those borne by real  
5 people, not corporations, those who are exposed to  
6 pesticides, for starters, people of color. More than  
7 90 percent of children living in areas of heavy  
8 pesticide use in California are children of color.  
9 What about their burdens?

10 Let's talk about the burdens borne by those  
11 exposed to chlorpyrifos and why Scott Pruitt has  
12 refused to ban it, despite abundant science linking it  
13 to lower IQs, attention deficit disorders, brain  
14 damage, and developmental delays. Over five million  
15 pounds of it are still used each year.

16 How can we ignore the burden of people who  
17 suffer acute poisoning by dangerous organophosphates  
18 like chlorpyrifos? They suffer nausea, confusion,  
19 convulsions, and sometimes death by suffocation. And  
20 what about subacute effects? I'd love to know.

21 When will we sit here and spend the morning  
22 listening to the stories of parents like Magda and  
23 Amilcar Galindo who are raising a child  
24 developmentally disabled, likely as a result of  
25 exposure to chlorpyrifos.

1           When Ms. Galindo was pregnant, she was  
2           living in Salida, California, down the street from  
3           fields where chlorpyrifos was sprayed during her  
4           second trimester. As most of us in this room know,  
5           women who live within a mile of fields where  
6           chlorpyrifos is sprayed during their second trimester  
7           triple their chance of having an autistic child.

8           Her beautiful, tall, lanky 12-year-old Eva  
9           is autistic and has ADHD. Because of Eva's  
10          differences, her classmates are sometimes unkind to  
11          her. Her parents worry about bullying. She has a  
12          hard time with reading and requires help in social  
13          situations.

14          How can we sit here and talk about ways to  
15          make life easier for industry and ignore the burden of  
16          the Galindos and countless other families in  
17          California's central valley who suffer the effects of  
18          exposure to pesticides?

19          When will we bring in the parents, children,  
20          and spouses of those who have lost their battles with  
21          non-Hodgkins lymphoma, a cancer that the World Health  
22          Organization has linked to glyphosate use? When will  
23          these people be asked to share their ideas for  
24          regulations to reduce their burden?

25          Perhaps they would identify regulations and

1 ensure that never again will the chair of a cancer  
2 assessment review from this office promise to, and  
3 apparently achieve success, in killing another  
4 agency's review of a pesticide safety. That's exactly  
5 what Jess Rowland told Monsanto he would do  
6 when the Department of Health and Human Services  
7 indicated interest in reviewing glyphosate.

8           And then, there's the burden of those who  
9 can't speak. Litigation has finally forced this  
10 agency to stop ignoring its legal responsibility to  
11 protect our nation's most imperiled plants and animals  
12 and complete its first ever biological evaluation of  
13 just a few pesticides, including chlorpyrifos.

14           This analysis, on just three of the  
15 thousands of pesticides registered by this office, has  
16 revealed that they're likely to adversely affect  
17 almost all endangered species in this country. Now,  
18 this office is considering requests from Dow and Crop  
19 Life asking it to simply pull the analysis because  
20 they don't like it and refusing to come up with a  
21 schedule for completing consultations for any  
22 pesticides that it doesn't have court enforced  
23 deadlines for.

24           When we will spend a day together in this  
25 room talking about the species who these actions may

1 well drive to extinction? Who here is ready to  
2 declare that they're okay with letting the whooping  
3 crane or Karner blue butterfly or any other species  
4 go extinct? So, yes, please, let's talk about burdens  
5 and regulatory reform.

6 I can talk to you all day about how Section  
7 18 provides a back door for registration of dangerous  
8 pesticides. But really, we need to talk about the  
9 changes that must be made. I can tell you, I lose  
10 zero sleep over the burdens of the pesticide industry,  
11 but I lose lots of sleep over wildlife disappearing  
12 forever because of pesticides that also cause families  
13 like the Galindos to suffer in unimaginable ways.  
14 These are real burdens, matters of life and death.  
15 When we will take the time to discuss how regulatory  
16 reform can help ease these burdens?

17 MR. KEIGWIN: Our next speaker will be  
18 Cheryl Cleveland with BASF.

19 MS.ZIMMERMAN: Or we'll go with Mark.  
20 She's not quite ready yet.

21 MR. KEIGWIN: Okay, Marc Lame with Indiana  
22 University.

23 MR. LAME: Good morning, and may the fourth  
24 be with you. My name is Dr. Marc Lame. I'm an  
25 entomologist and professor at the School of Public

1 Environmental Affairs, SPEA, at Indiana University  
2 where I teach graduate environmental management and  
3 policy. SPEA's graduate environmental program is  
4 ranked number one in the United States. I have been a  
5 FACA appointed member for six years.

6 Tens of thousands of American lives every  
7 year are lost early and unnecessarily to environmental  
8 health hazards. As well, the doctors of our children,  
9 the American Academy of Pediatrics, recognize that  
10 legally used pesticides are detrimental to children's  
11 health. Unfortunately, many public servants,  
12 environmental regulators, are not being allowed or  
13 supported to achieve their mission of protecting human  
14 health and the environment.

15 I believe all Americans can agree that we  
16 want assurance that the water we drink, the air we  
17 breath, the objects we come in contact with, food,  
18 soil, toys, are safe. However, that assurance can  
19 only be given if those assuring the environmental  
20 protection can answer who their clients are. Are they  
21 the pesticide companies and users, a mandate to  
22 regulate, or the public, you, me, and our children?

23 This lack of mission oriented management is  
24 not only a result of strategic ineptitude but of  
25 malice. Administrations opposed to environmental

1 regulations appoint like-minded environmental  
2 administrators who not only ignore their mission and  
3 legal obligation to pursue it, but openly display a  
4 distaste in the disrespect to managers and scientists  
5 who are attempting to protect human health and the  
6 environment.

7           So, reforms that are not needed. To believe  
8 the pesticide regulation should be further relegated  
9 to the states is folly. In the past decade, there has  
10 been an increasing degradation of environmental and  
11 health protection orchestrated by many state appointed  
12 officials. Many of our state environmental agencies  
13 have been drastically downsized, and regulators have  
14 been relegated to act as clerks in state-run permit  
15 shops.

16           To further focus regulatory performance in  
17 how many registrations to pesticide manufacturers are  
18 issued, as opposed to monitoring for compliance and  
19 enforcement, will result in poor water quality,  
20 increased rates of childhood asthma and cancer, as  
21 well as further endangerment of threatened species.

22           Increasing jobs by decreasing environmental  
23 protection with reduced regulation does not work and  
24 is illogical. In fact, most economists recognize that  
25 well-crafted and implemented environmental regulations

1 force countries, as well as industries, to innovate,  
2 yielding a dual benefit of increased efficiency and  
3 increased competitiveness in the market.

4 Reforms that are required. First, help  
5 citizens understand that downsizing of both EPA and  
6 state environmental agencies that paralyze regulatory  
7 function is a bureaucratic disease. It is not only  
8 dangerous in the short run but will take decades to  
9 recover from. Citizens must recognize that rigorously  
10 trained environmental management professionals will  
11 either leave public service or decide not to serve for  
12 the protection of future generations.

13 Second, the Agency's inspector general  
14 should provide increased oversight to EPA regional  
15 offices, assuring that states do not sacrifice  
16 environmental health and that the public is the most  
17 important client of government services.

18 Third, research shows that regulation of  
19 pesticide users is more cost effective when combined  
20 with technical assistance. Thus, any regulatory  
21 reform should include serious robust and significantly  
22 funded technical assistance programs such as  
23 integrated pest management.

24 Fourth, that additional reforms include  
25 increased oversight and state pesticide regulatory

1 agencies and their associations regarding their  
2 relations with those they regulate. Clearly,  
3 associations of regulators should not allow the  
4 appearance of collusion or co-optation to undermine  
5 public health and trust.

6 And finally, fifth, there would be increased  
7 oversight by the Agency's inspector general to ensure  
8 regulated entities cannot directly or indirectly craft  
9 regulations. As the Agency's current administrator  
10 has a history of submitting verbatim comments on  
11 behalf of regulated industries, his office should  
12 receive special attention to avoid conflicts of  
13 interest, including co-optation, collusion, or  
14 corruption. Thank you.

15 MR. KEIGWIN: Liza Fleeson-Trossbach from  
16 Virginia Department of Agriculture.

17 MS. TROSSBACH: Good morning. I'm Liza  
18 Fleeson-Trossbach with the Virginia Department of  
19 Agriculture and Consumer Services. I serve as a PPDC  
20 representative for the Association of American  
21 Pesticide Control Officials, or AAPCO, and I'm making  
22 comments today on their behalf.

23 AAPCO is a national professional association  
24 representing pesticide regulatory officials from the  
25 50 states, tribes, and territories with responsibility



1 for the effective implementation and enforcement of  
2 FIFRA and, as such, are co-regulators with EPA. One  
3 of our key objectives is to engage with the Agency  
4 to ensure workable, effective, and efficient  
5 regulation of pesticides of both the state and federal  
6 level.

7 While supporting the goal of the recent  
8 revisions to the Worker Protection Standard and the  
9 pesticide applicator certification rule, we do have  
10 concerns for states, specifically implementation time  
11 lines, resource demands, and the development of  
12 compliance materials.

13 AAPCO acknowledges and appreciates the  
14 Agency's consideration of the many concerns expressed  
15 by states. However, they believe further  
16 modifications would be beneficial to states and the  
17 regulated industry while still being protective of  
18 human health and the environment.

19 AAPCO supports the delayed implementation of  
20 WPS to allow time for meaningful outreach and  
21 education, as well as the delayed implementation of  
22 the certification rule to allow specific issues to be  
23 addressed.

24 AAPCO firmly believes the NPDES pesticide  
25 general permit requirements are duplicative of federal

1 pesticide registration requirements without providing  
2 additional tangible water quality protections and  
3 should be repealed.

4 In 1996, the Agency exempted minimum risk  
5 pesticides from product registration in order to  
6 reduce cost and regulatory burdens. This exemption  
7 shifted costs and the regulatory burdens to state lead  
8 agencies, many of which require state registration of  
9 products.

10 States are finding more products in the  
11 marketplace which do not meet the federal requirements  
12 for the exemption from registration. But, due to low  
13 priority assigned by the Agency for violations of  
14 appropriate and timely action by the Agency, it's not  
15 pursued. The exemption should either be repealed or  
16 the Agency should place a higher priority on products  
17 which do not meet the requirements for this exemption.

18 With the proposed reductions to EPA budget,  
19 AAPCO would be amiss if it did not offer that any  
20 reductions to the state tribal assistance grants will  
21 make it difficult, if not impossible, for states to  
22 continue enforcement of FIFRA. States have  
23 historically had to work with increasing mandates  
24 under reduced STAG funding available for pesticide  
25 programs cooperative agreements. Should there be

1 additional reductions to STAG funds, states would be  
2 faced with limiting participation or, in some cases,  
3 returning regulatory responsibilities to the Agency.

4 AAPCO fully supports EPA in their efforts  
5 towards the development and utilization of technology  
6 in the pesticide registration, state grant reporting,  
7 and enforcement tracking processes, and dedicating  
8 resources to fund these efforts. The implementation  
9 of technology will increase efficiencies, provide for  
10 more consistency in data collection, and enhance  
11 reporting capabilities and information exchange  
12 between states and EPA.

13 Finally, AAPCO would also like to express  
14 our support for and the importance of continued  
15 funding for the Pesticide Regulatory Education  
16 Program, or PREP, the Pesticide Inspector Residential  
17 Training program, PIRT, and the State FIFRA Issues  
18 Research and Evaluation Group. Each of these has  
19 contributed to improving regulatory decisions,  
20 priorities, and program implementation, for example,  
21 the development and implementation of performance  
22 measures for the enforcement program.

23 PREP, PIRT, And SFIREG provide an  
24 opportunity to increase the depth of understanding and  
25 consistency and implementation of FIFRA for both state

1 and EPA carrying out the pesticide program objectives.  
2 AAPCO will provide detailed comments to the docket to  
3 address these and other items and appreciates the  
4 opportunity to comment today.

5 MR. KEIGWIN: Gabrielle Ludwig with the  
6 Almond Board of California.

7 MS. LUDWIG: So, Gabrielle Ludwig with the  
8 Almond Board of California. The comments I'm making  
9 are on behalf of the Almond Alliance, an almond  
10 voluntary grower and handler association. I'm also a  
11 six-year member of the PPDC.

12 From a grower's perspective, one of the  
13 things we need to note is we need a credible,  
14 efficient, science-based, and transparent Office of  
15 Pesticide Programs process to assess the potential  
16 risks and benefits to society of the use of pesticides  
17 and to register the uses where appropriate. We do not  
18 want to see actions that undermine the credibility of  
19 the OPP.

20 A couple of sort of overarching comments on  
21 issues we see, we do think that we need some review of  
22 the water modeling, just in the last six months. For  
23 the Almond Alliance, we have submitted comments on  
24 around 10 active ingredients. The one issue in  
25 comments have been concerns about pesticides in water.

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We want to suggest that a process be developed for collaborative review of the models and assumptions that go into the calculations for the potential for a pesticide to make it into surface water and the possibility into drinking water and/or affect aquatic species.

From what we can tell of the grower group, there are several assumptions that could possibly be refined. The main one from our perspective is when it is or is not appropriate to use the spray drift factor from young dormant trees. Another one is timing of applications versus the chances of rainfall. That's certainly relevant to California conditions.

There may also be opportunities to see confined ways to develop more regionalized models or new or less deterministic approaches. In the process, maybe sort out a better way to develop monitoring data to help define the models. So, to improve efficiencies, step back to publicly review and assess what options for refining the water, drift, runoff calculations exist.

The next one is complying with Endangered Species Act. It is clear that the intense efforts by both OPP and the Services to develop processes to

1       comply with the Endangered Species Act are simply  
2       still too cumbersome. We've done it and are taking up  
3       more resources than the agencies have.

4               Let's suggest revisiting the efforts to  
5       develop counterpart regulations to streamline the  
6       process. Fundamentally, OPP has the knowledge as to  
7       how pesticides behave in the environment and to  
8       conduct pesticide risk assessments, which the Services  
9       do not, and certainly do not have enough expertise to  
10      keep up with the constant stream of regulatory  
11      decisions by OPP.

12             Similarly, the Services have the knowledge  
13      of the species and habitat requirements. It doesn't  
14      make sense -- so, therefore, you know, we basically  
15      say let's step back and see how that can be made more  
16      efficient. For those of you who do care deeply about  
17      the Endangered Species Act, you realize it's exactly  
18      these frustrations that call for the complete overhaul  
19      of ESA. So, I think working together on this one  
20      would be wise.

21             Another area is just continued engagement on  
22      international -- participating in various  
23      international activities. This came up yesterday at  
24      the PPDC meeting, whether you're looking at the  
25      biopesticides, the use of new testing methods, and so

1       forth. I just wanted to say that we really think that  
2       there's a lot of opportunities for harmonization.  
3       Both previous administrations and this administration  
4       say that they want to increase agricultural exports.  
5       We need help in that arena. But again, it goes beyond  
6       just the MRL issues. It really gets into the  
7       methodologies and so forth.

8                 One thing to realize there's an opportunity  
9       for some extra training, there's an extraordinary JMPR  
10      session coming up in the spring of 2019. That might  
11      be a great opportunity to expose some new people from  
12      OPP to that process.

13                And then the third one is just from the  
14      Office of Research and Development, just to ensure  
15      that any efforts by the Office of Research and  
16      Development are meaningful to the regulatory sister  
17      offices within EPA. Similarly, any efforts to conduct  
18      research on pesticides affects the other government  
19      agencies, such as USDA/ARS, are funded by USDA and NIFA,  
20      should require engagement with OPP staff prior to  
21      embarking on the research to ensure that the research  
22      will be relevant and useful to OPP.

23                Research that meets regulatory needs is not  
24      the same as research for research's sake. The vast  
25      majority of pesticide related research is not usable

1 in the regulatory processes and sometimes can even  
2 help inform the process, thus requiring US government  
3 agencies that conduct research related to pesticides  
4 consult with OPP would help to ensure that more of  
5 the research would truly help clarify when and when  
6 not pesticides have unintended consequences.

7 MR. FREDERICKS: My name is Jim Fredericks.  
8 I'm with the National Pest Management Association. I  
9 thank you for the opportunity to make some comments  
10 this morning. I have four brief comments.

11 First of all, by way of introduction, the  
12 National Pest Management Association is the only  
13 national organization representing the structural pest  
14 management industry. NPMA's members protect public  
15 health and property in countless homes, businesses,  
16 and public buildings across the United States.

17 First, we encourage the Agency to carefully  
18 consider the benefits of pest control tools during  
19 their registration and registration review process,  
20 including use patterns that are specifically for  
21 nonagricultural users.

22 Regarding protecting endangered species, we  
23 encourage the EPA and the Services to develop a more  
24 efficient and less bureaucratic process to make  
25 decisions regarding endangered species, developing a



1 smarter way to allocate resources to protect our  
2 nation's environment.

3 Thirdly, NPMA applauds the Agency on the  
4 significant improvements made to the final rule for  
5 certification of pesticide applicators, ensuring  
6 proper training. The efforts taken by the EPA to  
7 consider concerns from stakeholders in crafting the  
8 final rule was a model for how the process should  
9 work.

10 And finally, NPMA encourages EPA to engage  
11 user groups and stakeholders to help make pesticide  
12 labels easier to use and understand, streamlining the  
13 cumbersome label language that users must read, use,  
14 follow, and understand to ensure safe and effective  
15 use.

16 NPMA will be submitting full written  
17 comments to flesh out some of these points. Thanks.

18 MR. KEIGWIN: Cheryl Cleveland with BASF.

19 MS. CLEVELAND: Thank you. So, I am also an  
20 exiting six-year tenured member of the PPDC. I've  
21 really been honored to be part of this process. It's  
22 given me great insight as to all the issues and  
23 complexity that you as servants for our government  
24 face.

25 I want to focus on the fact that the

1 executive order that we're responding to also includes  
2 modifications. I can't speak to the specifics of the  
3 rules and regulations that you need, but I would like  
4 to speak to the priorities that you will need to think  
5 about as you review your own internal system.

6           It's my understanding that the Office of  
7 Pesticide Programs exists because pesticides are  
8 proven useful tools to protect crops, increase yield,  
9 and thereby significantly contribute to a global food  
10 supply that is low cost and abundant. But there is  
11 also a need for rigorous data review and processes in  
12 place that balance food security along with food  
13 safety.

14           So, I would suggest that from my  
15 perspective, there are three areas that have some  
16 barriers to best achieving some of that. I've watched  
17 over the six years here in discussions. There's  
18 something in the way of data management. As much as  
19 you try to be transparent, there's rules and  
20 regulations, and there's IT contracts, and there's  
21 stuff that isn't helpful.

22           And even though the things that we discussed  
23 yesterday in trying to get through a new data  
24 reporting process, there was a focus on data elements,  
25 and there wasn't the ability to talk across the whole

1 process. Similarly, the SmartLabel idea is a great  
2 idea at a high level, but there's something getting in  
3 the way of its best implementation. So, I don't know  
4 what the government needs to do to remove that, but  
5 that's something that needs to be streamlined and  
6 thought about.

7           The second thing that I would ask you to  
8 focus on is the use of real world monitoring  
9 information to help incorporate for refined risk  
10 assessment. We see that need in the ESA model that  
11 let's through 97 percent of things. We see that need  
12 in the water modeling that continues to focus on  
13 models instead of real world data. I think that's a  
14 real need to continue to vet precise models against  
15 real world information.

16           The third thing, and I want to combine this  
17 with also the executive order where there was the  
18 promoting agricultural and rural prosperity in  
19 America. One of the points there was to encourage the  
20 production in exports and the use of domestically  
21 produced agricultural products.

22           There's a desperate need for international  
23 engagement, because you can't export products --  
24 growers can't use them in the US no matter how  
25 rigorous and wonderful we set up our tolerances and

1 MRLs -- if you have other countries that won't  
2 establish the same MRLs for export.

3           And the EU is tremendously engaged at the  
4 international level and they're promulgating their  
5 hazard cutoffs. We have other countries that only  
6 have the ability to use screening models. Without  
7 understanding the data rich information on the  
8 consumption side as well as the models, there's a hole  
9 left. That would be very useful for the US  
10 participation as well.

11           MR. KEIGWIN: Thank you.

12           Our next speaker will be Komal Jain from the  
13 American Chemistry Council.

14           MS. JAIN: Good morning. My name is Komal  
15 Jain. I'm the Executive Director of the Biocides  
16 Panel of the American Chemistry Council. Thank you  
17 for the opportunity to provide oral comments on  
18 regulatory reform as it relates to the pesticides  
19 program.

20           Let me note up front that I do not represent  
21 the agriculture community. I represent the  
22 antimicrobial or biocides industry, and our  
23 applications consist of material preservation, water  
24 treatment, antifouling, and controlling of pathogens  
25 and processing through facilities and hospitals.

1           The Biocides Panel will be submitting  
2 detailed written comments. So, given my time  
3 allotment, I am going to highlight only two areas of  
4 likely several areas where reform and clarity could  
5 improve outcomes for both the Agency and the  
6 registrants.

7           We greatly support and appreciate the work  
8 of OPP and AD. We recognize their time and resources  
9 are not infinite, and, thus, we are looking for ways  
10 there can be greater efficiencies. As an example,  
11 there are opportunities for EPA and FDA to reduce  
12 their duplication of work. When EPA and FDA have  
13 standards that are similarly close or sufficiently  
14 close, FDA and EPA could cut down on bureaucracy and  
15 needless duplications by recognizing each other's  
16 reviews.

17           For example, certain food additives are  
18 regulated by FDA and EPA. And even though substances  
19 are approved by FDA by a food contact notification,  
20 EPA may also conduct a risk assessment of those  
21 substances already approved by FDA. Rather than  
22 having agencies review the same substances, EPA could  
23 avoid duplication of work and the potential for  
24 conflicting risk assessments by accepting the review  
25 of FDA. Statutory obligations and implementing

1 regulatory rules need to be assessed to see what can  
2 be modified or rescinded. Other tools such as MOUs  
3 could possibly be employed.

4           The second theme I want to point out is  
5 implementation of procedures, and particularly  
6 notification procedures, so that they are fully  
7 recognized by EPA. Under the regulations, any  
8 modifications to the composition, labeling, or  
9 packaging of a registered product can only be  
10 submitted through the amended registration process.  
11 That also includes the PRIA fee.

12           However, there is another section of the  
13 regulations that allows minor changes to be made  
14 through notification or non-notification. The stated  
15 intent is to streamline and accelerate many minor  
16 changes that could be determined to have no potential  
17 to cause unreasonable adverse effects. To implement  
18 that regulation, EPA issued PR notices, the most  
19 current being PR 98-10. It contains specific time  
20 lines for informing registrants if the notification  
21 has been rejected.

22           For antimicrobial registration, the  
23 requirement is that the Agency respond within 30 days,  
24 along with the reasons. However, registrants are not  
25 receiving those decisions within 30 days, particularly

1 disapprovals. It's more in the 90-day time frame.

2           And even when submissions fully comply with  
3 the requirements of 98-10, the Agency has rejected the  
4 notification and required submission for amended  
5 registration. That's dismissing the value of the  
6 notification process and their own regulations. This  
7 puts an unnecessary regulatory burden on both  
8 registrants and the Agency. The notification  
9 requirement should be revisited under both regulation  
10 and PR notices, or PR 98-10, and clarity should be  
11 provided through regulations or implementing  
12 guidelines.

13           Again, these are only two areas of several  
14 that the Biocide Panel plans on discussing or  
15 commenting on. And again, I thank you for your  
16 attention.

17           MR. KEIGWIN: Our next speaker will be Pat  
18 Bishop with People for the Ethical Treatment of  
19 Animals.

20           MS. BISHOP: Hi, I'm Pat Bishop. I'm with  
21 PETA and representing the animal welfare community  
22 which advocates for the replacement and reduction of  
23 animals used in regulatory testing and use of more  
24 human relevant approaches.

25           So, one of the areas we'd like EPA to look

1 at as part of this regulatory reform is to conduct  
2 some systematic reviews of toxicology tests required  
3 under Part 158 of Data Requirements for Pesticide  
4 Registration. These tests use thousands of animals to  
5 test a single pesticide active ingredient. The test  
6 requirements for both human health effects and  
7 ecotoxicity have been in place for decades but have  
8 rarely been reviewed with respect to the information  
9 they supply for risk assessment and setting exposure  
10 limits.

11           Efforts should be initiated to  
12 retrospectively examine how the data have been  
13 historically used and which tests might be identified  
14 that provide little or no value in setting pesticide  
15 exposure when it's in risk assessment.

16           In a few cases where this has already been  
17 done, EPA was able to eliminate test requirements or  
18 provide guidance for waivers. A prime example is a  
19 one-year chronic test in dogs which had been required  
20 for years along with the 90-day subchronic dog test.  
21 A thorough retrospective review clearly showed that  
22 the chronic test offered little additional value when  
23 the 90-day was available.

24           Accordingly, EPA eliminated the requirements  
25 of the chronic dog test in 2007. With respect to the



1 90-day, there are some researchers now that are saying  
2 that the regulatory needs for this study may not be  
3 needed any longer, as other techniques may be applied  
4 to the 90-day study in rats.

5 Yesterday, we discussed the acute thermal  
6 toxicity data and the waiver that has been issued.  
7 Again, we encourage EPA to look at some of the work  
8 that Health Canada has done and see if that waiver  
9 could also be applied to the active ingredients.

10 Another area which we also discussed  
11 yesterday was again GHS, looking at that and hopefully  
12 transitioning to that to avoid having two systems in  
13 use for industry.

14 And finally, we would also encourage EPA to  
15 again look at Part 158 and perhaps add a statement  
16 that would require that non-animal methods of toxicity  
17 testing be used if they are available and accepted by  
18 OPP. Thank you.

19 MR. KEIGWIN: Thanks, Pat.

20 Our next speaker is Virginia Ruiz with  
21 Farmworker Justice.

22 MS. RUIZ: Good morning. My name is  
23 Virginia Ruiz. I'm the Director of Occupational and  
24 Environmental Health at Farmworker Justice.  
25 Farmworker Justice is a national organization that

1 strives to improve the living and working conditions  
2 of farmworkers in the United States. I have been a  
3 PPDC member for six years, and I'd like to thank EPA  
4 for the opportunity to participate in these dialogues  
5 and to speak this morning.

6 I just wanted to say that I reject the  
7 premise that rules and regulations that protect human  
8 health and the environment are a burden to any  
9 individual or industry. Without common sense federal  
10 rules, like the recently revised Worker Protection  
11 Standard and Certification of Pesticide Applicator  
12 rules, the burdens of illness and injury from  
13 pesticide poisonings, medical care, missed work days,  
14 and environmental contamination would fall on those  
15 who can least afford it, pesticide handlers, workers,  
16 and agricultural fields, orchards, greenhouses, and  
17 their children.

18 These regulations call for basic preventive  
19 measures that will save millions of dollars in medical  
20 costs and lost productivity due to illness. Employers  
21 who strive to promote a culture of safety in the work  
22 places already implement these common sense measures,  
23 and some even go beyond measures, like annual basic  
24 safety training, posting of information, meaningful  
25 hazard communication, functioning personal protective

1 equipment, adequate supervision, and prohibiting  
2 children from handling pesticides.

3 EPA developed these regulations after  
4 decades of complication with all stakeholders,  
5 including laborers, employers, state agencies, public  
6 health professionals, and educators. Many states are  
7 already successfully implementing revisions to the  
8 Worker Protection Standard.

9 Efforts to delay, modify, or rescind the WPS  
10 and Certified Pesticide Applicator rule are an affront  
11 to those who served in some previous administrations  
12 at EPA who actually did listen to all stakeholders and  
13 an insult to those who have worked for years to move  
14 forward on occupational safety and agriculture and to  
15 the men, women, and children who benefit from safe  
16 working conditions and a clean environment. Thank  
17 you.

18 MR. KEIGWIN: Our next speaker will be  
19 Cynthia Palmer with the American Bird Conservancy.

20 MS. PALMER: Thank you. I'm Cynthia Palmer.  
21 I'm Director of Pesticides Science and Regulations for  
22 the American Bird Conservancy.

23 I just returned from the gymnastics national  
24 championship in Michigan watching my child compete her  
25 double flips and other tricks. If these flips go just

1 millimeters off track, these young athletes risk  
2 concussions. So, there are crash pads everywhere.

3           The American bald eagle and other raptors,  
4 we see this same combination of power, grace, and  
5 honorability. The eagles can fly 10,000 feet in the  
6 air and can dive a 100 miles per hour. Yet, one meal  
7 of a brodifacoum-laced rat is enough to  
8 cause death from internal bleeding.

9           Our nation does great things, but we need  
10 our crash pads, our safeguards for the times when  
11 things go slightly off track, our protection from the  
12 pesticides that throw off the arctic tern's navigational  
13 systems on their 44,000 mile annual trek, and that  
14 cause our children's IQs to plunge.

15           EPA scientists work tirelessly to study the  
16 impacts of pesticides and to develop the regulations  
17 needed to keep us safe. A single regulation can take  
18 years of tedious hard work by EPA scientists and by  
19 stakeholders. To dismantle these safeguards make  
20 sense only if EPA no longer cares about health and  
21 safety.

22           EPA desires more litigation, as evidenced in  
23 ignoring the science on chlorpyrifos, or EPA prefers  
24 to squander the nation's resources by relegating to 50  
25 state governments the work that can and should be done

1 cost effectively by pesticide experts here at EPA.

2 The wealthy may be able to buy themselves out of some  
3 dangers with bottled water, organic food, and  
4 carefully chosen neighborhoods, but regular people can  
5 seldom afford to do so.

6 Looking at the official list of questions, I  
7 can only conclude they're the wrong ones to be asking.  
8 That said, as the Agency moves to electronic reporting  
9 for FIFRA 6(a)2, which, of course, makes sense for the  
10 sake of trees and efficiency, please also fix the  
11 glaring deficiencies outlined in our rule making  
12 petition, in particular, the unrealistically high  
13 numbers of dead animals needed to trigger incident  
14 reporting requirements.

15 Under the current regs, pesticide  
16 registrants are not required to report wildlife kills  
17 unless they involve 1,000 of a schooling species of  
18 fish, 50 herding mammals, 5 raptors, or 200 of a  
19 so-called flocking species of birds, and also  
20 problematically fix the lack of public access to  
21 incident reporting data without time and resource  
22 intensive FOIA requests. Deaths of frogs or owls  
23 should not be treated as state secrets. Thank you.

24 MR. KEIGWIN: Our next speaker is Nina  
25 Wilson on behalf of the Biopesticide Industry

1 Alliance.

2 MS. WILSON: Thank you. Thank you for the  
3 opportunity to comment. I'm not coordinated enough to  
4 stand and read my notes at the same time, so I'll sit.

5 BPIA is the Biological Products Industry  
6 Alliance, and we are a national trade organization of  
7 producers of biopesticides and biostimulants. These  
8 are low risk tools that are designed for use in both  
9 the organic and also the conventional ag and non-ag  
10 markets. Our members rely on a predictable science-  
11 based risk assessment process where the requirements  
12 are commensurate with these low risk products.

13 As an example, for EPA knows this well, if I  
14 call acetic acid a pesticide, it is subject to all the  
15 requirements of FIFRA, just like any other pesticide  
16 would be. However, when I go home, I call acetic acid  
17 vinegar, and I use it liberally over my salads.

18 We appreciate having continued dialogue with  
19 EPA on the existing emerging issues in this very  
20 rapidly growing market. Generally, we don't believe  
21 added regulations is needed, but clarification around  
22 the working definition of a biostimulant is something  
23 that we are looking forward to. We're looking forward  
24 to the comment period and the publication of that  
25 document.

1           EPA's current risk assessment, and in  
2 particularly BPPD, these are a stand-alone group of  
3 people who register products, the Biopesticide and  
4 Pollution Prevention Division, their global model for  
5 low risk regulation. We do want to make sure that  
6 increased and unnecessary interpretation of the  
7 existing regulations do not stifle innovation and is an  
8 option of these lower risk products. We do support  
9 EPA, specifically BPPD, in having resources to help  
10 bring our lower risk products to market.

11           MR. KEIGWIN: Our next speaker is Dan Kunkel  
12 with IR-4.

13           MR. KUNKEL: Thank you. I'm with the IR-4  
14 program. We are a publicly sponsored program. Our  
15 headquarters is at Rutgers University. We're  
16 sponsored primarily by the USDA to generate data and  
17 make regulatory submissions to EPA. We make  
18 submissions to the Registration Division, PRD, and  
19 also Biopesticide Pollution Prevention Division as  
20 well.

21           We make these submissions in support of pest  
22 control products for specialty crop growers, and we've  
23 had a longstanding partnership with the Agency in  
24 continuing to effectively address grower pest control  
25 needs, especially crop grower needs.

1           While it may be difficult at times for IR-4  
2           to adopt new submission requirements that are often  
3           added in response to new regulations, such as the  
4           preliminary risk assessments with FQPA, then exemption  
5           justifications for PRIA, we have been able to adapt  
6           with the support from registrants in EPA. We feel  
7           that the new electronic submission portal has been a  
8           significant improvement. In our view and in our work,  
9           we feel that the Agency has essentially made a  
10          complete transition to electronic reporting.

11          There can be some regulatory review  
12          redundancies when adding specialty crops to already  
13          registered products, especially when new  
14          considerations come into play that can delay  
15          registration of minor uses. These are uses that are  
16          grown on limited acreage. So, we continue  
17          consideration reevaluation of the various tools used  
18          for risk assessment. It may help to streamline the  
19          process when adding some of these minor uses and make  
20          the process less burdensome for EPA and the data  
21          generators that provide these products to growers.

22          Finally, IR-4 and the specialty crop growers  
23          appreciate the hard work and dedication of OPP staff  
24          that continues to provide growers with access to the  
25          latest technology that's so important to pest control,



1 especially considering invasive pests, pesticide  
2 resistance, and often these new products are very  
3 important and fit well into IPM programs.

4 In 2016, EPA established more than 150  
5 tolerance submissions based on IR-4 data and also  
6 registered 4 new biological products, biopesticide  
7 products, that the specialty crop growers can now use.  
8 So, thank you.

9 MR. KEIGWIN: Our next speaker is Nichelle  
10 Harriott from Beyond Pesticides.

11 MS. HARRIOTT: Hello, good morning. My name  
12 is Nichelle Harriott. I represent Beyond Pesticides.  
13 Thank you for the opportunity to comment.

14 Under FIFRA, EPA has the responsibility to  
15 ensure that pesticide substances do not pose  
16 unreasonable risk to human health or the environment.  
17 The regulations and safeguards set up by FIFRA are  
18 necessary to ensure the safety of people and the  
19 environment from hazardous pesticides.

20 Recent efforts by EPA to address children's  
21 exposure to the neuro-toxic pesticide chlorpyrifos and  
22 the subsequent failure of the Agency to move forward  
23 with its proposed restriction of the chemical  
24 demonstrates that the safeguards defined under FIFRA  
25 are often ignored. This puts children and vulnerable

1 farmworker communities at risk and must not be allowed  
2 to continue.

3 The Agency is asking for which regulatory  
4 provisions should be repealed, replaced, or modified.  
5 We insist that current regulations under the Office of  
6 Pesticide Programs are necessary for protecting human  
7 and environmental health and must be improved.

8 The pesticide registration program is  
9 intended to ensure that pesticides meet safety  
10 standards before they are used or sold. To improve  
11 this program, EPA should not allow pesticide  
12 registration and use without a full understanding of  
13 all the potential risks to the public and to non-  
14 target organisms.

15 Data gaps continue to plague the Agency, and  
16 EPA must refuse registration requests if all the  
17 required information to conduct a comprehensive safety  
18 review is not provided. Data gaps still exist for  
19 chemicals that have been on the market for years but  
20 (inaudible) through their registration review cycle,  
21 and outstanding studies are still awaiting submission.  
22 This means that the conditional registration  
23 protection under FIFRA Section (3)(e)(7) should be  
24 disallowed.

25 Incident reporting is a useful tool that

1 helps the Agency run concise risk management  
2 conclusions with real world events. Currently,  
3 Section 6(a)(2) of FIFRA allows manufacturers to submit  
4 incident reports to EPA as a mechanism for which these  
5 incident reports can be made is inadequate. Threshold  
6 numbers that trigger reporting requirements for non-  
7 target species are extraordinarily high, arbitrary,  
8 and not supported by scientific or biological reasons.  
9 These thresholds should be disallowed.

10 EPA is asking us to reduce regulatory  
11 burdens regarding reporting requirements, including  
12 reducing the frequency of reporting. However,  
13 reducing regulatory burdens should not be done at the  
14 expense of public health or the environment.  
15 Currently, industry bears the burden of reporting  
16 incidents under Section 6(a)(2), and that burden should be  
17 theirs to bear, as it is their registered products that  
18 are involved in the reported incident.

19 Frequency in reporting is the result of  
20 frequency in harms being inflicted on non-target  
21 species. These incidents come about as a result of  
22 poorly regulated products, unclear labels leading to  
23 misuse and a general lack of understanding of the  
24 potential hazards of pesticide exposures due to the  
25 allowance of outstanding data gaps and assumed risks.

1           If EPA wants to reform how they conduct risk  
2 assessments and refuse to register products that have  
3 the potential to pose harm to non-target species, then  
4 there will be no need for burdensome or frequent  
5 incident reporting.

6           Lastly, there are many important programs  
7 overseen by OPP that we hope would not suffer from  
8 unjust regulatory reform as a means for industry  
9 to share commitments that adhere to federal laws and  
10 safeguard public and environmental health from the  
11 pesticides they market. These include EPA's  
12 pollinator protection program, the endocrine  
13 disruption screening program, worker protection  
14 initiatives, and the consultation process for the  
15 endangered species protection program.

16           We believe these programs are critical to  
17 improving our understanding of pesticide hazards and  
18 exposures and help the Agency refine its risk  
19 assessment methodologies. Although these may be  
20 difficult decisions for the Agency, we urge  
21 prioritizing protections for human and environmental  
22 health as mandated by FIFRA so that the Agency does  
23 not lose sight of its mission and purpose. Thank you.

24           MR. KEIGWIN: Our next speaker will be  
25 Sheryl Kunickis with the U.S. Department of Agriculture.

1 MS. KUNICKIS: Thank you very much. My name  
2 is Sheryl Kunickis. I'm the Director in the USDA  
3 Office of Pest Management Policy. I just want to  
4 thank EPA for the opportunity to be a part of this  
5 meeting today. It's very, very important.

6 At the end of the day, pesticide regulation  
7 is about farmers having the tools they need to achieve  
8 food security. That is the bottom line. So, I just  
9 have a few comments. I want to keep within the three  
10 minutes.

11 First of all, USDA supports revisions to the  
12 worker protection standards, including the designated  
13 representative provision, the application exclusion  
14 zone, and the definition of a farm family, which is  
15 defined a little differently by EPA.

16 EPA has a request from our partners at the  
17 National Association of State Departments of  
18 Agriculture and from the American Farm Bureau  
19 Federation, asking for a delay in implementation of  
20 the Worker Protection Standard final rule. USDA  
21 supports that delay and welcomes the opportunity to  
22 work with EPA and other stakeholders to revise that  
23 rule.

24 USDA applauds EPA for reducing the burden  
25 associated with the certification and training rule

1 making effort which aims to increase certification and  
2 training requirements for certified applicators of  
3 restricted use pesticides. However, USDA is not  
4 confident that these new federal regulations will  
5 result in significant benefits in terms of reducing  
6 risks to applicators.

7           It is clear that through the implementation  
8 of this rule, it will be costly for states, tribes,  
9 and other certifying entities, as well as for  
10 applicators and farm owners. USDA also supports the  
11 delay requested by NASDA.

12           On the Endangered Species Act on pesticides, USDA  
13 supports EPA stepping back from the current mammoth process  
14 that's being developed in order to reevaluate and forge a  
15 more reasonable path forward. USDA genuinely appreciates  
16 EPA's efforts in the process, but the outcomes of the current  
17 interim approaches are troubling to the agricultural community.

18           USDA has voiced strong opinions regarding  
19 blanket proposals restricting tank mixes unless  
20 scientific evidence points otherwise. This will  
21 result in serious effects for growers and issues for  
22 growers and has the potential for a domino effect.

23           If efficacy is impacted by restrictions,

1 we may see more resistance and subsequently lower  
2 yields and less food. The restrictions will increase  
3 the number of trips across the fields affecting soil  
4 compaction, fuel use, safety for workers, and the  
5 potential for off-target impacts.

6           USDA is very concerned that multiple  
7 alternative active ingredients are being mitigated  
8 simultaneously with benefits assessments for one AI or  
9 active ingredient assuming that an alternate active  
10 ingredient will be available, even though the  
11 alternative active ingredient is also being mitigated.  
12 We're unaware of examples of going back to unmitigated  
13 chemical and thus, we could be left with resistance  
14 issues and fewer alternatives to combat wheat, insect  
15 pests, and diseases.

16           Then, lastly, numerous stakeholders,  
17 including some of EPA's scientific advisory panel and  
18 USDA, requested that EPA seek public comment to  
19 finalize their 2010 framework for incorporating human  
20 epidemiologic and incident data in risk assessments  
21 for pesticides before using it in regulatory work. We  
22 learned it was posted without comment or notice in  
23 December of 2016.

24           Because epidemiological studies have an  
25 important role, we would like to understand how this

1 framework will be used in regulatory decisions. If  
2 it's likely to alter EPA's analysis of epidemiological  
3 studies to change what is required of registrants or  
4 to be used as a justification for any regulatory  
5 actions, we request that the framework be subject to  
6 public review and comments.

7 We would also like EPA to reconsider  
8 subjecting any risk assessments that relied on the  
9 draft framework to re-review and additional public  
10 comment. USDA looks forward to continuing to work  
11 with EPA as we have in the past on all future  
12 endeavors. Thank you so much.

13 MR. KEIGWIN: Our next speaker will be Donnie  
14 Taylor with the Agricultural Retailers Association.

15 MR. TAYLOR: Thank you. I'm going to stay  
16 seated because if I stand up, the view in this area is  
17 not very effective, so I'll stay where I am.

18 Also, I'd like to thank everybody at EPA. I  
19 know you're all very hard working people. I know you  
20 have a cross section of this country that represents  
21 all the views that are being represented here. We  
22 appreciate that. We know you're mothers, and fathers,  
23 and daughters, and sons, so we know you have the same  
24 concerns we do. So, thank you for your efforts.

25 I'm Donnie Taylor. I'm with the Ag Retailers



1 Association. I'm representing them today, I'm  
2 representing my family today, and I'm representing my  
3 history of being born and raised on a farm today. So,  
4 that's what I'm representing.

5 We'll start off with ARA. We're the  
6 nation's agricultural retailers and distributors  
7 association, also referred to as the farmer's supply  
8 dealers. How many of you remember the Dodge truck  
9 commercial? Paul Harvey "gotta be a farmer" during  
10 Super Bowl? Oh, come on. That's who we service. So,  
11 that's the people that we provide products and  
12 services to.

13 So, these people are located throughout the  
14 United States, range in size from local family held  
15 businesses, farmer cooperatives that are local, to  
16 large companies with multiple outlets. We play an  
17 important role in providing farmers with essential  
18 crop input products. Our industry is a cooperating  
19 partner in the regulated community and fully  
20 understands the importance of chemical safety as well  
21 as security.

22 So, ARA members engage in communication,  
23 engage their employees and local first responders and the  
24 the community to enhance environmental, health,  
25 safety, and security matters. They are very active

1 and love their local communities.

2           So, ARA supports EPA. We've tried to work  
3 jointly with EPA as far as compliance and regulations  
4 are concerned. We recently worked on a brochure  
5 together on choosing the right herbicide. So, we're  
6 all about education and compliance. When regulations  
7 come in place, we know we ask a lot of stupid  
8 questions with a lot of stupid detail, but, in  
9 actuality, we're trying to make sure that we're in  
10 compliance and we communicate that message of  
11 compliance to our members.

12           So, as far as things to think about, you've  
13 got a lot on your plate. Your budget constrained as  
14 well. But we can do a FIFRA, go back to the basics,  
15 if we can eliminate some duplications that occur out  
16 here in the marketplace, be sensitive to the cost  
17 versus benefit ratio, particularly for those small  
18 business owners that we represent, and we appreciate  
19 the partnership that we have.

20           So, the last question. I like to end with  
21 questions. How many of you here live on a farm or were  
22 born and raised on a farm? How many of you plan on  
23 eating today? I think that's why we created the  
24 community, to bring those two groups a lot closer  
25 together. So, my last parting words are, if you have

1 an opportunity, hug a farmer today.

2 MR. KEIGWIN: Our next speaker is Allen  
3 McLaurin with the National Cotton Council.

4 MR. McLAURIN: Thank you, Rick. My name is  
5 Allen McLaurin. I represent the National Cotton  
6 Council who represents the cotton industry throughout  
7 the United States. But actually, I'm a farmer. I'm  
8 probably the only farmer in the room, and I'll be  
9 standing outside after the meeting if you want to come  
10 hug me. So, I'll be there.

11 Anyway, we have a couple of concerns. One that  
12 Sheryl mentioned is the language in the worker  
13 protection standards, the designated representative  
14 language of the role needs to be removed. This opens  
15 up producers to serious privacy, confidentiality  
16 information regarding the business and security  
17 issues.

18 Also, under conflicting messages to  
19 producers, the Agency has lost consistency of messages  
20 to regulatory process. On one hand, the Agency talks  
21 about pollinator habitat around fields. But, on the  
22 other, the Agency tells the producers to keep the  
23 fields mowed and free of wheat for resistance  
24 management. So, we're just asking for a little  
25 consistency in the language.

1           I'm going to stick myself out on a limb,  
2 Rick, and thank you and EPA staff and the PPDC committee  
3 for bringing this group together as you have for many  
4 years and listening to different sides. You all have  
5 a tough job, and it really makes me proud to be a  
6 farmer in the southern part of North Carolina every  
7 time I come up here. You all do a great job. Thanks.

8           MR. KEIGWIN: Thanks, Allen.

9           Our next speaker is Richard Gragg with  
10 Florida A&M University.

11           MR. GRAGG: Good morning. I'm Richard  
12 Gragg. I'm a professor of environmental science and  
13 policy at Florida A&M University School of the  
14 Environment. My specific discipline is toxicology,  
15 and I would say I'm speaking from the perspective of  
16 my 25 years -- I think my retirement form says 25  
17 point 6. I'm trying to get to 30 -- of teaching  
18 research and public policy in looking at the impact of  
19 environmental stressors on human health. As I  
20 tell my students, who I just turned in their grades  
21 this semester, that they have to cite their sources.  
22 So, my first comments are based on an article by Dr.  
23 Cash and others called "Scale and Cross Scale  
24 Dynamics: Governance and Information in a Multi-Level  
25 World."

1 I'd like to be able to continue to advocate  
2 to my students that the EPA meets Dr. Cash's  
3 statements or research where EPA has been a leader in  
4 facilitating the task of governance and information  
5 through overcoming the challenges of ignorance,  
6 mismatch, and plurality by being a leader in promoting  
7 institutional interplay, co-management, and serving as  
8 a bridging organization for all of the stakeholders of  
9 concern.

10 Let's see if I can get to my comments now.  
11 So, I believe that regulatory reform should enhance  
12 the protection of human health and the environment  
13 through the continued application and innovation of  
14 science and policy, especially for vulnerable  
15 citizens, including children, people of color in low  
16 wealth populations, and farmworkers who are  
17 disproportionately exposed and cumulatively impacted  
18 by pesticides and other environmental, social, and  
19 economic stressors. Thank you.

20 MR. KEIGWIN: Our next speaker is Sharon  
21 Selvaggio with the Northwest Center for Alternatives  
22 to Pesticides.

23 Oh, I skipped Steven.

24 MR. COY: Did you do that on purpose?

25 MR. KEIGWIN: No, sorry, Steven Coy on

1       behalf of the American Honey Producers Association.

2               MR. COY:   Steven Coy.   I'm a commercial  
3       beekeeper.   I'm also a farmer, and I'm better looking  
4       than Allen.

5               Someone asked me just yesterday has progress  
6       been made.   My answer is no, not real progress.   Yes,  
7       awareness on both managed bees, as well as all  
8       pollinators, has increased.   Communication between all  
9       stakeholders now exists.   Label language has been modified.  
10       Pollinator protection plans have been implemented.  
11       Yet, last year's winter loss of managed bees was  
12       nearly 30 percent, with an annual loss of 44 percent.  
13       This clearly indicates the nation's managed bees are  
14       not healthy, and nothing significant has been done to  
15       reduce the impacts of pesticides on them.

16              The distinction between bees under contract  
17       and those not under contract is illogical.   If bees  
18       are truly to be protected from pesticide exposure,  
19       they must be protected from pesticides throughout the  
20       year, regardless of where they're located.   Contract  
21       or no contract, bees are not expendable.

22              The recommendation to eliminate that do not  
23       apply to blooming crops or weeds language from the  
24       environmental hazard section of the label is absurd.  
25       The label is the law, and prohibitory language such as

1 this must not be eliminated. Some state lead agencies  
2 claim this label language is unenforceable. Is it  
3 really or are they merely unwilling to enforce it?

4 Risk assessments should be conducted on  
5 formulated products, not simply active ingredients.  
6 In addition, risk assessments of IGRs, fungicides, in  
7 addition to that, the common tank mixes, including  
8 adjuvants, needs to be addressed/assessed for their  
9 ability to negatively impact brood development.

10 Every year, unnecessary damage to hives  
11 occurs due to lack of appropriate warning statements  
12 on the labels of these products. Rick Keigwin and OPP  
13 staff have indicated that this should start later this  
14 year on the common tank mixes, and I hope it does.

15 MP3s are good for establishing communication  
16 between beekeepers and pesticide applicators, but they  
17 are not the answer to solving the bee pesticide  
18 issues. Clear, enforceable label language which prohibits  
19 application of certain bee toxic compounds to blooming  
20 plants is the basis of effective pollinator  
21 protection.

22 The label language for neonics, which we  
23 challenged back in 2013, remains a very serious issue.  
24 The list of exemptions that allow applications to  
25 proceed from that label language, which are merely

1     loopholes that allow bee kills to occur legally. A 48-  
2     hour notification program should not be reason to  
3     allow legal applications of toxic products to blooming  
4     plants. It is impossible to move, cover, or otherwise  
5     protect all bee colonies within the area of pesticide  
6     applications to blooming plants.

7             The California model allows applications of  
8     bee toxic products 48 hours after notification as long  
9     as all label restrictions are followed. The 2013  
10    label language for neonics releases the applicator  
11    from liability as long as the notification is made.  
12    This is totally ridiculous.

13            All pesticide application recommendations  
14    are based on the threat of significant crop loss, so  
15    any application is allowed. Applications of long  
16    residual products made after sunset may save a few  
17    bees, but will likely kill many more bees in the  
18    ensuing days of the residual activity.

19            An EPA representative was publicly asked at  
20    a recent Crop Life of America conference if EPA  
21    honestly believes bees will be safer from pesticide  
22    exposure if this language were eliminated. After  
23    considerable hemming and hawing, the representative  
24    finally stated that he hopes so. He hopes so? Given  
25    all the bee health problems our industry continues to



1 face, we need real protection from pesticide exposure  
2 through better labeling restrictions, not less.

3 MR. KEIGWIN: Now Sharon Selvaggio with  
4 Northwest Center for Alternatives to Pesticides.

5 MS. SELVAGGIO: Thank you. Hello, my name  
6 is Sharon Selvaggio, and I'm honored to speak today on  
7 behalf of my organization Northwest Center for  
8 Alternatives to Pesticides located in Eugene, Oregon.

9 Founded in 1977, NCAP works to protect  
10 community and environmental health and inspire the use  
11 of ecologically sound solutions to reduce the use of  
12 pesticides. For the record, although the majority of  
13 my career has been spent in conservation and  
14 management on federal land, I did manage a farming  
15 program for three years. We have thousands of farmers  
16 that we actively work with at NCAP.

17 So, the EPA has offered this opportunity to  
18 the public today to provide input on regulatory  
19 reform. At this time, we recommend that no  
20 regulations be repealed, particularly as they relate  
21 to safety of pesticides in regards to human health and  
22 the environment.

23 We have four main comments related to the  
24 need to maintain such existing regulations. Pesticides  
25 are hazardous materials designed for the purpose of

1 killing or suppressing pests. The World Health  
2 Organization tells us that pesticides have caused  
3 millions of cases of human poisoning.

4 Additionally, many pesticides have been long  
5 acknowledged to be carcinogenic. The scientific  
6 evidence links others to neurodevelopmental and other  
7 serious conditions. EPA's regulations, starting from  
8 registration and extending through residue limits are  
9 designed to limit these risks.

10 FIFRA is already limited in its statutory  
11 reach by the requirement that pesticide registration  
12 decisions involve a cost benefit assessment, the  
13 narrow unreasonable adverse effect clause. This acts  
14 as a built-in check on so-called regulatory overreach  
15 that might result from a more absolute direction to  
16 protect human health and the environment.

17 Using the regulatory environment in the U.S.  
18 may have little effect for growers. Any grower  
19 exporting food is aware that the tolerance standards  
20 set by other countries are frequently more restrictive  
21 than those in the U.S. Regulatory reform is likely to  
22 create more difficulty for American growers to access  
23 export markets, not less.

24 And then, regulations do not exist in a  
25 vacuum but often have the effect of spurring

1 technological innovations. Just yesterday at the  
2 PPDC, we learned of the development of sterile insect  
3 release and genetically engineered mosquitoes to combat  
4 the Zika virus. These technologies and the ability to  
5 harness them in such a dramatically short amount of  
6 time likely would never have been possible without  
7 pesticide regulation on behalf of safety in the  
8 environment. These technologies, you know, have been  
9 in development for other pest problems for decades.  
10 So, the Zika virus effort was able to take advantage  
11 of technological advances that have occurred in the  
12 past.

13           On modification, we do have two comments.  
14 Far from acting as a damper on business activity, EPA  
15 has generally ignored pesticide impact to the most  
16 vulnerable species, those listed under the Endangered  
17 Species Act. To our knowledge, necessary procedures  
18 to assess pesticide impact to listed species, as  
19 recommended by the National Academy of Sciences, are  
20 not codified in any current regulation.

21           As a result, almost none of the registered  
22 active ingredients on the market today have been  
23 analyzed for the impacts on listed species. Of  
24 those that have, more than 20 active ingredients  
25 remain on the market, despite the fact that these

1 active ingredients have been determined to jeopardize  
2 the continued existence of dozens of species of  
3 Pacific salmon.

4 So, we recommend that registration  
5 regulations be strengthened to incorporate the  
6 concepts and procedures for listed species  
7 evaluations, as outlined in the 2013 NAS report during  
8 the registration and registration review processes.

9 Finally, no federal requirement exists for  
10 pesticide use reporting. This hampers society's  
11 ability to understand how actual use is related to  
12 empirical data on impact to human health and the  
13 environment. We think requiring such data and having  
14 it available would actually streamline difficult and  
15 controversial analyses such as consultation documents.  
16 So, we recommend that the EPA modify existing  
17 regulations to require mandatory pesticide use  
18 reporting. Thank you for the opportunity to speak.

19 MR. KEIGWIN: And the last member from the  
20 PPDC who is registered to speak this morning is Ray  
21 McAllister with Crop Life America.

22 MR. McALLISTER: My name is Ray McAllister.  
23 I'm the Senior Director of Regulatory Policy for Crop  
24 Life America. We're the national trade association  
25 that represents the manufacturers, formulators, and

1 distributors of crop protection products in the U.S.  
2 We will be submitting written comments for the docket  
3 but wanted to make a few brief remarks here.

4           We recognize this is one of multiple  
5 opportunities and forums to discuss and advance  
6 regulatory improvements, both grand and small.  
7 Agriculture as a whole depends on a predictable,  
8 science-based, and robust regulatory process to allow  
9 crop protection products to reach farmers in a timely  
10 fashion and to ensure that crops are protected, food  
11 is safe, and the environment is also protected.

12           We recognize the burden placed on American  
13 industry and agriculture by unnecessary, duplicative,  
14 or overly complicated regulations, no matter how well  
15 intentioned. We support efforts to streamline the  
16 regulatory process and to make certain that it is  
17 guided by common sense.

18           But we don't want to throw out the baby with  
19 the bath water. In the middle of regulatory reform,  
20 we do not want the basic, but hard, and important work  
21 done by OPP, to be lost or delayed.

22           To help support OPP's important work, CLA  
23 asks that the administration support reauthorization  
24 of PRIA, the private sector funded fee for service  
25 system that provides a portion of resources needed for

1 OPP to do its work in a timely fashion.

2 We also urge the Administration to budget  
3 funding to states to support pest control operations  
4 and to support technology, product development at  
5 agencies like EPA and USDA. Pest surveillance and  
6 pest control to deal with mosquitoes is as important as  
7 is vaccine development.

8 While we support OPP's mission, the Agency  
9 needs a reset in some areas to preserve risk-based  
10 regulation for pesticides based on sound science and a  
11 predictable regulatory process. Past weaknesses in  
12 EPA's risk assessment process have threatened the  
13 effectiveness and range of crop protection tools  
14 available to farmers and ranchers. Resetting the  
15 process in science and restoring transparency and  
16 predictability to the registration and review of  
17 pesticides can resolve many of these concerns.

18 We believe that USDA's role is essential.  
19 We are confident that regulator and meaningful  
20 involvement of USDA and its extensive expertise can  
21 help improve the process of regulating crop protection  
22 products that are so critical for American  
23 agriculture.

24 As we discussed yesterday, we can do better  
25 when it comes to proper implementation of the

1 Endangered Species Act. We look forward to continuing  
2 the hard work to find a path forward at the  
3 intersection of FIFRA and ESA. Thank you.

4 MR. KEIGWIN: Thanks, Ray.

5 We have a few minutes before the break. Let  
6 me just see if there are other members from the PPDC -  
7 - Robyn Gilden?

8 MS. GILDEN: Hi, I am with the University of  
9 -- Robyn Gilden with the University of Maryland School  
10 of Nursing and also the Alliance of Nurses for Healthy  
11 Environments. I'm not going to take my three minutes,  
12 but I just wanted to say thank you very much for  
13 having me on the PPDC for the past six years.

14 I also want to just encourage EPA to not  
15 take away regulations that protect human health. I'm  
16 a nurse. I care deeply about the health side of  
17 things. I care about the babies, and the elderly, and  
18 the pregnant moms, and the most vulnerable of our  
19 populations.

20 So, I want the public health protections to  
21 be the focus. I know that pesticides are important in  
22 their place, but I strongly support the IPM model  
23 where you eliminate the pests structurally before you  
24 get down to the chemicals. Thank you.

25 MR. KEIGWIN: Are there any other PPDC

1 members? Andy Whittington?

2 MR. WHITTINGTON: Thank you. Andy  
3 Whittington with the Mississippi Farm Bureau  
4 Federation on behalf of American Farm Bureau  
5 Federation.

6 I do want to support the comments submitted  
7 by USDA this morning. We are in concert with most of  
8 those comments, especially an extension of the  
9 compliance date with the WPS provisions. It's not  
10 necessarily about the content of the WPS provisions,  
11 but it is making sure that we have a timely manner to  
12 get all of the farmers, and handlers, and workers  
13 properly trained to be in compliance with those  
14 regulations.

15 There's plenty of evidence from the speakers  
16 this morning that EPA has an incredibly tough job to  
17 do balancing the need of the farmers and the  
18 consumers, as well as the environmental protections  
19 that are required. So, we do appreciate that effort,  
20 and we will be submitting comments to the docket  
21 related to this issue. Thank you.

22 MR. KEIGWIN: Any other PPDC members? Oh,  
23 Valentin, Valentin Sanchez with the Oregon Law Center.

24 MR. SANCHEZ: Good morning, everyone. My  
25 name is Valentin Sanchez. I currently work with the



1 Oregon Law Center as a community educator. Prior to  
2 that, I was a farmworker for several years. My  
3 parents are currently working as farmworkers in Santa  
4 Maria, California. I'm very excited that we, you  
5 know, do special accommodations to listen to people --  
6 I wish we could do special accommodations to listen to  
7 the stories of farmworkers.

8 My native language is not Spanish; it's  
9 Mixteco. Pretty soon, we're going to start  
10 reaching out to farmworkers in the state of Oregon.  
11 In the state of Oregon, there are over 160,000  
12 farmworkers and more if we add the family members as  
13 well. So, I've been speaking with farmworkers for the  
14 last 14, 15 years visiting labor camps, conducting  
15 outreach to parents, just making sure that the  
16 community knows about, you know, the few laws to  
17 protect them.

18 So, I want to speak to the importance of  
19 WPS. I've been speaking with farmworkers, and about  
20 half of them are receiving training about how they can  
21 protect themselves and protect their family members.  
22 Even those who do receive training are receiving  
23 inadequate training because the materials that are  
24 being used were developed in the 1990s. So, there's a  
25 need for better information. There's a need for more

1 resources to make sure that farmworkers know how they  
2 can protect themselves.

3 I also want to quickly mention the  
4 importance of having the designated representative.  
5 As I've said, I've spoken with farmworkers who are  
6 afraid of speaking with their employers because  
7 they're afraid of being retaliated against, they're  
8 afraid of losing their jobs. So, oftentimes they  
9 don't speak up for themselves. They need to rely on  
10 someone else to obtain information about which  
11 pesticide they were exposed to.

12 So, this is very important, especially for  
13 clinicians, to be able to treat the patient who has  
14 been exposed to pesticides. They need to know the  
15 name of the chemical that they were exposed to.

16 So, I want EPA to continue to, you know,  
17 implement, have worker protection standards. Very  
18 important. There's a huge need in the farmworker  
19 community. So, I want to encourage you to continue to  
20 do that. Thank you.

21 MR. KEIGWIN: Let me just see if there's --  
22 we probably have time for one more. Dawn Gouge?

23 MS. GOUGE: Thank you. Dawn Gouge, urban  
24 entomologist at the University of Arizona. I would  
25 just ask EPA to not delay the implementation of worker

1 protection standards, not for a minute. There's two  
2 things that drive innovation: regulation and  
3 disasters. Let's go the regulation way rather than  
4 further disaster.

5 I'm a strong advocate for integrated pest  
6 management and integrated vector management. So, I  
7 just wanted to throw that term out there so that  
8 everybody goes away and Googles integrated vector  
9 management. Thank you.

10 MR. KEIGWIN: Okay, so we're at about 10:00  
11 Eastern Time. We're going to take a 15-minute break.  
12 And then, when we return, we'll open it up for public  
13 comments. We'll start with people who are here in the  
14 room in Virginia and then we'll turn things over to  
15 people who are participating via telephone. Thank  
16 you.

17 (A brief recess was taken.)

18 MR. KEIGWIN: Okay, everybody, if we could  
19 take our seats, and we'll start the public comment  
20 session. So, we're going to move on to the public  
21 comment session now. We will start with people who  
22 registered in advance and are here in the room here in  
23 Crystal City. We have posted up on the screen here  
24 the order in which people registered to speak.

25 So that I don't butcher names, if you could

1 just come up to the mic that's here in the center of  
2 the room, introduce yourself and your affiliation.  
3 And as with the session earlier this morning, there's  
4 enough time for about three minutes of remarks. Dea  
5 will hold up her one minute warning sign.

6 So, I believe the first speaker registered  
7 is Julie Spagnoli, and we can go from there.

8 MS. SPAGNOLI: Julie Spagnoli, JM Specialty  
9 Consulting. I'm an independent consultant, but I've  
10 been in this industry for about 33 years. So, I've  
11 been involved with OPP for a long time.

12 I've recently also become a farmer in the  
13 last four years, so I've gotten out and learned  
14 firsthand how difficult farming can be and some of the  
15 challenges that you face when you actually go out  
16 there and do it.

17 But to speak specifically to this topic, I  
18 just wanted to touch on a few things. I won't go into  
19 a lot of details. We know that the Agency is facing  
20 limited resources in a lot of areas. We've seen it in  
21 particular in the registration area.

22 So, one of the suggestions is to look at  
23 ways that we can reduce any unnecessary paperwork  
24 burdens for both the industry and the Agency,  
25 paperwork that's just not really used for any

1 particular purpose. This would include things like  
2 final printed labeling, which because of the new  
3 process that we have for getting label approvals, the  
4 label is approved as a complete label. The final  
5 printed label is made. There may be multiple  
6 packages. It's really not serving a useful purpose  
7 for the Registration Division. It is, obviously, a  
8 compliance and enforcement issue, but that's done out  
9 in the field.

10 The other one, and it was touched on earlier  
11 from the antimicrobial side, but also from the  
12 registration side, is use of notification. That can  
13 be a way to greatly streamline process for both the  
14 Agency and registrants. We'd like to see that process  
15 kind of go back to where it used to be where it really  
16 was a notification. That way, like I said, it's less  
17 paperwork for the Agency for processing and less work  
18 for the registrants.

19 The last one is the use of what we want to  
20 call a commonly used or commodity inert. These are  
21 inerts that are commonly used materials such as corn  
22 cob, peanut holes, food items like dried milk or  
23 peanut butter. Right now the rules require that the  
24 registrant must identify every potential supplier of  
25 those inerts, and it just creates a paperwork burden

1 where they have to file a new confidential statement of formula,  
2 every time they add a supplier. For materials like that, it  
3 just becomes a paperwork exercise and really doesn't provide any  
4 additional protection.

5 There will be probably more details on some  
6 of these things, but those are just some of the things  
7 we think can streamline the processes. Thank you.

8 MR. KEIGWIN: The next speaker is Steven  
9 McFadden.

10 (No response.)

11 MR. KEIGWIN: Okay, the next person we have  
12 registered is Kerry Richards.

13 MS. RICHARDS: Good morning. I'd like to  
14 thank you for the opportunity to speak. I spent the  
15 last 27 years of my career at the pesticide safety  
16 education program at Penn State University. For seven  
17 years, I was director of that program.

18 Currently, I'm working with the University  
19 of Delaware to revitalize their pesticide safety  
20 education program. I'm working 40 percent of the time  
21 with the new initiatives. That is the National  
22 Pesticide Safety Education Center. That 40 percent  
23 time means that now instead of working 180 hours, like  
24 most of my colleagues do, I only work about 40 hours a

1 week.

2           So, I'm not speaking on behalf of any of  
3 those organizations, but I wanted to give you a  
4 perspective of my years and perspective of over 30 years  
5 as a pesticide safety educator and someone who grew up  
6 on a research farm who did research on chemicals and  
7 pesticides that came onto the market.

8           Before I do that, I did have one of my AAPSE  
9 membership ask me to just kind of relay the  
10 concern about EPA's mandate or requirement to help  
11 support pesticide safety education programs through  
12 funding, through state programs. It is in FIFRA law  
13 that the EPA -- it's stated that the EPA is to use the  
14 cooperative extension services to provide training.  
15 The extension service is overseen by USDA NIFA and, as  
16 such, is part of the land grant institution.

17           With EPA's mandate to ensure that state  
18 plans provide state funding to pesticide safety  
19 education programs, he indicates that he feels that it  
20 can be perceived as any state at any time desires a  
21 certified applicator, the governor shall decide which  
22 program and the EPA administrator shall approve those  
23 state programs. I mean, if it requires that approval,  
24 that support for pesticide safety education programs  
25 financially should be included in that approval of the

1 state plan.

2 What I wanted to bring to -- Liza spoke much  
3 of the comments I was going to make. We're going to  
4 submit them publicly. So, in the interest of time, I  
5 would just echo what Liza said and ask that the EPA do  
6 their diligence in providing education by helping and  
7 continuing to support pesticide safety education that  
8 serve in all 50 states.

9 I've been the classic example of when there  
10 is support from those Departments of Agriculture in  
11 Pennsylvania. They were hugely supportive of our  
12 program, and we were able to serve not only the  
13 certified applicators in Pennsylvania but the  
14 consumers and the public as well.

15 Over the last three years, I've been working  
16 with Delaware, who received no support from their  
17 Department of Agriculture. Like most of my  
18 colleagues, many states do the same thing. It's like  
19 being McGyver where you just pull all the pieces apart  
20 and somehow we accomplish the purposes and educate the  
21 stakeholders, the growers, the workers, and everyone  
22 that is out there that can potentially be affected by  
23 the misuse or the concerns of pesticide exposures.

24 So, I would urge EPA to continue that  
25 support and increase it whenever possible, especially



1 with the new National Pesticide Safety Education  
2 Center. The mission is to gather all these resources,  
3 not just from pesticide safety education programs but  
4 all the resources out there, so there's one consistent  
5 repository so everyone can utilize their educational  
6 materials to the most effective use and most efficient  
7 use.

8 MR. KEIGWIN: Thank you.

9 Jennifer Sass from NRDC.

10 MS. SASS: Thanks very much. Thank you for  
11 the opportunity to provide comments to support the  
12 EPA's pesticide office and the important work that you  
13 guys do.

14 NRDC, the Natural Resources Defense Council,  
15 is speaking on behalf of our two million members and  
16 online supporters. NRDC objects to the false premise  
17 of the executive order that public safeguards are or  
18 would hold back the nation.

19 In reality, the safeguards that the Office  
20 of Pesticide Programs must provide to the public are  
21 vital to the health and safety of all, particularly  
22 children and future generations. They're good for  
23 business and the U.S. economy. I have citations to a  
24 number of letters and articles from the ASBA, the  
25 American Sustainable Business Association, testifying

1 to that.

2 One important critical example of the health  
3 protective safeguards of the Office of Pesticides has  
4 been the Food Quality Protection Act, FQPA. It was a  
5 bipartisan law that passed Congress unanimously in  
6 1996 and the first environmental law that required  
7 pesticide regulations to include specific protections  
8 for the health of infants and children.

9 As a result of FQPA implemented by the  
10 pesticide office, the nation's use of pesticides has  
11 moved away from some of the most dangerous ones,  
12 particularly the organophosphates, or OP insecticides.  
13 EPA actions to protect children from harmful  
14 pesticides is good for health and good for business.

15 A 2015 European Union study cited costs  
16 associated with lost IQ points and intellectual  
17 disabilities arising from only two categories of  
18 chemicals, the PBDEs, polybrominated diphenyl ethers,  
19 which are flame retardants, and organophosphate  
20 pesticides, are estimated at 155 billion euros, about  
21 \$170 billion US annually for one member. There are  
22 citations for all of that that are included.

23 For one member of the OP pesticides,  
24 chlorpyrifos, scientists have shown that it interferes  
25 with brain development resulting in poor working

1 memory and reduced IQ and developmentally exposed  
2 children. For these reasons, all home uses of  
3 chlorpyrifos were cancelled in 2001, but the  
4 negotiated requirement for that cancellation was that  
5 although there was a reduction of over six million pounds  
6 annually used in people's homes, the agriculture uses  
7 were able to continue.

8 EPA's protective actions on chlorpyrifos in  
9 the residential cancellations resulted in a 66 percent  
10 reduction in poisonings since that, demonstrating the  
11 importance of regulatory safeguards for keeping our  
12 loved ones safe. I have references to that from  
13 presentations by EPA to the PPDC in November of 2006.

14 Unfortunately, chlorpyrifos, while no longer  
15 allowed in homes, is still allowed in agriculture at  
16 somewhere between 5 and 10 million pounds a year on  
17 many crops, including crops that children regularly  
18 eat, as well as being responsible for a number of  
19 worker poisonings and drifts to suburban and  
20 residential homes.

21 Federal experts also reported recently that  
22 chlorpyrifos and other organophosphate pesticides  
23 still used on crops are harmful to almost 1,800  
24 critically threatened or endangered species, making it  
25 a threat to wildlife and ecosystems as well.

1           Over 60 scientists and medical professionals  
2 wrote in 2016 to support EPA in their proposal to  
3 cancel all food tolerances. Under the Obama  
4 Administration, EPA developed a 2015 proposal, again  
5 confirming it in 2016 to do this.

6           Unfortunately, the White House and Dow  
7 Chemical, which donated \$1 million to President  
8 Trump, and whose CEO is the White House pick for  
9 heading up the American Manufacturing Council, appears  
10 to have dodged the cancellation. Instead of enforcing  
11 legally mandated safeguards, Pruitt Pollutes  
12 is allowing EPA to let this continue to harm children.  
13 Thank you.

14           MR. KEIGWIN: Next speaker is Peter Jenkins  
15 with the Center for Food Safety.

16           MR. JENKINS: Thank you, Rick, and members  
17 of the panel. I'm an attorney and policy analyst for  
18 the Center for Food Safety, a nonprofit group  
19 headquartered in DC but with offices in San Francisco,  
20 Portland, Oregon, Honolulu, and 830,000 members.

21           First, I want to address President Trump's  
22 Executive Order 13771, which was in the materials.  
23 It's sort of part of this deregulatory package but  
24 hasn't been talked about yet. That's the one that  
25 proposes elimination of two existing regulations for

1 each new regulation adopted.

2 I think there's been no support for that  
3 from any speaker. I don't think you're going to find  
4 any support for that from anyone familiar with this  
5 pesticide regulatory world. There's no place for it  
6 in the FIFRA pesticide context. For example, the  
7 tolerances for pesticides on foods are adopted by  
8 regulation. It's absurd to suggest that you should  
9 eliminate two tolerances for each new tolerance  
10 adopted.

11 So, we hope that your agency recognizes that  
12 the two for one idea is inherently arbitrary and  
13 capricious, would violate underlying statutory  
14 standards and is going to lead to unnecessary  
15 litigation. So, convince the administrator to  
16 convince OMB that the two for one really has no place  
17 in this world.

18 Now, with respect to the President's  
19 Executive Order 13777, which is kind of the focus here  
20 on regulatory costs, I guess I would respectfully  
21 disagree with some other speakers that the questions  
22 under that public announcement that EPA put out were  
23 not good questions, because there are some good  
24 questions there. For example, which existing  
25 regulations are obsolete, which existing regulations

1 are not transparent, which existing regulations are in  
2 need of modification.

3 There are several. We will submit written  
4 testimony to that effect about several of them, but I  
5 want to just focus on two of high priority. The first  
6 is 40 CFR 152.25A, otherwise known as the treated  
7 article exemptions, adopted in 1988.

8 1988 was long before this notion of using  
9 systemic seed coatings as pesticides to get absorbed  
10 into the plant and then make the plant itself  
11 pesticide before that was realized. Yet, the Agency  
12 is using that 1988 treated article exemption to exempt  
13 the most prevalent widespread use of insecticides in  
14 the country, which is the seed coatings, the  
15 neonicotinoid seed coatings, clothianidin,  
16 thiamethoxam, and imidacloprid especially. That's  
17 causing extreme harm and burden on the environment, on  
18 water quality, and I'm going to mention in particular  
19 with respect to beekeepers.

20 Last week, the three major beekeeping  
21 organizations in the country, along with several  
22 environmental groups, the American Bird Conservancy,  
23 Center for Food Safety, individual beekeepers and  
24 farmers all submitted a petition to you to revise your  
25 interpretation of that old out-of-date obsolete

1 regulation to bring it into the current reality, which  
2 is, you've exempted the most widespread use of  
3 insecticide in the country from actual enforceable  
4 labels and actual safety standards that the farmers  
5 have to comply with.

6 As a result, beekeepers have no recourse  
7 when their bees get killed by the dust. There's no  
8 enforcement against the harms that are being caused  
9 from these coated seeds going into the waters, killing  
10 birds, killing bees, you name it. American Honey  
11 Producers Association, American Beekeeping Federation,  
12 Pollinator Stewardship Council have all endorsed it.

13 When the three major national beekeeping  
14 organizations are telling you you need to change your  
15 regulation, you should take it seriously if you want  
16 to get serious about protecting bees, which is an  
17 important big ag interest, very important to  
18 agriculture. Pollination is suffering, yet your  
19 regulatory problem has created this loophole. So,  
20 reform that one, please.

21 MR. KEIGWIN: So, I think in the interest of  
22 time, I think we need to go on to the next speaker.  
23 If there's time remaining, you could come back up.  
24 But we do have a number of other speakers registered.

25 MR. JENKINS: Thank you, will do.

1 MR. KEIGWIN: Daniel.

2 MR. RAICHEL: Good morning, my name is Dan  
3 Raichel. I do eat food, and I have a  
4 family that I want to protect, which is probably why  
5 I'm an attorney with the Natural Resources Defense  
6 Council, which for over 45 years has fought to protect  
7 people and the environment from the harms of toxic  
8 chemicals.

9 I speak today to remind the Agency, as it  
10 appears poised on carrying back critical protections  
11 for clean air, clean water, and healthy ecosystems,  
12 that it is not at liberty to shirk its  
13 responsibilities under our nation's bedrock  
14 environmental laws by eliminating regulations. It  
15 needs to comply with those laws.

16 Specifically, EPA must not attempt to cut  
17 corners in its mandatory review of registered  
18 pesticides, including assessment of their known or  
19 likely harms to our nation's pollinators and  
20 endangered species. Some of those harms are already  
21 apparent. For over 10 years, we've seen bee  
22 populations succumb to massive losses, concurrently  
23 with the growth and widespread use of a new class of  
24 pesticides, neonicotinoids or neonics.

25 Indeed, just this March, the rusty patched



1 bumblebee, once common in 28 states, became the first  
2 bee in the continental U.S. to be placed on the  
3 endangered species list. The listing decision  
4 identifies the use of neonics as a contributing factor  
5 in the bee's close to 90 percent decline in the last  
6 20 years.

7 Equally, or perhaps more important in the  
8 well known harms however, are the ones that we are  
9 just now learning about. In January, EPA put out  
10 biological evaluations for three pesticides,  
11 chlorpyrifos, diazinon, and Malathion, concluding that  
12 collectively, their use is likely to adversely affect  
13 almost 1,800 protected species. These evaluations  
14 represent only a small fraction of the outstanding  
15 endangered species evaluations EPA now needs to  
16 perform.

17 Performing those evaluations, along with the  
18 required registration reviews, is important work.  
19 Significantly, it is also work EPA is required to do  
20 by law. The Agency must ensure that any action it  
21 carries out is not likely to jeopardize a federally  
22 protected species and that the pesticides it registers  
23 do not cause unreasonable adverse effects on people or  
24 the environment.

25 That work is fundamental to the Agency's

1 purpose. It ensures that our ecosystems aren't  
2 hallowed out by careless disregard, that Americans  
3 aren't needlessly exposed to toxic pesticides, and  
4 that in the case of pollinators, we do not heedlessly  
5 destroy a group of species that are critical to  
6 producing 70 percent of the major crops we consume.

7 Now, over the years, EPA has developed rules  
8 designed to assure that the Agency complies with the  
9 letter of the law. Those rules cannot now be  
10 eliminated only to satisfy an arbitrary rulemaking  
11 principle -- and that's just what Peter just talked  
12 about -- particularly when they are essential to  
13 protecting people and natural resources like  
14 pollinator populations that we all depend on.

15 Accordingly, as EPA moves forward with  
16 implementation of the president's executive order, we  
17 caution the Agency to be mindful of its mandatory  
18 statutory responsibilities and that we will be  
19 watching this process very carefully. Thank you.

20 MR. KEIGWIN: Our next speaker is Tiffany  
21 Finck-Haynes.

22 MS. FINCK-HAYNES: Thank you. I'm here  
23 representing Friends of the Earth and our over one  
24 million members and supporters nationwide. Friends of  
25 the Earth is a national environmental organization

1 that is working to defend the environment and champion  
2 a healthy and just world.

3 We're part of a federation of groups  
4 internationally working in 76 countries on today's  
5 most urgent environmental and social issues.  
6 Discussing what existing pesticide regulations should  
7 be fleshed is sacrificing public health on the altar  
8 of corporate profits and will destroy America, not  
9 make it great.

10 Pesticide regulations have a number of  
11 benefits, including protecting our environment, our  
12 critical habitat, wildlife, water, soil, and public  
13 health. Many of the pesticides EPA is currently  
14 reviewing are highly toxic and contribute to human  
15 diseases such as cancer and liver disease.

16 Other countries have restricted or banned  
17 these pesticides, such as glyphosate,  
18 neonicotinoids, atrazine, and pyrethroids.  
19 Regulations on these chemicals should be strengthened  
20 to follow in the footsteps of what other  
21 countries have done. We must take these chemicals off  
22 the market to safeguard public health and the  
23 environment.

24 We urge EPA to not put millions of lives at  
25 risk so that polluters can further profit from

1 destruction of our environment. Pesticide regulation  
2 should be grounded in science and the law so that our  
3 soil, water, wildlife, and public health can keep us  
4 healthy and thriving.

5 We believe this conversation is dangerous  
6 and based on corporate greed and environmental  
7 pollution. We call on EPA to uphold its mission and  
8 protect public health and our environment by  
9 strengthening existing laws and regulations. Thank  
10 you.

11 MR. KEIGWIN: So, I believe our next speaker  
12 is going to be Brett Hartel. Jim Tozzi, who is up on the  
13 board, had to leave early.

14 MR. HARTEL: This is Brett Hartel at the  
15 Center for Biological Diversity. I'll do my best to  
16 keep this to three minutes, but I don't have a million  
17 dollars like Dow Chemical to give to President Trump.  
18 So, if I go over, I apologize.

19 The premise of this ridiculous sham hearing  
20 that the pesticide industry is somehow overburdened by  
21 reasonable regulations designed to protect the health  
22 of people, wildlife, and the environment we share is  
23 fatally flawed. Donald Trump and Scott Pruitt's  
24 transparent attempts to enrich themselves and their

1 special interest masters quite literally puts lives at  
2 risk. It puts our environment at grave risk, and it  
3 moves dozens of endangered species closer to  
4 extinction.

5 To suggest that common sense measures to  
6 protect us all from toxic chemicals should be repealed  
7 is unconscionable and will not be tolerated by the  
8 American people. The notion that the pesticide  
9 industry, which includes some of the richest  
10 corporations in the world, with billions in profits  
11 last year, can't handle the so-called burdens of  
12 regulations is laughably absurd.

13 The pesticide industry has effectively  
14 written most of the regulations that govern the  
15 pesticide approval process. As a result, thousands of  
16 miles of streams and rivers are impaired by the EPA's  
17 own estimates by pesticide pollution. The last time  
18 the EPA had the courage to cancel a pesticide due to  
19 the imminent hazard provision of FIFRA was more than  
20 30 years ago.

21 The so-called ecological risk assessment  
22 process now in place is not much more than a rubber  
23 stamp to approve pesticides that conclude that  
24 everything is fine, when it isn't. And yet, the  
25 pesticide industry cries that the sky is falling when

1 actual scientists at the US Fish and Wildlife Service  
2 and the National Marine Fishery Service conclude that  
3 an insecticide, like chlorpyrifos, might actually kill  
4 endangered insects like butterflies.

5 But here are the actual facts. There are  
6 270 different recovery plans for endangered species  
7 that have concluded that pesticides are a key threat  
8 to their survival and recovery. In the last few  
9 years, species like the Dakota skipper and the rusty  
10 patch bumblebee have needed protection under the  
11 Endangered Species Act because of status quo use of  
12 pesticides.

13 The facts are irrefutable. The EPA  
14 desperately needs to improve and strengthen its  
15 existing regulations so that ecological risk  
16 assessment process complies with the law, and it  
17 protects people and endangered species. Instead of  
18 protecting industry, EPA should do what is needed to  
19 be done to protect people from the more than one  
20 billion pounds of pesticides that are applied across  
21 the United States every year.

22 I'll note, and it's simply a matter of law,  
23 any time this Agency takes a discretionary action to  
24 repeal any regulation or to weaken a regulation that  
25 harms an endangered species, we will fight you every

1 step of the way.

2 MR. KEIGWIN: Our next speaker is Stephanie  
3 Kurose. I apologize if I pronounced that  
4 incorrectly.

5 MS. KUROSE: No, that's right. Hi, my name  
6 is Stephanie Kurose, and I am with the Center for  
7 Biological Diversity. My parents are beekeepers, so  
8 this issue is near and dear to my heart. But today  
9 I'm not going to talk about bees; I'm going to talk  
10 about the monarch.

11 The monarch is a beautiful animal, and it's  
12 an incidental pollinator. There used to be so many of  
13 them that the sound of their wings was described as a  
14 rippling stream for a summer rain. There are early  
15 descriptions of tree branches breaking from the weight  
16 of so many butterflies. Every winter, they undertake  
17 a legendary 2,000 mile journey from Canada to their  
18 over wintering sites in Mexico. They use the very  
19 same trees every year when they migrate, which is  
20 pretty amazing because they aren't the same  
21 butterflies that were there the year before.

22 Now, thanks to glyphosate and the widespread  
23 use of pesticides and herbicides, monarchs are now  
24 plummeting towards extinction. The monarch population  
25 has declined over 80 percent in the last 20 years.

1 The 2017 overwintering count released in February  
2 found that butterfly numbers fell by nearly one third  
3 from last year's count. Scientists estimate that the  
4 monarch has lost more than 165 million acres of  
5 habitat, an area about the size of Texas, in the last  
6 20 years. They have also lost nearly a third of their  
7 summer breeding ground.

8 Last year, a study by the U.S. Geological  
9 Survey concluded that the monarch now faces extinction  
10 within 20 years. Monarchs only eat one thing, and  
11 it's milkweed. The animals used to rely on milkweed  
12 in corn and soybean fields in the Midwest until  
13 glyphosate started being widely used, which kills  
14 milkweed.

15 Glyphosate is now used on over 90 percent of  
16 all corn and soy and has removed nearly all the  
17 milkweed. So, basically, you have one type of  
18 herbicide that has virtually wiped out an entire  
19 species. California recently announced that it would  
20 list glyphosate as a human carcinogen under its  
21 Proposition 65. Yet, pesticide companies want a  
22 swift re-registration of the ingredient.

23 Honestly, I'm in disbelief that the EPA  
24 would consider anything less than issuing more  
25 stringent regulations over the use of toxic



1 pesticides. Instead, we're here at the behest of  
2 Scott Pruitt who hates the mission of environmental  
3 protection to gut regulations. The idea that EPA  
4 would hesitate to regulate chemicals that can wipe out  
5 pollinators critical to our ecological health and food  
6 security is beyond ridiculous.

7 Now is not the time to be complacent. We  
8 will have tragic consequences if you guys don't act to  
9 safeguard humans and wildlife from toxic chemicals.  
10 Thank you.

11 MR. KEIGWIN: Our next speaker is Howard  
12 Crystal.

13 MR. CRYSTAL: Good morning, my name is  
14 Howard Crystal. I'm an attorney in the Climate Law  
15 Institute at the Center for Biological Diversity.  
16 Because this meeting is being conducted to carry out  
17 the regulatory reform executive order, I want to begin  
18 by reiterating that while the executive order directs  
19 agencies to remove "unnecessary regulations," it also  
20 makes clear that it must be done "consistent with  
21 applicable law."

22 Therefore, while the executive order speaks  
23 to reforming regulations which may be outdated or  
24 ineffective, it does not and cannot give EPA the power  
25 to alter Congress' mandate that you prevent

1 unreasonable adverse effects on the environment from  
2 pesticides.

3           Regulating pesticides, like any other  
4 regulation, imposes some burden. It would obviously  
5 be more profitable to simply sell a poison than to get  
6 government approvals, create proper labeling, and  
7 ensure appropriate usage. But congress made the  
8 judgment in FIFRA that just a minor burden pales in  
9 comparison to the public benefit of protecting humans  
10 and the environment from harmful chemicals. Neither  
11 the executive order nor this agency has the  
12 constitutional power to change either that judgment or  
13 the EPA's mandate under the statute.

14           To follow that congressional mandate, it is  
15 absolutely clear that rather than remove regulations,  
16 EPA has enormous work to do to protect the environment  
17 from the ongoing environmental harm caused by  
18 pesticides. For example, it is well recognized that  
19 in addition to human harm, pesticides are responsible  
20 for putting other species in peril of extinction.  
21 Salmon, frogs, and salamanders are just a few of the  
22 species especially sensitive to pesticides, and  
23 further regulations of pesticides is essential to  
24 protect and recover these species.

25           It's also essential to consider the

1 relationship between climate change and pesticide use.  
2 By reversing progress made to combat climate change,  
3 this administration is exacerbating changes in weather  
4 patterns and other factors that will undoubtedly pose  
5 increasing challenges to farmers in years to come.

6           Allowing increased reliance on pesticides to  
7 mitigate those challenges may well become tempting,  
8 but it cannot be more clear that the most effective  
9 and cheapest way to address these problems is to take  
10 the steps necessary to minimize climate change rather  
11 than trying to protect our food supply from its impact  
12 by further poisoning the environment with toxic  
13 pesticides. Thank you.

14           MR. KEIGWIN: Our next speaker is Bill  
15 Jordan.

16           MR. JORDAN: Thank you for the opportunity  
17 to speak to you. My name is Bill Jordan, and I used  
18 to work at EPA. I'm now an independent consultant  
19 working with law firms, corporations, environmental  
20 advocacy organizations, and the like.

21           I want to start off by noting that the  
22 comments so far have just suggested a lot more work  
23 than I think is possible for EPA to do. So, you all  
24 are going to have to make some choices about which of  
25 the proposals you pursue. I'd like to offer a

1 suggestion about a way to think about that.

2 I think you ought to try to find regulatory  
3 relief that reduces burdens and at the same time  
4 provides environmental protection or improves human  
5 health protection.

6 The second category of suggestions I think  
7 you should look at are those that improve efficiency  
8 which makes it possible for EPA to move regulatory  
9 decisions through more efficiently, more  
10 transparently, that provides support to the public so  
11 they can be effectively involved.

12 Then, the third category are the ones that  
13 are really tough choices where you're trading off  
14 reducing some regulatory burdens, but those regulatory  
15 burdens may also be ones that involve real  
16 protections. I think the suggestions about worker  
17 protection standards and certification training fall  
18 into that category.

19 I have one suggestion that nobody has  
20 mentioned that falls, I think, into the first  
21 category. That's how EPA policies affect the handling  
22 of damaged pesticide containers. Large lawn and  
23 garden stores like Home Depot or Walmart or others  
24 occasionally find that the bags of pesticides and  
25 fertilizers are damaged during transportation and

1 handling. EPA says that those containers have to be  
2 diverted to the hazardous waste stream.

3 It seems to me that if there were another  
4 alternative, which EPA policies could promote, of  
5 repackaging and reconditioning those products safely,  
6 that it would both save money for industry and reduce  
7 the amount of pesticides that goes into the  
8 environment with no pesticidal benefit.

9 I have a number of suggestions that relate  
10 to clarifying the jurisdiction between EPA and other  
11 agencies that I think could fall into the second tier  
12 of changes, changes that would address, for example,  
13 places where jurisdictions are either overlapping or  
14 unclear or maybe both.

15 Pesticides and new animal drugs, for  
16 example, something that's added to an aquarium for  
17 protecting the fish from parasites, FDA's new animal  
18 drug or EPA's or what. I think you could look  
19 seriously at pesticides and medical devices. Most  
20 disinfectants are considered medical devices as well  
21 as pesticides.

22 There are several others I can go through at  
23 a later point. Thank you.

24 MR. KEIGWIN: Okay, that concludes those who  
25 had registered in advance. We're now going to go to

1 the people who registered in advance on the phone.  
2 And then, time permitting, we'll come back to here in  
3 the room. So, at this point, I'm going to turn the  
4 moderator duties over to my colleague, Claire  
5 Gesalman.

6 MS. GESALMAN: Thank you very much. I  
7 would ask as I call a person's name who has registered  
8 to speak on the phone, that you press pound 6 to  
9 unmute your line. You will hear the operator say  
10 unmuted. At that point, please give your name and, if  
11 you have an affiliation, you may give that.

12 We will say thank you or something along  
13 that line, at which point you know we're hearing you  
14 and you can go ahead and speak. Each person has three  
15 minutes. Since I can't hold up a card to the folks on  
16 the phone, if you can keep an eye on your clock, and  
17 I'll basically tell you when your time is up. Then,  
18 when the time is up for your three minutes, please  
19 press star 6 to remute yourself.

20 The first person on our list, and I  
21 apologize in advance if I mispronounce anyone's name,  
22 is Telisport Putsavage. Please press pound  
23 6 to unmute.

24 MR. PUSAVAGE: Good morning, I just unmuted.  
25 This is Telisport Putsavage.

1 MS. GESALMAN: Great, thank you. Go  
2 ahead.

3 MR. PUSAVAGE: Thank you. Thank you for the  
4 opportunity to address pesticide regulatory reform  
5 issues. By way of brief background, I'm an attorney  
6 with 35 years of FIFRA experience. I counseled the  
7 pest management program of the New York State  
8 Department of Environmental Conservation for 15 years,  
9 and I've had a FIFRA-focused private practice for 20  
10 years. I have also owned a farm.

11 The Agency is undertaking this examination  
12 of regulatory reform at a time when it is facing great  
13 stress, both budgetary and programmatic. As an  
14 example of already existing stress, I would note that  
15 while industry is fortunate to have PRIA and its  
16 deadlines, the resulting impact on non-PRIA actions  
17 have made the term fast track amendment an oxymoron.

18 In light of this stress, my suggestions  
19 focus not on rules to change but on urging the Agency  
20 to focus its efforts and resources in order to  
21 preserve the primary mission of the program. OPP  
22 should adhere to FIFRA and the rules as currently  
23 promulgated rather than stretching Agency and  
24 regulated party resources in efforts that are perhaps  
25 well-intentioned but ignore existing law and

1 regulation.

2 A most graphic recent example of this  
3 Overreach is the December 1, 2016, memorandum from the  
4 directors of the Registration and Antimicrobial  
5 Divisions, which allegedly clarifies requirements for  
6 the location of the first aid statement on labels of  
7 toxicity category two and three products. Not content  
8 with and notwithstanding the express authority of 40  
9 CFR 156.68(d), which states that such statements may  
10 appear "on any panel of a product," this memorandum  
11 purports for the first time under FIFRA to define the  
12 term panel in relation to a label.

13 In addition, the memorandum renounces the  
14 past agency approach to this issue, declaring that the  
15 new definition of panel has been in effect all along  
16 and intimates that the registrants face potential  
17 enforcement action against labels approved by the  
18 Agency.

19 Another example was a demand by a product  
20 reviewer expressly stating concern over childhood  
21 consumption of apples, that apples should be removed  
22 from an insecticide label. This demand expressly  
23 conflicted with the re-registration eligibility  
24 document, which determined that continued use of the  
25 ingredient on apples posed no unacceptable risk. That



1 position resulted in needless waste of time required  
2 to obtain reversal from highest level staff.

3 Another example is an effort by a region to  
4 prosecute a registrant for allegedly unlawful conduct  
5 over a 15-year period by a distributor registrant  
6 despite the fact that the Agency acknowledges that the  
7 primary registrant canceled the distributor  
8 registration (inaudible) earlier.

9 Well, the rules clearly provide that a  
10 primary registrant is liable for the conduct of a  
11 distributor registrant. Agency materials also make  
12 clear that such liability extends for only 18 months  
13 following the cancellation of the distributor  
14 registration.

15 MS. GESALMAN: Thank you very much for  
16 your comments.

17 If anyone else has unmuted their line,  
18 please remute yourself.

19 The next person is Jeannie Economos. Please unmute.

20 MS. ECONOMOS: Can you hear me?

21 MS. GUESSELMAN: Yes. Please start.

22 MS. ECONOMOS: This is Jeannie Economos from  
23 the Farmworker Association of Florida.

24 There would be no farms if there were no

1 farmworkers. The majority of the public in the United  
2 States would not have food to eat if there were no  
3 farmworkers in the fields harvesting the food that all  
4 the rest of us eat. Yet, in order to get that food to  
5 our table, farmworkers have to put their lives at risk  
6 every day in the fields from multiple hazards in the  
7 workplace, especially from exposure to pesticides.  
8 Farmworkers are the most vulnerable in our community,  
9 and they deserve our attention and respect.

10 In regards to regulations, I would like  
11 people to come here and sit in our office where every  
12 day we see farmworkers coming into our office. I have  
13 to sit face to face with farmworkers and look them in  
14 the eye and tell them that there's nothing I can do  
15 because the rules are not strong enough to protect  
16 them.

17 Farmworkers who tell me that their children  
18 were born with learning disabilities, with ADHD, with  
19 other behavioral and neurological problems because of  
20 exposure to pesticides, I have to tell them that the  
21 cost to their children is a benefit to the industry.  
22 That is not acceptable.

23 In regards to the designated representative  
24 provision in the WPS, Florida has had a Florida right-  
25 to-know law in the state of Florida since 1994 and

1 '95, and there has never been any cases of any issues  
2 that the farm bureau is concerned about in terms of  
3 any kind of retaliation or problems to farmers because  
4 of the Florida right-to-know law. So, that shows that  
5 it's possible to have it nationwide, and the fears  
6 around the designated representative are unfounded.

7 So, I just wanted to say that we need to  
8 keep the protections of the farmworker protection  
9 standard and the designated representatives and also  
10 the strengthened certified applicator regs, because I  
11 work with farmworkers every day. Our organization is  
12 a grassroots organization. We see farmworkers in our  
13 offices all the time, and we see firsthand the effects  
14 of both short term and long term effects of pesticides  
15 on farmworkers.

16 When we're discussing these regulations, we  
17 need to think about the next generation and the costs  
18 to our healthcare, our public health, from the effects  
19 of pesticides. We're not even talking about long-term  
20 consequences and combinations of pesticides because  
21 farmworkers are exposed all the time.

22 We need stronger protections. Farmworkers  
23 deserve stronger protections. Anybody that eats --

24 MS. GESALMAN: Thank you very much for  
25 your comments.

1           The next person on the list is Antonio Tovar.

2           Antonio, are you there?

3           (No response.)

4           MS. GESALMAN: Okay, the next person on  
5           the list is Tim Creger.

6           MR. Creger: This is Tim. Can you hear me?

7           MS. GESALMAN: Yes.

8           MR. Creger: Hi, this is Tim Creger. I'm  
9           with the Nebraska Department of Agriculture. I'm a  
10          past president of AAPCO, which Liza Fleeson currently  
11          is representing on the PPDC. I want to make four  
12          comments, first a general comment to the Office of  
13          Policy, and then I want to address specific examples  
14          of burdensome regulations, experience that we've  
15          experienced on the state level, and past attempts at  
16          reducing regulation that did not result in the  
17          anticipated benefits, then again a cooperative  
18          federalism, which has not been addressed too much in  
19          any of the comments today.

20          First, specific to the Office of Policy at  
21          EPA, I just would like to have them understand how  
22          FIFRA is different than most of the other federal  
23          environmental laws that EPA administers. When we talk  
24          about federal regulation of pollutants, programs such  
25          as TSCA, Clean Air, Clean Water, those programs are

1 designed to remove or eliminate pollution from the  
2 environment that impacts our human health.

3           When it comes to FIFRA, however, it's  
4 important to realize and understand that federal law  
5 actually requires EPA to not only protect human health  
6 in the environment, but it also requires them to  
7 ensure that there are safe and effective pesticides  
8 available to the consuming public.

9           It's not to argue the benefits of the  
10 pesticides, but it is to argue that -- it's important  
11 to remember FIFRA does allow for those toxicants to be  
12 placed in the environment. They need to be regulated  
13 appropriately.

14           When I address burdensome regulations, I  
15 think it's important to understand that state lead  
16 pesticide agencies such as ours rely heavily on the  
17 financial and knowledge support that we receive from  
18 EPA. However, since 2009, funding from Congress has  
19 been static or reduced to state agencies, as well as  
20 to those universities that conduct pesticide  
21 applicator education.

22           The recent revisions to three of the major  
23 regulations has effectively increased the work burden  
24 on the state lead agencies, while realizing less money  
25 to support them. Those regulations are the container

1       containment regulations, Section 19 of FIFRA, the  
2       Worker Protection Standard rule, and the Certification  
3       and Training rule.

4               Addressing experiences in the past that have  
5       not resulted in what the intended effect was, previous  
6       regulatory reduction programs EPA has attempted have  
7       resulted in significant increased impacts to state  
8       lead agencies.

9               As indicated by the gentleman from Purdue  
10       University, actions by EPA to exempt numerous active  
11       ingredients under section 25(b) of FIFRA has resulted in  
12       a patchwork of state regulation that is nearly  
13       impossible for industry and the public to understand  
14       or navigate.

15              It should be noted that in the absence of  
16       federal regulation, states are faced with the decision  
17       to either exempt or further regulate those pesticides  
18       creating that patchwork of different regulations on the  
19       state level.

20              MS. GESALMAN: Thank you very much for  
21       your comments. If you have further comments,  
22       everybody is reminded to put them in the docket, which  
23       you have information through the various resources  
24       that we have.

25              The next person on the list is Carrie Hugo.

26              MR. TOVAR: Hello, can you hear me now?

1 MS. GESALMAN: Yes, we can hear you.

2 MR. TOVAR: Yes, this is Antonio Tovar.

3 Sorry, I was trying to unmute my phone before.

4 MS. GESALMAN: Is this Antonio?

5 MR. TOVAR: Yes.

6 MS. GESALMAN: Okay, great, thank you.

7 MR. TOVAR: Okay, thank you. So, until last  
8 fall, I was the pesticide (inaudible) investigator for  
9 the Florida Department of Health. Full disclosure, this  
10 position was funded by EPA. So, I'm talking on a  
11 personal behalf. I'm not talking about the Department  
12 of Health. As I mentioned, I just end my work in  
13 there.

14 But I've been working for farmworkers for 10  
15 years. I work with the population as an educator, as  
16 a researcher, as an epidemiologist. EPA has been an  
17 important source of data for me for all these years as  
18 a guidance for the regulations that look for the well  
19 being of workers, residents, and the environment. I'm  
20 disheartened by the proposed changes.

21 Many before me have mentioned the scientific  
22 value you provide and how these knowledge guide most  
23 of the EPA regulations. So, I want to focus a little

1 bit on the cases that I investigated.

2 During my time at the Department of Health,  
3 I investigated several cases of workers or residents  
4 in rural areas, many times not for bravery but because  
5 they end up in the hospital with the damaging effects of  
6 pesticides. Many of these cases demonstrate the alleged  
7 violations of workers' protections and improper use of  
8 pesticide, neglect and even cases of retaliation by  
9 growers and even the pesticide producers and lack  
10 complete disregard for environment.

11 Without the EPA regulations, we'd all be  
12 more vulnerable in this regard for what's happening.  
13 So, I would like to propose these kind of changes.  
14 Thank you.

15 MS. GESALMAN: Great, thank you for your  
16 comments.

17 The next person on the list is Carrie Hugo.  
18 You can unmute. Press pound 6 to unmute, Carrie.

19 (No response.)

20 MS. GESALMAN: Okay, Diane Boesenberg, you can  
21 unmute.

22 MS. BOESENBER: This is Diane. Can you  
23 hear me?

24 MS. GESALMAN: Yes, I can. Go ahead.

25 MS. BOESENBERG: Okay, great. So, my name



1 is Diane Boesenberg. I'm the Director of Regulatory  
2 and Government Affairs at Reckitt Benckiser. As a global  
3 manufacturer of end use products in the antimicrobial  
4 space and also with a line of products that work with  
5 the FDA, we see a lot of areas for improvement with  
6 regulatory reform. This includes looking outside the  
7 current EPA process for best practices, which will  
8 lead to efficiency and resource savings opportunities,  
9 leaving the EPA with time to do other things.

10 In addition to the comments already made on  
11 questions of jurisdiction, we intend to put these  
12 comments and some others into the official regulatory  
13 reform process.

14 Some of the things that we see that could  
15 save resources and time significantly is, again, to  
16 look outside of the current process. For example, the  
17 FDA has a note to file process which eliminates the  
18 need to submit every single piece of paper to the FDA.  
19 Those changes to registration on the FDA side get  
20 caught up in audits or future registration  
21 submissions.

22 We think the EPA could benefit from looking  
23 at some of the FDA processes. This could be used, for  
24 example, for notifications, non-notifications, supplier  
25 changes on CSFs. Also, Canada has a monograph process

1 for antimicrobials where a particular active  
2 ingredient has been studied for so long that claims to  
3 be made without the need for data to be submitted to  
4 the Agency when a product contains a specific active  
5 at a predetermined level. So that could be also a  
6 very useful process.

7 We also see the need for better clarity for  
8 OECD and U.S. EPA GLP harmonization where studies could  
9 be done at labs globally for a global company like  
10 ours that could be submitted to the EPA without the  
11 need for doing additional testing.

12 Also, we'd like to see something about  
13 mutual recognition of data generated by published  
14 antimicrobial efficacy methods for global product  
15 registration without the need for additional EPA  
16 review of the published methods. There are lots of  
17 examples where this could save significant time and  
18 resources on the Agency's part.

19 Then, finally, harmonization of federal EPA  
20 reviews and California reviews, so not only is that a  
21 federal savings, but it also saves times at the  
22 states.

23 So, again, we really see areas for  
24 harmonization and efficiency at the Agency level to  
25 help us with some of the other time line issues, you

1 know, processing of PRIA applications in a more  
2 efficient and timely way, and hope that we can help in  
3 that space. Thank you.

4 MS. GESALMAN: Thank you very much.

5 The next person on the list is Dave Tamayo.

6 Please unmute by pressing pound 6. Dave?

7 (No response.)

8 MS. GESALMAN: Okay, Mary Lamielle.

9 Are you on the line, Mary? Mary Lamielle. Press pound 6.

10 (No response.)

11 MS. GESALMAN: Okay, Karin North, please

12 press pound 6 to unmute.

13 MS. NORTH: This is Karin North.

14 MS. GESALMAN: Great, hear you. Go ahead.

15 MS. NORTH: Hi, this is Karin North. I am  
16 the watershed protection manager for the city of Palo  
17 Alto. I just wanted to comment and thank you so much  
18 for allowing comments from California. But we  
19 appreciate the Environmental Protection Agency's goals  
20 to safeguard human health and the environment.

21 I'm giving a different perspective from the  
22 regulated community wearing the stormwater and a  
23 wastewater perspective. So, we actually need to make  
24 sure that our waterways are safe from aquatic --

1 protect the environment and -- sorry, I've been up  
2 since very early this morning -- but to protect the  
3 environment and ensure that the aquatic organisms are  
4 safe.

5           So, we actually rely heavily on the  
6 Environmental Protection Agency's regulations on  
7 pesticides to ensure that we don't have toxicity in  
8 our wastewater that gets discharged out into the San  
9 Francisco Bay, and also that we're not causing  
10 Non-point source pollutant toxicity into stormwater. So,  
11 we actually think that there needs to be more  
12 regulations to improve and enhance the protection of  
13 the aquatic organisms.

14           We also support the safeguarding of human  
15 health. We really need you as a partner agency  
16 because many things we're regulated on that we cannot  
17 actually do anything. But we need EPA to help ensure  
18 that the pesticides being applied are not going to  
19 cause toxicity. The city also has an integrated pest  
20 management policy, so we try and use the least toxic  
21 pests obviously rather than the toxic ones.

22           Anyway, we will submit lengthy comments on  
23 behalf of the stormwater and the waste water community  
24 in Palo Alto. Thank you again.

25           MS. GESALMAN: Okay, thank you very much.

1           The last call for Carrie Hugo, Dave Tamayo,  
2           or Mary Lamielle?

3           MR. TAMAYO: This is Dave Tamayo. Can you  
4           hear me?

5           MS. GESALMAN: Yes, we can.

6           MR. TAMAYO: Oh, good. I finally figured  
7           out how to get back to that screen.

8           Hi, I'm Dave Tamayo. I'm with the  
9           California Stormwater Quality Association, otherwise  
10          known as CASQA. I just wanted to thank you for this  
11          opportunity and also say hello to many of the people I  
12          served with on PPDC for six years. Thank you for this  
13          opportunity.

14          You know, as we've mentioned many times over  
15          the last 20 years in commenting to EPA, the stormwater  
16          agencies in California that represent and that serve  
17          the vast majority of California residents have been  
18          saddled with the effects of currently registered  
19          pesticides that are used in urban areas that impact  
20          urban water quality.

21          Because it's observed throughout the state  
22          and because we have obligations to comply with Clean  
23          Water Act permits, we've been saddled with costs for  
24          monitoring, tracking registration activities, trying  
25          to influence how pesticides are registered, and,

1     ironically, trying to convince consumers and licensed  
2     users that they need to be more careful of how to use  
3     beyond what the label requires to prevent water  
4     quality impacts.

5             We learned early on in the process that both  
6     consumers and licensed users rely on the assumption  
7     that products that are registered by EPA and used the  
8     way they're supposed to be used will be sufficiently  
9     protective of the environment. Unfortunately, in many  
10    important cases in urban areas, that is not yet the  
11    case.

12            I do want to acknowledge that EPA has made  
13    some significant efforts and improvements in that  
14    area, but there's still some important areas that  
15    would help reduce the regulatory burden and economic  
16    burden on local and state agencies here.

17            One is that EPA needs to implement the use  
18    of models and realistic model parameters that  
19    adequately predict the fate and transport and impacts  
20    of urban use pesticides.

21            We also support the need to develop a more  
22    efficient system for working through the requirements  
23    of the Endangered Species Act. An essential tool for  
24    that would be to require a set of aquatic toxicity  
25    data that's robust enough to support a high level of

1 confidence among the various stakeholders that the  
2 toxic effects are adequately identified, which would  
3 lead to more rational registration decisions and  
4 mitigation requirements that arise from that.

5 Finally, we want registration decisions to  
6 include economic impacts on folks that are sort of  
7 downstream of the users. You know, we have some  
8 direct clean water act economic impacts on both  
9 state and local agencies. Those can be very  
10 significant. It can cost between half a million and a  
11 million dollars to do one TMDL in a watershed area.  
12 As I said, there's impasse throughout the state.

13 We also believe that the consideration of  
14 underlying ecological effects that affect beneficial  
15 uses need to be part of the economic analysis that's  
16 done when making registration decisions. And if these  
17 things are done well and robustly enough, then that  
18 would be an important part of achieving predictability  
19 and consistency in regulation.

20 MS. GESALMAN: Thank you for your  
21 comments.

22 Is Carrie Hugo or Mary Lamielle on the phone?  
23 Either one of you can press pound 6 to unmute.

24 (No response.)

25 MS. GESALMAN: It sounds like that

1 concludes the telephone portion of this program.

2 MR. KEIGWIN: Thanks, Claire. We did have a  
3 couple of additional people sign up to speak that just  
4 came to my attention. So, Dudley Hoskins from NASDA.

5 MR. HOSKINS: Thanks, Rick. I'm going to  
6 start my timer, so hopefully I won't go over three  
7 minutes.

8 First off, my name is Dudley Hoskins. I'm  
9 with the National Association of State Departments of  
10 Agriculture. Our members are the commissioners,  
11 secretaries, and directors in all 50 states and four  
12 territories. In 43 states, the state department of ag is  
13 the lead FIFRA state agency. So, in short, we're  
14 regulatory partners with EPA. For us, it's a really  
15 critical partnership, and we really appreciate both  
16 the work here at OPP headquarters and the work that  
17 goes on around the regions.

18 So, NASDA will be submitting comments to the  
19 docket, EO 1377. They will be more comprehensive and  
20 hopefully more articulate than what I'm going to blast  
21 through real quick right here. But just a few things  
22 we wanted to touch on, put forth for the Agency to  
23 hopefully consider some regulatory assistance on.

24 The first one is the certification and



1 training of pesticide applicators. I want to note  
2 that at NASDA, we greatly appreciated all the work and  
3 improvements that EPA invested into that rule. What  
4 came out as the final regulation is something we were  
5 very supportive of. There's probably one provision  
6 there we'd like to work with the Agency on to see if  
7 we can modify how that's written. But, by and large,  
8 we really appreciate the work that went into that.

9 We've joined a couple other groups, AAPCO,  
10 ASPCRO, and some of the regulated community in asking  
11 EPA to extend the effective date of that rule. Just  
12 by and large, states across the board, we have a lot  
13 of logistical resource and capacity challenges, and  
14 additional time to work through this would be greatly  
15 appreciated.

16 I should have noted, as part of the NASDA  
17 family, we have 23 affiliate organizations. Several  
18 of those are represented here in the PPDC and work  
19 closely with EPA. Both AAPCO, the American  
20 Association of Pesticide Control Officials, ASPCRO,  
21 the American Association of Structural Pesticide  
22 Regulatory Officials, the National Plant Board, and  
23 the Apiary Inspectors in America are all groups who  
24 work closely around the FIFRA mission areas.

25 I would like to thank Liza for her

1 leadership on a number of these fronts, and Tim Creger  
2 from the Nebraska Department of Ag who called in.

3 Just quickly, under the Worker Protection  
4 Standard, we have a request pending with the Agency  
5 requesting additional time on the implementation of  
6 that regulation. We would really appreciate EPA  
7 considering that request.

8 In addition to needing more time around the  
9 implementation, we would love to have the opportunity  
10 to revisit a few specific provisions in that rule  
11 around the designated representative and the  
12 application exclusion zone. Both of those, for our  
13 purposes, are really challenging to better understand  
14 and assist with compliance assistance, education  
15 enforcement components.

16 I'm over time, I'm sorry. I just wanted to  
17 mention, on the pollinator front, I really appreciate  
18 all the great work that OPP has done and the  
19 leadership that you all have invested in that in the  
20 state managed pollinator protection plans. I really  
21 look forward to working with you all to stand those  
22 up.

23 A robust, well-funded, and fully staffed OPP  
24 is something that NASDA is very supportive of, and we  
25 really appreciate the work you all do. Thank you for

1 the opportunity to comment.

2 MR. KEIGWIN: Are there others in the room  
3 who haven't had an opportunity to speak? Please come  
4 sit by the microphone and identify yourself.

5 MS. BADEN-MAYER: My name is Alexis Baden-  
6 Mayer. I'm the political director of the Organic  
7 Consumers Association.

8 This is not a normal EPA hearing. We're  
9 here today because Trump and Pruitt have invited the  
10 companies that sell toxic pesticides to tell the EPA  
11 which regulations to get rid of. It's not normal, and  
12 it's not legal. The EPA's Office of Pesticide  
13 Programs has the duty to preserve and enforce the laws  
14 Congress passed to protect human health and the  
15 environment.

16 Chemicals found in plastic bottles, flame  
17 retardants, metal food cans, detergents, cosmetics,  
18 and pesticides cost the U.S. more than \$340 billion a  
19 year in health costs and lost earnings.  
20 Organophosphate pesticides are associated with 1.8  
21 million lost IQ points and 7,500 cases of intellectual  
22 disability in the U.S. each year, at an estimated cost  
23 of \$44.7 billion dollars. Economic and social costs of  
24 pesticide exposure are devastating.

25 Harmful chemicals should be banned, not

1 deregulated. The EPA must put American's health above  
2 Dow Chemical's wealth. The EPA must protect us. Don't  
3 let Trump make us sicker so that his corporate donors  
4 can get richer. Trump is America's first billionaire  
5 president. Corporations are seeing an unprecedented  
6 opportunity to merge their power with the government.

7 As Senator Sheldon Whitehouse said recently,  
8 while Trump is president, the various checks and  
9 balances of the American system must do their part to  
10 check Trump and corporate influence. Senator  
11 Whitehouse said, "If it fails, this could be Mussolini  
12 time in America, and that would not be good."

13 On the that would not be good side is Dow  
14 Chemical. In Trump's first three months, Dow Chemical  
15 spent \$5.2 million dollars on lobbying, making it the seventh  
16 biggest spender among all corporations by influence in  
17 Washington. At \$13.5 million dollars a year, or actually in  
18 2016, sorry, Dow's lobbying expenditures topped all of  
19 its competitors, including Bayer, DuPont, Monsanto,  
20 and Syngenta. Dow also donated \$1 million dollars to Trump's  
21 inauguration.

22 Being a big spender has given Dow  
23 extraordinary access to the administration. CEO  
24 Andrew Liveris was appointed to head a  
25 White House manufacturing council. After Trump signed

1 the executive order to roll back regulations, he  
2 handed the pen to Liveris.

3 Greasing palms is just the cost of doing  
4 business for Dow, and a relatively minor one. The  
5 company reported \$888 million dollars in net income for the  
6 first quarter of 2017 in its April 27th earning  
7 statement. Money talks; children's health walks.

8 Under Obama, Dow was going to have to stop  
9 selling chlorpyrifos, a pesticide that inhibits brain  
10 development with effects ranging from lower IQ rates  
11 to autism. But, under Trump, the decision was  
12 reversed. We cannot have the health of future  
13 generations stripped from us just so that Dow can meet  
14 its short term profit goals. The employees of the EPA  
15 must resist Trump before it is too late. We cannot  
16 let Trump get rid of regulations to protect human  
17 health from toxic pesticides.

18 Unfortunately, the merger of corporate and  
19 government power at the EPA did not begin with Trump.  
20 Through a lawsuit on behalf of glyphosate exposed  
21 cancer victims, we learned that Anna Lowit,  
22 currently at the Office of Pesticide Programs --

23 MR. KEIGWIN: Time.

24 MS. BADEN-MAYER: -- was accused by a  
25 colleague of intimidating EPA scientists --

1 MR. KEIGWIN: I'm sorry.

2 MS. BADEN-MAYER: -- and changing the  
3 outcome of EPA reviews to favor companies like  
4 Monsanto. My request to all current EPA employees is  
5 this. Leave the laws that Congress passed to protect  
6 human health and the environment and enforce them.  
7 Resist Trump's arbitrary and capricious edicts. He is  
8 not a dictator yet. We still have regulatory agencies  
9 staffed by scientists and qualified professionals. Do  
10 your job. Speak out. Blow the whistle if you have  
11 to. The future of butterflies, bees, and babies  
12 depend on you.

13 UNIDENTIFIED FEMALE: I'm so sorry, but  
14 we've reached the end of your time.

15 MR. KEIGWIN: Are there any other speakers  
16 in the room?

17 (No response.)

18 MR. KEIGWIN: Peter, I think you had wanted  
19 to finish your remarks, so you can come forward.

20 MR. JENKINS: After the last speaker's eloquence,  
21 mine is a bit more mundane. Again, I'm trying to see  
22 the questions that were in the EPA's announcement and  
23 identify useful questions that were raised. So, one  
24 of them was, which regulations are based on data,  
25 information or methods that are not publicly available

1 or that are insufficiently transparent. I think we'll  
2 be able to identify a number of such regulations.

3 But the one that I'm going to focus on here  
4 is really an obscure one but really an important one.  
5 It's 50 CFR 158.400(e)(1), really buried in your  
6 regulations. It's one that says that for pesticide  
7 applicants, people that are trying to get approval for  
8 a new registration, it says the Agency has waived the  
9 requirement to submit product performance data, with a  
10 few exceptions. Agency is not requiring product  
11 performance data.

12 I don't know when that was implemented. I  
13 think it was about 10 or 15 years ago, but the Agency  
14 used to require transparency about product performance  
15 so people could FOIA that and we could have access to  
16 whether these products really worked as claimed. But  
17 the Agency no longer requires that.

18 Well, the most absurd result of that is that  
19 with respect to insecticide seed coatings on soybean  
20 seeds, in 2015, EPA did a detailed, costly, public  
21 paid benefits assessment and determined that actually  
22 seed coatings on soybeans provided no benefits to  
23 farmers on the whole, very little, if any, was, I  
24 think, the exact words from EPA's assessment.

25 It's been backed up by several other

1 independent assessments, including one by the Center  
2 for Food Safety. So, that was 15 years after it first  
3 allowed seed coatings to go onto soybean seeds, or at  
4 least 12 years after. So, we, as a nation,  
5 experienced 10 or 15 years of these products that  
6 actually provide no benefit because of this obscure  
7 regulation that allowed the applicant to not have to  
8 provide performance data. Do you see what I'm getting  
9 at?

10 So, cost benefit analysis is part of what  
11 the Trump executive order is asking for. It's good  
12 business to be cost beneficial. So, the Agency should  
13 not be allowing pesticide products to go into the  
14 market that provide no ultimate benefit to the users.  
15 So, the farmers are getting ripped off. It's a big  
16 consumer protection scandal in my opinion, for the  
17 farmers are getting ripped off by these products.

18 We, as environmentalists, as bird lovers, as  
19 beekeeper supporters, are getting harmed by the side  
20 effects of these products. So, that's the end of my  
21 comments. Thank you.

22 MR. KEIGWIN: Are there any other commenters  
23 in the room?

24 (No response.)

25 MR. KEIGWIN: Bill, I know you had wanted to



1 say a little bit more as well.

2 MR. JORDAN: Thank you. My name is Bill  
3 Jordan.

4 I just want to take a moment to say that I  
5 know two of the individuals who have been mentioned,  
6 Jess Rowland and Anna Lowit, as employees of EPA whose  
7 integrity has been challenged in comments made this  
8 morning. I know both of them well, and I think those  
9 comments are completely unfounded.

10 Those two individuals, like many, many, many  
11 other people who work in the Office of Pesticide  
12 Programs, maintain a high standard of integrity,  
13 competence, and commitment to the work of the Agency.  
14 It is disrespectful and shameful, in my opinion, to  
15 criticize them in that manner.

16 MR. KEIGWIN: I think I see one last  
17 commenter.

18 MS. WALKER: Hi, I'm Larissa Walker and I'm with  
19 the Center for Food Safety. I wanted to provide a quick  
20 comment today to stress the importance of EPA's mandate  
21 to protect human health and the environment and encourage  
22 EPA to uphold and strengthen many of the key regulations that  
23 are intended to support the Agency's core mission,  
24 regulations that protect farmworkers, as we heard

1 today, children, pregnant women, vulnerable  
2 communities, endangered species, pollinators, our  
3 water, our air, and the broader environment, all of  
4 which are threatened by the rampant use of toxic  
5 pesticides, pesticides that EPA is obligated to  
6 protect against unreasonable adverse harm from.

7 So, I want to echo many of the important  
8 comments today made by my colleagues and urge EPA to  
9 uphold its commitment to human health and the  
10 environment and not weaken or completely throw away  
11 critical regulations that protect us against serious  
12 harms from pesticides. Thank you.

13 MR. KEIGWIN: Thank you. I think I see one  
14 more hand here, if you want to come up to the  
15 microphone. Please introduce yourself.

16 MR. PETERS: Hello, my name is Joshua Peters  
17 (phonetic). I'm not with any agency. I'm a former  
18 school teacher of 13 years. As part of my training, I  
19 traveled to different countries. In 1996, I was in  
20 Guatemala. I visited many of the outlying areas  
21 around the capital. In a place that was just coming  
22 out of a really tumultuous period, there was very  
23 little regulation.

24 A scene that has always stuck out in my  
25 memory was playing soccer with a group of what I

1 thought were children all around my hip height -- me  
2 being a short person, that's not very tall -- only to  
3 find out that these were children in their 20s and who  
4 have all been victims of rampant dumping of chemical  
5 waste and toxicity.

6 I've always looked towards the EPA as an  
7 agency that ultimately has humanity's best interest at  
8 heart. The son of a physicist who spent his last 15  
9 years working for NOAA and a family generally  
10 committed towards working towards human good, I'd  
11 hoped that this organization had the wherewithal and  
12 character to stand up for what is scientifically  
13 correct and morally right for the United States  
14 population.

15 MR. KEIGWIN: One last call for speakers in  
16 the room.

17 (No response.)

18 MR. KEIGWIN: All right, thank you for all  
19 of you who participated today. This closes our public  
20 comment session of the PPDC meeting.

21 Just to wrap things up, as far as it goes  
22 for the PPDC meeting, just a reminder that the public  
23 comment period on the executive order and the  
24 implementation here at EPA closes on May 15th of this  
25 year.

1           As we mentioned at the beginning of the  
2 meeting, there will be a transcript available from  
3 this morning's discussion, available on the PPDC  
4 website within the next couple of weeks.

5           As I mentioned yesterday, we have just  
6 completed a new membership drive for the Pesticide  
7 Program Dialogue Committee. We'll soon be reviewing  
8 the nominations that came forward and making a  
9 recommendation internally through the Agency. Over  
10 the next few months, we will be announcing the  
11 reconstituted membership of the Pesticide Program  
12 Dialogue Committee.

13           For all of you, the next PPDC meeting is  
14 scheduled for November 1st and 2nd of this year.

15           Then, before we conclude, I just want to  
16 give several mentions of thanks, first to the PPDC  
17 members for all of your efforts. We had a great  
18 dialogue yesterday, and I think we got some valuable  
19 input from you all as we think about how we advance  
20 some of the issues that we brought to you.

21           And for the members of the PPDC who have  
22 been term limited, I really want to thank you for your  
23 dedication over the last six years. We get a lot out  
24 of the work that you all do, and we know that you have  
25 other jobs that you're doing. So, squeezing in the

1 time to provide input to us is invaluable. So, thank  
2 you for that.

3 I also really want to thank Dea Zimmerman  
4 for all of her help. When we learned of the need to  
5 hold the public meeting regarding the executive order  
6 and we scrambled given the time frame that we had, we  
7 knew we had this opportunity to PPDC. Rather than  
8 seeing it as a challenge, Dea just really ran with it.  
9 I think she spent about three or four Monday mornings  
10 with us, calling in from Chicago, while we were all  
11 trying to figure out how do we do this. She had the  
12 clarity of sight to kind of figure it out and get it  
13 done right and pull together really an army of people  
14 from across the Office of Pesticide Programs to get  
15 this to run as smoothly as it did. So, I just want to  
16 thank Dea personally.

17 We also got a lot of assistance from our  
18 colleagues in Office of Land and Emergency Management  
19 in terms of trying to figure how to run today's  
20 meeting in particular and how to get as many of you in  
21 the room as possible, how to run the phone lines. We  
22 couldn't have pulled this off without the efforts of  
23 our sister office. So, thank you to our OLEM colleagues  
24 as well.

25 And then, again, thank you to all of you for

1 participating. This concludes the PPDC meeting.

2 Thank you, and have a good rest of the day.

3 (The meeting was concluded.)

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