AGRICULTURAL RETAILERS ASSOCIATION

November 22, 2016

The Honorable Jim Jones
Assistant Administrator, Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. Mail Stop 7101M
Washington, DC 20460

RE: Federal Register Notice; Chlorpyrifos; Tolerance Revocations; Notice of Data Availability and Request for Comment (Docket ID: EPA-HQ-OPP-2015-0653-0402)

Dear Mr. Jones,

I write today concerning EPA's proposed tolerance revocation [Docket ID: EPA-HQ-OPP-2015-0653-0402] for chlorpyrifos insecticide.

ARA has serious concerns with the approach taken by the Agency in this matter, namely revoking a food tolerance under the Federal Food Drug & Cosmetic Act instead of canceling a registration under FIFRA. This appears to be an end-run around the statutory procedures in FIFRA that the Agency needs to follow in order to cancel a product registration. But the end result is the same, only without the process and predictability offered under FIFRA – if there is no food use tolerance for chlorpyrifos, the product cannot be used in food crops. And its availability for food crop production is essential.

Reliance on epidemiology conclusions, which identify correlations but not cause and effect, and for which the raw data are not available, appear to have affected the Agency's proposed decision and has eroded its' scientific foundation. ARA commented extensively on this topic in a January 5, 2016, submission to the regulatory docket on this topic, and those concerns remain.

EPA's comprehensive endorsement of the Columbia University epidemiology study raises serious questions regarding the agency's use of a wide range of important occupational handler use scenarios. EPA's use of the Columbia University Study without providing the raw data be made available to the Agency or the registrant is a major procedural change that places new questionable assumptions used as the basis of the agency's decisions related to this important and proven crop protection tool. We urge EPA to reevaluate its proposal to revoke tolerances on chlorpyrifos based on the agency's significant overestimate of risk.

EPA states that under the agency's current analysis "there does not appear to be risks from exposures to chlorpyrifos from food, but when that exposure is combined with estimated exposure to drinking water in certain watersheds, EPA cannot conclude that the risk from the potential aggregate exposure meets the Federal Food, Drug, and Cosmetic Act (FFDCA) safety standard." It is ARA understanding that EPA historically only does a national screen to estimate concentrations in surface water sources of drinking water, which is based on one drinking water

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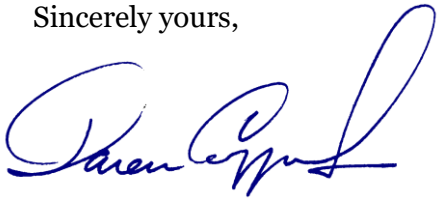
reservoir in the state of Illinois. EPA states that whereas in its 2014 drinking water assessment, only two HUC-02 regions were assessed. EPA has updated those assessments, and has provided estimates for the remaining (i.e., 19) HUC-02 regions. ARA supports this approach by EPA, and also agrees with the National Agricultural Aviation Association's (NAAA) recommendation that EPA use all available data to identify actual small watersheds with drinking water intakes with the greatest potential runoff vulnerability in surface water sources, both reservoirs and flowing streams. These modeling iterations should be repeated using all available refinements supported by existing data to generate the most accurate information and the process corresponds to the level of refinement done in the Health Effects Division (HED) to estimate residues in food.

ARA members along with the vast majority of American farmers do not want to lose the use of chlorpyrifos as a safe and cost-effective insecticide tool that provides broad-spectrum control of many damaging insect pests. We believe EPA is using flawed data / assessments regarding the risks inherent from chlorpyrifos. EPA should not use an application of 10x FQPA SF and a 10x interspecies safety factor, and duration assumptions regarding mixer / loader exposure, and should use extensive data collected from laboratories rather than the flawed epidemiological associations for human risk assessment. The current re-registration of chlorpyrifos should stand. EPA needs to stop pursuing the revocation of any tolerances for this essential crop protection tool.

Notwithstanding our reservations about process and appropriate data, if EPA does finally conclude that the tolerance needs to be canceled and thereby effectively nullifies its registration for food crops without following FIFRA procedures, ARA strongly urges EPA to use the standard approach related to products "released for shipment" in its final order. As was the case with the earlier decisions on sulfoxaflor and flubendiamide, if the order only allows use of product in the grower's possession, a grey area will be opened up for product that has been sold by the manufacturer but not yet delivered to the grower. EPA's Environmental Appeals Board clearly indicated in the flubendiamide case that a departure from the historic approach was unwarranted, and this case is no different on that particular point.

Please contact us should you have any questions about our position or if we may be of assistance in any way.

Sincerely yours,



W. Daren Coppock
President & CEO

c: Jack Housenger, OPP; NASDA; CropLife America