AGRICULTURAL
RETAILERS
ASSOCIATION

Suppliers to America's Farmers

1156 15TH STREET, NW • SUITE 500 • WASHINGTON, DC 20005
T 202.457.0825 • F 202.457.0864 • *www.aradc.org*

March 4, 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: Flubendiamide cancellation

Dear Mr. Jones,

On March 1, 2016, EPA issued a Notice of Intent to Cancel all remaining flubendiamide products manufactured by Bayer CropScience LP and Nichino America, Inc. ARA is troubled by EPA's action in this case and what appears to be an ever growing departure from hard science in favor of modeling for registrations. We strongly disagree with this action and are concerned the loss of this product would have a major impact on our members and their farmer customers who have come to rely on flubendiamide registered products as a critical tool in their pest management programs.

Flubendiamide is sold in many countries and registered for use on more than 200 crops in the United States. Real-world data from extensive monitoring that has taken place over the last 7 years have clearly shown residues well within the previously established safe levels. This product has been an effective and safe tool used by farmers to control pests and helping maximize crop yields. Historically, the EPA has followed a transparent application of sound science to ensure product safety and encourage innovations within the agricultural crop protection industry. It is disappointing that EPA is adopting new toxicity, epidemiology and exposure assumptions for residues of flubendiamide and other products that over-rely on theoretical modeling in favor of empirical data.

However, should EPA proceed with cancellation, ARA requests the Agency follow long-established "released for shipment" procedures that will allow for the legal sale and use of existing stocks in the supply chain in accordance with their label. Within the U.S. agricultural industry we understand how to handle product "released for shipment". But 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 but not yet delivered. Not following customary "released for shipment" procedures will also likely increase the need for Section 18 labels should emergencies arise, and divert the resources of both state agencies and EPA from other priorities to that purpose.

EPA's change in approach for the earlier cancellation of sulfoxaflor was an unwarranted departure from decades of past practice, even with the special legal circumstances associated with that cancellation. EPA's change in policy added regulatory uncertainty, risk and cost for ag retailers and distributors, and for the registrant as well. Returning to past practice is absolutely justified in this case, and it would be a mistake to not do so.

ARA respectfully requests that EPA withdraw the Notice of Intent to cancel this important crop protection tool. If the agency does indeed cancel the product it should allow all product released for shipment to be used according to its label. Thank you for your review and consideration of our comments.

Sincerely yours,

W. Daren Coppock
President & CEO

cc: Jack Housenger, OPP; NASDA, CropLife America, Bayer CropScience