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November 4, 2015

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: Sulfoxaflor cancellation order

Dear Mr. Jones,

Thank you for meeting with us earlier this week to discuss the expected cancellation order for sulfoxaflor. As we indicated, ARA is troubled by EPA's departure from established practice on cancellation orders in this case. We disagree with the Court's supplanting its scientific opinion for the Agency's expertise in this case, and urge you to continue defending the Agency's risk assessment based approach to registrations and cancellation orders.

According to information we received from Dow Agrosiences after we met with you, there is over 85% of a year's supply of sulfoxaflor in the marketing channel at present. Of that total, no more than 5% is in the hands of the end user. Therefore, if EPA issues the cancellation order as indicated in the court filing, 80% of a year's supply will be subject to the order and will have to be held for relabeling, exported or returned to the manufacturer. This will be immensely disruptive to the supply chain. It is a marked departure from well-established procedures for cancellation orders which is not justified by a severe and immediate safety or environmental threat.

The proposed approach will add uncertainty rather than clarity to the cancellation. Everyone in the system knows 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.

We understand your desire to propose a cancellation order that the Court will find acceptable. We believe that the Agency has a solid and justifiable record on which to stand for how it has handled past cancellation orders, and that the established practice should be followed in this case as well. ARA respectfully requests that EPA issue a cancellation order allowing all product released for shipment to be used according to its label, and to defend that approach to the Court.

Sincerely yours,

W. Daren Coppock  
President & CEO

c: Jack Housenger, OPP; NASDA, CropLife America, Dow Agrosiences