

DAVID VITTER, LOUISIANA
JOHN BARRASSO, WYOMING
SHELLEY MOORE CAPITO, WEST VIRGINIA
MIKE CRAPO, IDAHO
JOHN BOOZMAN, ARKANSAS
JEFF SESSIONS, ALABAMA
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
MIKE ROUNDS, SOUTH DAKOTA
DAN SULLIVAN, ALASKA

BARBARA BOXER, CALIFORNIA
THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
CORY A. BOOKER, NEW JERSEY
EDWARD J. MARKEY, MASSACHUSETTS

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RYAN JACKSON, MAJORITY STAFF DIRECTOR
BETTINA POIRIER, DEMOCRATIC STAFF DIRECTOR

March 23, 2016

Jim Jones
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Assistant Administrator Jim Jones:

I am writing to express my interest and concern with a series of risk assessments being conducted by the Office of Pesticide Programs (OPP) for insecticides potentially harmful to bees.

As you are aware, the Environmental Protection Agency (EPA) recently released a preliminary risk assessment on imidacloprid¹, a neonicotinoid insecticide. In addition, EPA plans on conducting three more preliminary risk assessments on neonicotinoid insecticides, clothianidin, thiamethoxam, and dinotefuran, to be released for public comment in December 2016.² These risk assessments are part of ongoing insecticide registration review and helps fulfill EPA's role in the Presidential Pollinator Strategy³ that was initially prompted in 2006 when some beekeepers began reporting sudden losses of 30-90 percent of their hives.⁴ The phenomenon was dubbed by scientists as colony collapse disorder (CCD). Given the uncertainty regarding the cause of CCD and subsequent low bee populations and the influence of these risk assessments on potential regulatory actions by EPA, I ask that you proceed with the utmost caution and continuously reevaluate the underlying assumptions of your approach. This will ensure unnecessary regulatory action with potential unintended consequences is not taken.

EPA's preliminary risk assessment on imidacloprid found that high levels of residue exposure, above 25 ppb, likely results in "decreases in pollinators as well as less honey produced."⁵ The risk assessment notes that the 25 ppb threshold has implications for use of imidacloprid on certain crops, but not others. However, a review of the open literature on the topic, as well as work conducted by the United States Department of Agriculture (USDA), shows there is generally a consensus that multiple factors are related to honey bee losses and no single

¹ Preliminary Pollinator Assessment to Support the Registration Review of Imidacloprid (January 4, 2016), <file:///C:/Users/jg40146/Downloads/EPA-HQ-OPP-2008-0844-0140.pdf>.

² Press Release, Envntl. Prot. Agency, EPA Releases the First of Four Preliminary Risk Assessments for Insecticides Potentially Harmful to Bees (2016), <https://www.epa.gov/pesticides/epa-releases-first-four-preliminary-risk-assessments-insecticides-potentially-harmful>.

³ Public Webinar on Imidacloprid Preliminary Pollinator Assessment. <https://epawebconferencing.acms.com/p4hn43v0p83/?launcher=false&fcsContent=true&pbMode=normal>.

⁴ USDA, *Honey Bee Health and Colony Collapse Disorder*, <http://www.ars.usda.gov/News/docs.htm?docid=15572>.

⁵ Preliminary Pollinator Assessment to Support the Registration Review of Imidacloprid (January 4, 2016), <file:///C:/Users/jg40146/Downloads/EPA-HQ-OPP-2008-0844-0140.pdf>.

factor, such as insecticides, have been identified as a cause.⁶ Other factors include diseases and parasites, bee management practices, agricultural practices, urbanization and plant nutrition.⁷

It is critical that EPA determine if any neonicotinoid insecticides are actually used in practice at levels high enough to cause serious harm to honey bee populations before taking regulatory action. EPA is currently uncertain whether one of the main assumptions underlying the recent findings, that bees feed continuously on the treated crops for six weeks, is realistic.⁸ The link between neonicotinoids and bees has been scrutinized for years with many scientists coming to the conclusion that neonicotinoid pesticides only harm bees at dosages that are unrealistically high and are unlikely the cause for the decline in bee populations.⁹

At a hearing held by the House Committee on Agriculture regarding EPA's impacts on the rural economy, Representative Jim Costa also expressed concern to EPA Administrator McCarthy regarding the findings of EPA's risk assessment.¹⁰ Costa noted that the risk assessment seemingly singled out specific commodities that do not require pollination from bees. Administrator McCarthy promised to work with Congress on neonicotinoids and indicated, "The science is difficult, but it is growing and getting more robust."¹¹ McCarthy also acknowledged that EPA's authority to regulate pesticides rests with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which establishes a risk-based regulatory approach instead of the precautionary principle. FIFRA asks EPA to consider "unreasonable adverse effects on the environment" which is to take into account the economic, social and environmental costs and *benefits* of the use of any pesticide.¹² This is markedly different than a precautionary approach, which calls for measures to be taken when an activity potentially raises threats to the environment - even if cause and effect relationships are not fully established scientifically. It is my intent to hold Administrator McCarthy to her word that EPA shall approach this issue with proper application of FIFRA in lieu of a process resembling the precautionary principle.

The precautionary principle was used in the European Union (EU) when they placed a ban on neonicotinoids because of similar concerns regarding their effects on bee populations and pressure from environmental activist groups.¹³ However, that ban had to be temporarily and partially lifted after the National Farmers Union sent two emergency applications to the Chemicals Regulation Directorate to relax the ban in order to protect their crops from a flea beetle infestation.¹⁴ In instances where farmers were unable to use neonicotinoid pesticides

⁶Public Webinar on Imidacloprid Preliminary Pollinator Assessment, <https://epawebconferencing.acms.com/p4hn43v0p83/?launcher=false&fcsContent=true&pbMode=normal>.

⁷ Id.

⁸ Id.

⁹ Peter Borst, *The idea that neonics threaten bees is a misguided notion*, TimesUnion (February 23, 2016), <http://www.timesunion.com/tuplus-opinion/article/The-idea-that-neonics-threaten-bees-a-misguided-6850041.php>.

¹⁰ *To consider the impacts of the Environmental Protection Agency's actions on the rural economy: Hearing before the H.R. Comm. on Agriculture*, 114th Cong. (2016), <https://w3.lexis.com/clients/usenate/Default.asp>.

¹¹ Id.

¹² 7 U.S.C. §§136-136y, <http://www.agriculture.senate.gov/imo/media/doc/FIFRA.pdf>.

¹³ Claire Marshall, *Ban lifted on controversial 'neonic' pesticide*, BBC News (July 23, 2015), <http://www.bbc.com/news/science-environment-33641646>.

¹⁴ Id.

because of the ban, they resorted to use of older, less effective and more damaging pesticides that neonicotinoids were introduced to replace.¹⁵ EPA must firmly establish a clear causal link between realistic use of neonicotinoids and bee population declines in order to avoid repeating the mistakes made in the EU that took crucial tools away from European farmers.

Indeed, the limited findings of your imidacloprid risk assessment have already prompted misleading and sensationalist headlines from the media¹⁶ and calls by well-funded environmental activist groups to outright ban neonicotinoid insecticides.¹⁷ In fact, Mother Jones reported that an EPA spokesperson stated, “The report card was so dire that the EPA ‘could potentially take action’ to ‘restrict or limit the use’ of the chemical by the end of the year”.¹⁸ Additionally, the Natural Resources Defense Council (NRDC) has flooded the comment docket with a mass generated letter that urges “EPA to speed up its schedule for registration review and cancel any uses of imidacloprid that pose high risks to bees and other pollinators.”¹⁹ However, NRDC and others have been calling for a ban on neonicotinoids for years²⁰ and seem to be most concerned with their desired policy outcome, instead of properly identifying the causes of and mitigating recent declines in bee populations. These calls do not heed a risk-based regulatory approach and I urge you to prudently evaluate the findings and regulatory options to determine what is fair to all stakeholders.

For these reasons, I ask that you are mindful of the science related to the real world effects of neonicotinoids on pollinators, and that a robust analysis of the benefits of neonicotinoids is considered. Finally, the assumption that use of neonicotinoids has resulted in low bee populations should be continuously challenged given the current consensus that there is no one cause for lowered bee populations.

Sincerely,



James M. Inhofe
Chairman
Environment and Public Works

¹⁵ Rebecca Randall, *Pests invade Europe after neonicotinoids ban, with no benefit to bee health*, Genetic Literacy Project (January 27, 2015), <https://www.geneticliteracyproject.org/2015/01/27/pests-invade-europe-after-neonicotinoids-ban-with-no-benefit-to-bee-health/>.

¹⁶ *EPA admits popular insecticide threatens honeybees*, RT (January 8, 2016), <https://www.rt.com/usa/328230-epa-neonicotinoids-threaten-pollinators/>.

¹⁷ Press Release, NRDC, NRDC: EPA Should Ban Bee-Killing ‘Neonic’ Insecticides (July 7, 2014), <http://www.nrdc.org/media/2014/140707.asp>.

¹⁸ Tom Philpott, *The EPA Finally Admitted that the World’s Most Popular Pesticide Kills Bees – 20 Years Too Late* (January 7, 2016), <http://www.motherjones.com/tom-philpott/2016/01/epa-finds-major-pesticide-toxic-bees>.

¹⁹ Mass Comment campaign entitled “Ensure that the Honey Bees are Protected from Toxic Imidacloprid” sponsored by Natural Resources Defense Council, <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2008-0844-0089>.

²⁰ Press Release, NRDC, NRDC: EPA Should Ban Bee-Killing ‘Neonic’ Insecticides (July 7, 2014), <http://www.nrdc.org/media/2014/140707.asp>.