

Congress of the United States
Washington, DC 20515

September 30, 2014

Administrator Gina McCarthy
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

On June 20, 2014, President Obama issued a directive to federal agencies to create a federal strategy to promote honeybee and other pollinator health. The President's leadership could not come at a more critical time. Commercial beekeepers across the country experienced extremely high colony losses this past winter, and their hives have yet to recover to full strength as they now continue to pollinate a multitude of crops around the country. Native pollinators, such as bumblebees, have also suffered alarming population declines, and two species now have petitions pending for protection under the Endangered Species Act. There are currently over 40 pollinator species Federally-listed as threatened or endangered, and most recently, the iconic monarch butterfly has declined by 90 percent.

Among other things, the President's directive charged federal agencies to expand efforts to reverse pollinator losses. Under the directive, the Environmental Protection Agency (EPA) is charged with assessing the effect of pesticides, predominantly neonicotinoids, on bee and other pollinator health and taking action, as appropriate, to protect pollinators. As your agency begins this process, we encourage you to consider the following developments.

Recent findings from the International Union for Conservation of Nature (IUCN) Task Force on Systemic Insecticides, which reviewed over 800 peer-reviewed published journal articles over the past two decades, determined that systemic pesticides –including neonicotinoids– are accumulating in soils and polluting waterways and natural vegetation across the world, leading to widespread impacts on wildlife inhabiting farmland and aquatic habitats. The Task Force also found growing evidence that much of their use as seed treatments is unnecessary and ineffective. Research has also shown steep declines in the abundance and distribution of one third of all North American bumblebee species, and surveys of winter habitat in Mexico show that the monarch butterfly has declined by 90% from almost a billion butterflies in the early 1990s. Studies have indicated adverse impacts of pesticides to many native pollinator species – these risks must be curbed before more species approach extinction. Most recently, research published in the journal *Nature* showed that the most severe bird population declines occurred in those areas where neonicotinoid pollution was highest. Starlings, tree sparrows, and swallows were among the most affected.

In response to this growing body of information, the U.S. Fish and Wildlife Service (FWS) announced it plans to phase out use of neonicotinoids in all National Wildlife Refuges by 2016. In making its decision, FWS noted, “We have determined that prophylactic use, such as a seed treatment, of the neonicotinoid pesticides that can distribute systematically in a plant and can potentially affect a broad spectrum of non-target species is not consistent with Service policy. We make this decision based on a precautionary approach to our wildlife management practices and not on agricultural practices.” FWS’s decision marks a significant move in the right direction as the first U.S. agency to restrict use of neonicotinoids.

We encourage you to follow the lead of FWS and respond to this troubling situation swiftly and effectively. As you move forward with your assessment of these pesticides, we specifically request that EPA examine and consider the following issues:

Policy Recommendations

- Restrict and/or suspend the use of neonicotinoids on bee-attractive crops and ornamental applications. EPA should further restrict the times, methods of application, and locations of neonicotinoid use in order to protect pollinators. In instances where bees and other pollinators cannot be fully protected, we urge you to suspend the use of neonicotinoid products.
- FIFRA directs EPA to evaluate whether the use of pesticides (including neonicotinoids) proposed for registration presents “any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits [emphasis added].” If EPA’s weighing of the foreseeable costs of a proposed product exceeds its foreseeable benefits, then FIFRA compels the agency to deny registration. Accordingly, EPA should conduct the requisite cost-benefit analysis and reject applications to register any prophylactic insecticides when EPA determines that their prophylactic use would undermine basic Integrated Pest Management (IPM) principles, may harm organic farm production, or are not cost-effective, either for the farmer or the nation as a whole.
- Fully comply with the Endangered Species Act Section 7 consultation requirements before registering pesticides. For neonicotinoids already registered, EPA should initiate consultation for all threatened and endangered pollinators immediately.
- Ensure pesticide labels are up to date and require a detailed bee hazard statement on the label of all neonicotinoid products, including treated seeds, not on just foliar use products as is the case now.
- Prior to registration of any new pesticide with high bee toxicity, require a comprehensive data set on pollinator toxicity, including both acute and chronic sublethal toxicity to native and managed bees at multiple life stages.

- Pesticide seed treatments should be fully assessed for impacts. Furthermore, neonicotinoid-treated seeds should not be exempted from federal pesticide regulations, as EPA currently allows.
- The Agency should phase out conditional registrations and should set a strict deadline for registrants to submit required data for meeting EPA's set conditions. Conditional registration allows a new active ingredient to enter the market for an unspecified period of time while the registrant gathers safety data requested by EPA. EPA's own analysis of the program between 2004 and 2010 confirms that this process has been misused in 98% of cases. Using conditional registration approximately 65% of the 16,000 currently registered pesticide products—including clothianidin and other neonicotinoids—have been rushed to market before basic toxicity testing is completed.
- Rectify discrepancies between application rates for backyard garden products and agricultural products. EPA should direct pesticide registrants to review product labels to determine the extent of the discrepancy between backyard use rates and agricultural rates. A recent analysis compared legal label rates of the active ingredient imidacloprid for use on apple trees in a backyard to agricultural application rates and found that use rates in a backyard could be up to 120 times higher than in agricultural applications. All discrepancies should be rectified.
- Re-categorize commercial neonicotinoid products as restricted use. The vast majority of neonicotinoid products are designated as general use. As such, individuals can apply these pesticides at their place of employment without obtaining a pesticide applicators license. Due to the newly emerging science demonstrating the risks of neonicotinoids, EPA should reassess neonicotinoid products intended for commercial use to determine whether they should be re-categorized as restricted use.

We thank you for your consideration and look forward to working with your agency as it addresses this critical issue.

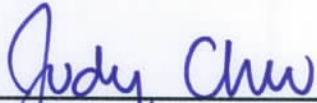
Sincerely,

Earl Blumenauer
Member of Congress

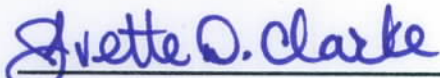
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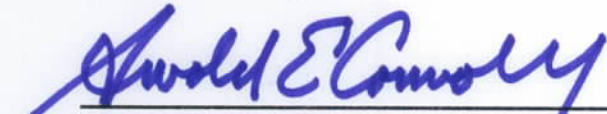
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Judy Chu
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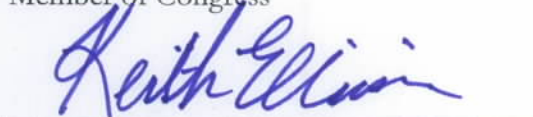
Yvette Clarke
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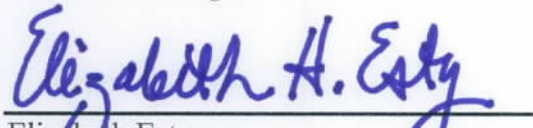
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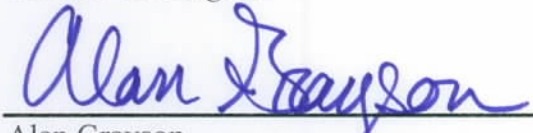
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Elizabeth Esty
Member of Congress



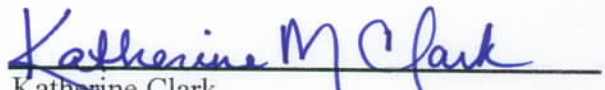
Chaka Fattah
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Alan Grayson
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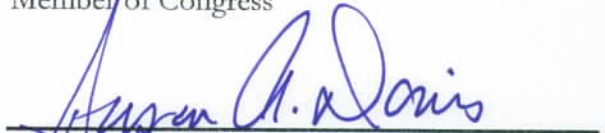
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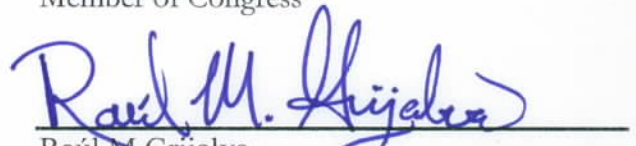
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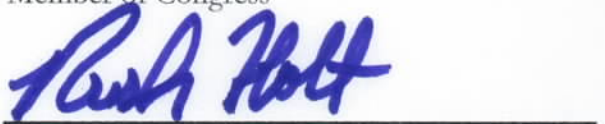
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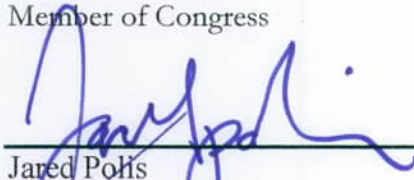
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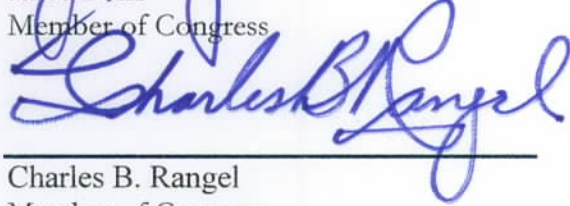
Eleanor Holmes Norton
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Beto O'Rourke.

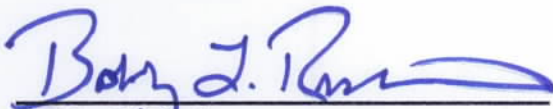
Beto O'Rourke
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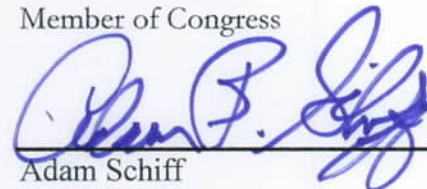
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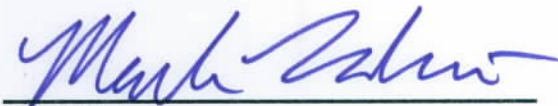
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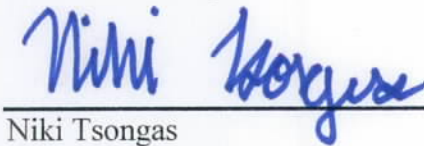
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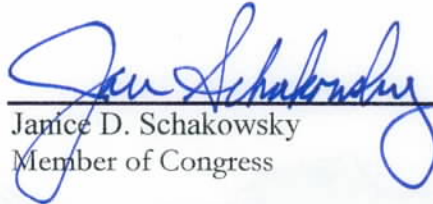
Mark Pocan
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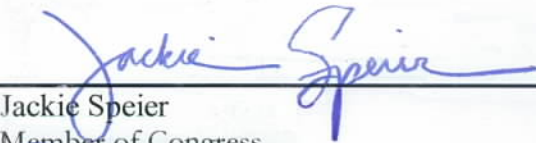
Lucille Roybal-Allard
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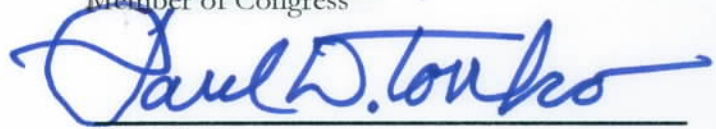
Janice D. Schakowsky
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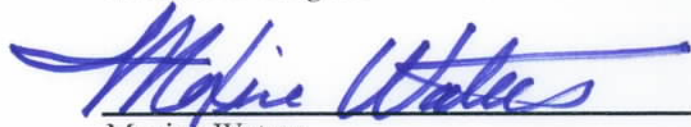
Allyson Y. Schwartz
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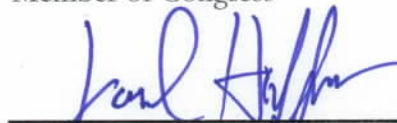
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