



CALIFORNIA FARM BUREAU FEDERATION

FEDERAL POLICY DEPARTMENT

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June 10, 2016

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

Docket No. EPA-HQ-OPP-2008-0850-0856

RE: Biological Evaluations of Chlorpyrifos, Diazinon, and Malathion

The California Farm Bureau Federation (CFBF) appreciates the opportunity to provide comments on the biological evaluations of chlorpyrifos, diazinon, and malathion and request that the agency take into account the impact the agency's actions may have on farmers and ranchers. As the largest farm organization in California, CFBF represents over 53,000 farm families and individual members. These growers are engaged in the production of the widest range of agricultural products and in many instances are critically dependent on pesticide products regulated by the U.S. Environmental Protection Agency (EPA).

CFBF has extensive policy regarding the safe use of pesticides to insure a reliable, high quality supply of safe, nourishing, and affordably priced food and agricultural commodities.

Organophosphates (OPs) provide a number of beneficial uses to farmers for a wide range of crops. They can be readily implemented into an integrated pest management (IPM) program, as well as insect resistance management (IRM) programs. OPs also work readily in tank mixes while providing flexible timing and method of application; they have a history of usage and familiarity for growers while providing effective, consistent pest control.

To cite one example, chlorpyrifos is widely used on a broad spectrum of crops, including apples, almonds, broccoli, cherries, cotton, dry beans, grapes, sunflowers, onions, and watermelon among many others. For an exhaustive discussion of its uses and benefits, we refer the agency to a document prepared by Dow Agro Sciences (DAS), viz., [http://storage.dow.com.edgesuite.net/dowagro/chlorpyrifos/Use and Benefits of Chlorpyrifos in Agriculture 2016.pdf](http://storage.dow.com.edgesuite.net/dowagro/chlorpyrifos/Use_and_Benefits_of_Chlorpyrifos_in_Agriculture_2016.pdf). This carefully prepared paper delineates the many uses and benefits of the product and underscores its importance for production agriculture.¹

Because of the important benefits provide by OPs to agriculture, CFBF wishes to register its strong concern about EPA's approach in this proceeding. We strongly urge the agency to revisit its assumptions and revise its thinking because we believe the agency appears to be establishing an approach that will result in nearly irreparable impacts on farmers.

As a general remark, we note that the agency has released in this docket a series of papers and materials that constitute over 12,000 pages of highly technical text, scientific assumptions and

¹ Included in this document as Appendix A is a copy of CFBF's comments filed on December 21, 2015 when the agency announced it was considering revoking all tolerances for chlorpyrifos. The comments also contain details about the benefits and usage of chlorpyrifos in California.

evaluations and consequent judgments. It is nearly impossible for farmers and ranchers to examine such a wealth of data in the amount of time provided by the agency and respond in a meaningful manner. As a result, the agency's process may well fail to live up to the statutory guidelines laid down by Congress, under which the agency is instructed to take into account the impacts of its pesticide evaluations on farmers. Accordingly, we caution the agency that its actions may well prove highly detrimental to agriculture.

Additionally, the approach itself that EPA appears to favor presents problems. For instance, we are fearful that the agency may be proceeding in a manner that injects a 'precautionary principle' approach into its evaluations and decisions. Such an approach is without precedent, flies in the face of the law and should not be adopted.

EPA has an obligation, scientifically and validly, to evaluate the risk and exposure scenarios posed by a given chemical – in this instance, the three OPs under consideration. It appears that EPA has purposely chosen very low effects endpoints and unrealistic levels of exposure that artificially inflate 'likely to adversely affect' (LAA) determinations. We anticipate that others will file related comments to these dockets underscoring flaws in EPA's methodology and how that methodology overstates potential risks and exposures. We strongly advise the agency to consider such comments carefully. While CFBF does not retain professional staff trained in biological evaluations, we are concerned that the agency has apparently adopted a methodology that overstates risk/exposure scenarios, the impact of which will be to limit the availability of these OPs to farmers, thus undermining the ability of farmers to manage their lands efficiently, productively and profitably. In a similar vein, EPA apparently is relying on provisional models and approaches that are defective (one spatial distribution estimate reportedly has several whale species occupying habitat in Indiana).

For these reasons – the limited time available to affected stakeholders to provide comment; the voluminous amount of highly technical material; the potentially broad and negative impact on growers; the flawed methodology adopted by the agency; the overly conservative assumptions embedded in the agency's approach; and the adoption of a precautionary approach that is not consistent with the law – we urge the agency to carefully reconsider its approach and not proceed as outlined in these biological evaluations.

We value the opportunity to provide comments to the agency.

Sincerely,



Chelsea Molina
Legislative Analyst

Appendix A



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

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December 21, 2015

Docket, Environmental Protection Agency
Mailcode 2822IT
1200 Pennsylvania Ave, NW Washington, DC 20460

Chlorpyrifos Tolerance Revocations
Docket ID No. EPA-HQ-OPP-2015-0653

The California Farm Bureau Federation would like to submit the following comments on the U.S. EPA proposal to revoke all tolerances for the insecticide chlorpyrifos in response to a court-ordered deadline. As the largest farm organization in the state representing over 53,000 farm families and individual members, Farm Bureau works to find solutions to problems faced on the farm and throughout the rural community in California.

We have extensive policy regarding the safe use of pesticides to insure a reliable, high quality supply of safe, nourishing, and affordably priced food and agricultural commodities. We support reducing pesticide risk and danger where they actually exist. But in the absence of a refined, realistic and comprehensive drinking water analysis, proposing the revocation of all or any chlorpyrifos tolerances is unjustified.

Products containing chlorpyrifos are critical to California agriculture. They are one part of comprehensive Integrated Pest Management programs and provide benefits for both small and large farm operations, including maximizing yield and yield quality, and contributing to insect resistance management.

The California Department of Pesticide Regulation use reporting database indicates there were close to sixty crops that were treated with chlorpyrifos products in 2013, on approximately 1.3 million acres. There are no known areas with drinking water concerns related to use of chlorpyrifos in California. Listed below are the crops obtained from the DPR database that benefit from having chlorpyrifos available.

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2013 Pesticide Use Reporting

<http://www.cdpr.ca.gov/docs/pur/purmain.htm>

Table 7: The reported pounds of pesticides used that are cholinesterase-inhibiting pesticides.

AI	2005	2006	2007	2008	2009	2010	2011	2012	2013
CHLORPYRIFOS	2,031,348	1,928,989	1,442,521	1,368,568	1,248,584	1,288,733	1,300,202	1,104,428	1,460,672

Table 8: The reported cumulative acres treated with pesticides that are cholinesterase-inhibiting pesticides.

AI	2005	2006	2007	2008	2009	2010	2011	2012	2013
CHLORPYRIFOS	1,681,634	1,538,958	1,154,681	1,162,654	935,588	1,097,107	1,188,150	1,053,936	1,288,690

CHLORPYRIFOS

Commodity	Pounds Applied	Applications	Treated	Type
Alfalfa	193,653.45	6,991	439,496.28	A
Almond	448,672.96	2,580	240,686.91	A
Apple	3,631.20	96	2,187.05	A
Apricot	1.45	2	0.64	A
Asparagus	10,135.32	174	10,465.56	A
Avocado	26.28	2	8.00	A
Barley	35.47	2	133.00	A
Bean, Dried	486.18	34	535.00	A
		394.34	715,600.00	P
Total Pounds On This Commodity	880.52			
Bean, Succulent	243.52	15	255.00	A
Bermuda grass	37.50	1	4.00	A
Bok Choy	1,283.19	184	1,269.00	A
Broccoli	6,985.12	385	5,366.62	A
Brussels Sprout	764.05	72	986.66	A
Cabbage	3,030.86	308	3,166.31	A
		14.66	19.86	U
Total Pounds On This Commodity	3,045.53			
Cabbage, Savoy	12.97	2	19.00	A
Canola (Rape)	29.59	1	14.00	A
Cauliflower	867.33	100	771.51	A
Cherry	938.07	30	514.68	A
Chinese Cabbage (Napa)	89.88	26	111.02	A
Christmas Tree	4.00	1	4.00	A
Citrus	543.39	23	179.95	A
		0.04	92.00	U
Total Pounds On This Commodity	543.43			
Collard	73.81	13	137.37	A
Commodity Fumigation	21.16	1	45.00	?
		1.00		
Total Pounds On This Commodity	22.16			
Corn (Forage -Fodder)	40,433.78	1,110	54,224.60	A
Corn, Grain	827.21	28	1,308.20	A
Corn, Human Consumption	9,216.82	155	9,927.01	A
Cotton	157,790.22	1,525	169,015.74	A
Cucumber	0.74		5,562.32	P
		0.14	3,527.75	U
Total Pounds On This Commodity	0.88			
Daikon	1.26	2	2.75	A
Gai Choy	1.20	1	0.20	A
Gai Lon	156.38	43	154.50	A
Grape	75,964.14	833	42,749.07	A
Grape, Wine	37,917.82	332	20,582.71	A

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Grapefruit		2,273.39	91	1,284.70	A
Guava		0.70	1	2.00	A
Kale		242.23	44	332.09	A
		15.26	1	20.35	U
Total Pounds On This Commodity	257.49				
Landscape Maintenance		372.96			
Lemon		30,129.83	545	9,937.10	A
Lettuce, Leaf		10.50	1	10.00	A
Lime		9.39	4	23.25	A
Mustard		29.65	5	88.88	A
N-Grnhs Flower		81.08	61	189.83	A
		70.82	36	1,290,749.00	S
Total Pounds On This Commodity	151.91				
N-Grnhs Plants In Containers		187.91	139	4,090,930.00	S
		70.01	45	68.42	A
Total Pounds On This Commodity	257.93				
N-Grnhs Transplants		3.19	6	1.78	A
		2.37	11	274,340.00	S
Total Pounds On This Commodity	5.	56			
N-Outdr Flower		543.42	175	1,283.50	A
		128.93	37	778,824.00	S
Total Pounds On This Commodity	672.34				
N-Outdr Plants In Containers		649.82	242	1,007.34	A
		55.07	52	1,325,020.00	S
		2.40	6	9,300.00	U
Total Pounds On This Commodity	707.29				
N-Outdr Transplants		575.78	55	473.11	A
		0.51	19	16,755.00	S
Total Pounds On This Commodity	576.29				
Nectarine		1,891.56	88	1,360.61	A
Oat (Forage -Fodder)		82.67	3	88.00	A
Onion, Dry		5,142.22	123	5,824.41	A
Orange		152,323.91	1,917	49,740.21	A
Orchard Floor		38.48	5	21.50	A
Peach		5,513.48	143	2,655.44	A
Pear		98.32	6	50.50	A
Pecan		1,874.71	38	1,370.50	A
Pistachio		0.13	1	40.00	A
Plum		1,124.79	65	730.43	A
Pomelo		248.27	12	85.50	A
Prune		473.20	11	254.70	A
Public Health		0.88			
Radish		1,219.34	266	720.12	A
Regulatory Pest Control		10.54			
Research Commodity		78.05	14	39.51	A
		31.18			
Total Pounds On This Commodity	109.24				
Rights Of Way		987.81			
		1.88	1	2.00	A
Total Pounds On This Commodity	989.69				
Soil Fumigation/Preplant		10.69	4	11.34	A
Sorghum (Forage -Fodder)		2,536.87	55	4,193.60	A
Sorghum/Milo		2,900.35	77	5,019.79	A
Squash		6.15	10	40.00	A
Strawberry		8,196.40	207	8,405.08	A
Structural Pest Control		1,661.28			

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Sudan grass		1,276.47	40	1,279.70	A
Sugar beet		35,114.88	704	47,668.7	A
Sugar beet (Forage -Fodder)		122.74	3	162.00	A
Sunflower		1,071.39	19	1,253.00	A
Sweet Potato		1,475.28	30	728.60	A
Tangelo		947.76	31	529.20	A
Tangerine		23,314.52	523	15,882.31	A
Turf/Sod		854.52	29	608.65	A
Turnip		57.35	38	28.09	A
		0.63	7	21,000.00	S
Total Pounds On This Commodity	57.97				
Uncultivated Ag		55.02	5	89.50	A
Vertebrate Control		9.48			
Walnut		166,208.21	2,623	91,422.74	A
Wheat		3,414.76	107	7,248.04	A
Wheat (Forage -Fodder)		10,554.57	320	21,978.61	A
Chemical Total		1,460,672.45	24,178		

U.S. EPA has presented no justification to revoke any of these tolerances and all should be retained. As the Agency produces refined information on drinking water risk and economic impact, we would suggest that analysis should be representative of realistic scenarios in key areas of use, including the State of California.

We look forward to working with the Agency as they finalize this important policy decision.

Sincerely,



Cynthia L. Cory
 Director, Environmental Affairs