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Re: Input to the White House Task Force on Pollinator Health regarding the use of neonicotinoids

Dear Directors Rodan, Handelsman, Keigwin, and Kunickis,

We the 16 undersigned organizations and beekeepers have closely followed the White House Pollinator Health Task Force's efforts to protect pollinators and we commend you for the recent release of the National Strategy to Promote the Health of Honey Bees and Other Pollinators. While the Task Force has developed several positive, far reaching goals to achieve improved pollinator health, we are concerned

that the Strategy falls short in protecting pollinators from pesticides, especially persistent, systemic insecticides such as the neonicotinoids. This letter outlines several additional actions we urge you to consider as the Task Force moves forward in its efforts to improve the health and population size of critical pollinator species.

Recommendations To Protect Pollinators From Neonicotinoids

We were pleased to see the White House Task Force acknowledge the role of pesticides in pollinator health. Of note, the Task Force's report includes the statement, "It is the misuse and overuse of these pesticides that leads to adverse ecological and human health consequences." However, the most egregious overuse of pesticides in this country – pesticide seed coatings – was disappointingly ignored in release of the Task Force's National Strategy, with no effort made to rectify the issue or even recognize the extent of the problem. Current uses of neonicotinoids, both as seed coatings, soil drenches, and other applications, are extremely concerning. The nitroguanidine neonicotinoids in particular are all highly-toxic to a broad spectrum of non-target beneficial insects, systemic, long-lived, and heavily used. Recognizing that the Environmental Protection Agency (EPA) has shown no inclination to suspend uses of the nitroguanidine neonicotinoids, we urge the Task Force to consider alternative actions to help mitigate risks such as those listed below.

A. Regulate the Planting of Neonicotinoid-coated Seed as a Pesticide Use

EPA has allowed millions of pounds of pesticide coated seeds to be planted annually on approximately 200 million acres nationwide. Almost all of U.S. corn seeds and more than half of soybean seeds are coated with neonicotinoids.[1] Many other seeds, including canola, are also coated.[2] Yet, the use of pesticide-coated seeds is not considered a pesticide application by EPA, even though the pesticides are translocated from the seeds into the plant tissue. This lack of a pesticide designation provides little to no regulatory enforcement mechanism against the potential misuse of or harm from these seeds. By law, these pesticide treated seeds should be regulated. We recommend that the Task Force work with EPA to regulate pesticide-coated seeds, consistent with the way other pesticides are applied and regulated.

B. Suspend Prophylactic Uses of Neonicotinoids, Particularly Seed Coatings

Preemptive treatments, without documentation of need, are contrary to the philosophy of integrated pest management (IPM). For example, the increasing prophylactic use of systemic insecticides, such as the planting of neonicotinoid coated seeds without scouting and confirming need, can kill the natural predators of insect pests, impede the use of biological control agents, and result in the unnecessary contamination of the environment. EPA's recent memorandum, *Benefits of Neonicotinoid Seed Treatments to Soybean Production*, highlights the lack of benefits associated with, and at times, the detrimental effects of using pesticide-coated soybean seeds. Case in point, a recent field study, cited in EPA documents, found thiamethoxam coated seeds depressed the activity and density of beneficial predatory beetles, thereby impeding predation of slugs and reducing soybean yield by 5%.[3] EPA should act via Stop Sale, Use, or Removal Order to prohibit these inefficacious products nationally.

[1] Stokstad, E. 2013. How big a role should neonicotinoids play in food security? Science, 340: 675.
[2] Soroka, JJ, et al. 2008. Impact of decreasing ratios of insecticide-treated seed on flea beetle feeding levels and canola seed yields. J. Econ Entom, 101(6): 1811-1820.
[3] Douglas MR, Rohr JR., Tooker JF. 2014. Neonicotinoid insecticide travels through a soil food chain, disrupting biological control of non-target

Despite the documented inefficacy and possible harm of seed coatings, researchers estimate that 95-99 percent of all corn seed in the U.S. is coated with one or more neonicotinoid plus fungicides. This market dominance gives farmers almost no access to uncoated corn seeds, forcing them to buy coated seeds that do not always provide the benefits they were marketed to deliver. Another problem is "bundling" of insecticides. A farmer may only want to use a biological pest control, but because of bundling practices, they cannot buy this product without purchasing the seeds coated with neonicotinoids and other pesticides. An example of this practice is Bayer's Poncho/VOTiVO soybean package.[4]

Neonicotinoid seed coatings eliminate a grower's choice in the marketplace, threaten the healthy functioning of agricultural and urban ecosystems, and pervade and contaminate every aspect of a pollinator's environment – its food, its water, its entire habitat. This unnecessary application of chemicals is the epitome of an 'overuse of pesticides causing adverse ecological consequences' – and yet, the Task Force has yet to address this growing problem, despite its acknowledgment of the consequences.

C. Close Conditional Registration Loophole Allowing Pesticides to Enter the Market Prematurely

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 and the Government Accountability Office's analyses of the program confirms that this process has been misused in the majority of cases.[5] Approximately 65% of the 16,000 currently registered pesticide products—including neonicotinoids—were approved through conditional registration before basic toxicity testing was completed.[6]

EPA's registration review schedule for the neonicotinoids continues through 2018.[7] While we recognize the importance of a thorough evaluation of risk, in the case of neonicotinoids, EPA does not have the luxury of taking its time. The concerns outlined above demonstrate the need for immediate intervention to mitigate risks and for increased oversight for the long term. This more thorough risk assessment process should extend not just to new registrations but also be included in registration review.

D. Require a National Pesticide Use Reporting System

A national pesticide use reporting system would provide realistic and comprehensive data on how and where pesticides are used across the U.S. Said information would, among other things, significantly improve investigations into bee kills. Coated seeds must be included in the reporting system, as well as co-formulants used in pesticide products. The state of California Pesticide Use Reporting system is a working model for such a system, and with today's technology, a web-based system accessible to farmers for data upload and to others for data analysis would minimize cost and local efforts.

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pests and decreasing soybean yield. Journal of Applied Ecology doi: 10.1111/1365- 2664.12372.

[4] https://www.bayercropscience.us/products/seedgrowth/poncho-votivo

[5] U.S. Gov't Accountability Office. *Pesticides: EPA Should Take Steps to Improve Its Oversight of Conditional Registrations* 3 (Aug. 2013), *available at* http://www.gao.gov/products/GAO-13-145.

[6] Sass, J. M. Wu. 2013. "Superficial Safeguards: Most Pesticides Are Approved by Flawed EPA Process." Natural Resource Defense Council. Available at: http://www.nrdc.org/health/pesticides/files/flawed-epa-approval-process- IB.pdf. (Accessed November 24, 2014).

[7] June 19, 2013, CEO/Executive Director-level letter to President Obama, with the subject line: "Urgent Appeal – neonicotinoid insecticides," available online at: http://www.centerforfoodsafety.org/files/final-neonic-letter- 62013_43430.pdf . That letter stated: "Unfortunately, EPA's planned deadline of completing its Registration Reviews for the major neonicotinoids by 2018 is far too slow in view of their potentially calamitous risks". Nineteen months later, the risks appear in sharper proof than in the 2013 letter.

E. Support Labeling Statements with Strong Enforcement and Regulatory Actions

Thus far, EPA's mitigation strategy has relied heavily on placing both advisory and enforceable labeling statements on pesticide products. However, labeling language can be ignored and cannot be effective without strong enforcement or without regulatory action such as use restrictions for pesticides that present risk of harm or injury to pollinators and other non-target organisms. These pesticide labels must be changed to fully protect pollinators and the broader environment from the toxic effects of systemic pesticides. Within that, any mitigation strategy that would be included on labels should not be determined through isolated assessments by crop or use, but at the scale of use. A cumulative risk assessment would better illuminate impacts and needed responses.

We strongly urge the Task Force to consider ways to increase state enforcement efforts to protect pollinators from harmful pesticides and to encourage states to expand both investigations and reporting of pollinator incidents to EPA. The Task Force should also explore how regulatory actions can be used to support enforceable labeling statements on pesticide products. If the Task Force is to successfully respond to the mounting concerns that neonicotinoids pose to native and managed bees as well as the broader environment, these recommendations ought to be heeded.

F. Implement Concrete Measures to Ensure Conservation Lands are Not Contaminated with Pesticides

The Task Force must take action to ensure that the lands and waters in pollinator habitat acquisition and conservation plans are not so contaminated with neonicotinoids (or other pesticides) that the habitat becomes a sink rather than a source area for the species involved. Preventing neonicotinoids and other pesticides from contaminating pollinator habitat is especially critical given the Strategy's goal of restoring or enhancing 7 million acres of land for pollinators over the next 5 years.

The guidelines the Task Force put forth for creating habitat on Federal Lands weakly encourage officials to "try to keep portions of pollinator habitat free of pesticide use." But unless the use of pesticides is clearly prohibited on these lands, this guidance is meaningless. Certain pesticides, like neonicotinoids, are highly toxic, long-lasting, water soluble, and very mobile – and the Strategy has yet to outline any measures for preventing them from contaminating future pollinator habitat.

Even if pesticides are not used directly on pollinator habitat, there is still a good chance these habitats will become contaminated by toxic pesticides used nearby. As we have consistently pointed out, neonicotinoids can persist for several years after the initial application, and as they breakdown, the metabolites can become more toxic. While increasing pollinator habitat and foraging areas are commendable ideas, pollinator declines will continue if these areas remain contaminated with highly toxic pesticides.

G. Comply with the Endangered Species Act

EPA acknowledges its failure to consult on the neonicotinoids with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as required under Section 7(a)(2) of the

Endangered Species Act (ESA). EPA admitted this in its 2014 "Response to Public comments" on its approval of a new, systemic insecticide, "cyantraniloprole."[8]

Despite this admission, EPA still has not initiated consultation on the potential effects of neonicotinoids on Federally-listed threatened and endangered species, including at least 41 listed pollinators.[9] It is unknown how many of the 880 ESA-listed plants require pollinators, but the number is no doubt substantial.[10] The harm to species that pollinate these imperiled plants must be accounted for under the ESA.

H. EPA's Recent Proposal to Mitigate Exposure to Bees from Acutely Toxic Pesticide Products is Inadequate

EPA's new proposal, like previous actions, focuses on acute contact exposure to managed bees, thus it fails to address key components of pollinator risk that can no longer be ignored. EPA's proposal, if adopted, would institute additional mandatory pesticide label restrictions to protect managed bees under contract pollination services from foliar applications of pesticides that are acutely toxic to bees on a contact exposure basis. This proposal fails to address the risks that long-lived, highly-toxic systemic insecticides, such as neonicotinoids, pose to pollinators.

Conclusion

The preponderance of evidence continues to indicate that current registrations of persistent, systemic pesticides are causing unreasonable adverse effects on the environment and the economy. The Task Force recognized that the 'misuse and overuse of pesticides leads to adverse ecological and human health consequences,' and we strongly urge you to consider the above recommendations as you begin to implement the National Strategy to Promote the Health of Honey Bees and Other Pollinators.

Thank you for your thoughtful response to this matter.

Sincerely,

National Organizations:
American Bird Conservancy
Beyond Pesticides
Beyond Toxics
Center for Biological Diversity
Center for Food Safety
Food and Water Watch
Friends of the Earth
Natural Resources Defense Council
Northwest Center for Alternatives to Pesticides
Organic Consumers Association
Pesticide Action Network North America

U.S. Commercial Beekeepers:
David E and David R Hackenberg, Hackenberg Apiaries
James E. Doan, Doan Family Farms
Jeff Anderson, California Minnesota Honey Farms
Manley Bigalk, Golden Ridge Honey Farm, Inc.
Steve Ellis, Old Mill Honey Co.

[8] Response to Public Comments on EPA's "Proposed Registration of the New Active Ingredient Cyantraniliprole: An Insecticide for Use on Multiple Commodities, Ornamentals, Turfgrass, and in Commercial or Residential Buildings" at p. 40. Docket #: EPA-HQ-OPP-2011-0668-0058. 2014. At http://www.regulations.gov/#!docketDetail;dct=FR+PR+N+O+SR;rpp=10;po=0;D=EPA-HQ-OPP-2011-0668 (last accessed, Aug. 21, 2014).
[9] FWS database. "Pollinators Federally-listed as Endangered or Threatened Species (updated 6/4/2012)"; online at: http://www.fws.gov/pollinators/Programs/Endangered.html.
[10] FWS database. "Listed plants" http://ecos.fws.gov/tess_public/pub/listedPlants.jsp.