Via EPA E-Filing System and Federal eRulemaking Portal

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Transmittal of Objections to Decision Revoking All Chlorpyrifos Tolerances (EPA-HQ-OPP-2021-0523)

To Whom It May Concern:

The American Sugarbeet Growers Association members associations represent 10,000 family farmers in all 11 producing states (California, Colorado, Idaho, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, Washington, Wyoming). As a matter of administrative convenience, the ASGA has enclosed with this transmittal letter 93 independent comment letters objecting under Section 408(g) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a(g), to the U.S. Environmental Protection Agency's August 30, 2021 decision to revoke all chlorpyrifos tolerances, 86 Fed. Reg. 48,315 (Aug. 30, 2021). Each of these individual letters complies with the requirements of 40 C.F.R. § 178.25(a) and each contains the email of the commenter. The objections expressed in each letter are those of the respective signatories and are not the objections of the ASGA.[1]

Sincerely,

Luther Markwart
Executive Vice President
American Sugarbeet Growers Association
1155 15th Street NW, Suite 1100
Washington, DC 20005

[1] ASGA has separately filed its own substantive comments on the regulatory docket (EPA-HQ-OPP-2021-0523).

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Nate Hultgren and my family own and operate Hultgren farms in Minnesota. My family has been farming since 1932. On an annual basis, I cultivate approximately 1,200 acres of sugarbeets, and I have been growing sugarbeets for over 20 years. I also grow the following other crops: Soybeans, Corn, Sweet Corn, Alfalfa, Dry Beans, and Green Peas. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat cutworm, lygus bugs, and aphids. According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 500 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead to a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus, it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for sugarbeets without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Nate Hultgren
nate@hultgrenfarms.com
11804 15th Ave SW//Raymond, MN 56282

Allen R. Tucker
207 7th Avenue
St. Thomas, ND 58276
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To whom it may concern:

My name is Allen Tucker and I am a farmer from St. Thomas, ND. I farm with my father, three brothers and three nephews. My grandfather farmed our first crop of American Crystal sugarbeets in 1928 and we have grown sugarbeets ever since. Our family still farms the land where those 1928 sugarbeets were grown. We also grow wheat, potatoes, and beans.

I am writing in opposition to the EPA's action that would revoke all pesticide tolerances for chlorpyrifos.

Our farm uses chlorpyrifos to help manage outbreaks of sugarbeet root maggot (SBRM). There are a limited number of tools to control SBRM and it would be difficult to maintain our sugarbeet farm without chlorpyrifos. Other tools would include at-plant treatments such as Counter and post-plant treatments such as Thimet. Liquid chlorpyrifos is our last line of defense because it works well even after the SBRM population is at its peak for the year.

SBRM is the number one production problem on our sugarbeet acres. We can lose over $100 per acre if our control system fails. For our 900 acres of sugarbeets, that equates to over $90,000 for our family farm.

My greatest concern is if we lose chlorpyrifos, it will cause us to be more aggressive on treating for SBRM before we know how much of an outbreak to expect. With chlorpyrifos as a tool, we can judiciously apply a base product like Counter and then monitor insect activity for a chlorpyrifos rescue treatment when necessary. Without chlorpyrifos as a tool, we will need to be more aggressive with at-plant and post-plant granular applications. The net result would likely be an increase of insecticide active ingredients applied and at greater cost. I feel it would be more appropriate to generate other tools to deter SBRM damage before we give up the tools we have. Researchers are currently working on grower-funded projects that will help beet growers reduce insecticide applications and lower on-farm costs. Removing chlorpyrifos from the market will not help this effort. The goal should be to safely maximize yield with minimal input. Because it is only used if and when necessary, I believe chlorpyrifos is an excellent tool. The sugarbeet farmers of MN and ND have done a good job at keeping this insecticide contained to the target area and we should not be punished by hypothetical modeling that creates a problem where one does not actually exist. In December of 2020, EPA's analysis found that chlorpyrifos could be safely applied to sugarbeets. That sound science should be allowed to stand until our sugarbeet industry has a reasonable opportunity to develop an alternative.

Thank you for the opportunity to comment. Feel free to call or write if you would like additional input.

Sincerely,
Allen R. Tucker
701-520-0720 cell
allentucker@polarcomm.com

Bjorge Brothers Farm/Jeffrey Bjorge
16958 11th St NE
Buxton, ND 58218
10-28-2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Jeffrey Bjorge, I farm in Buxton, ND. I am an 4th generation farmer, 1st generation Sugarbeet grower, and I am hoping my Son's Paul and Bowen will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 750 acres of sugarbeets annually, in addition to sugarbeets I also grow Corn, Soybeans, Spring Wheat, Pinto Bean, Navy Beans, Black Beans, and Great Northern Beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling Sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all my 750 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $73.65/Acre loss or an annual loss of $55,237.50 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jeffrey Bjorge

President, Bjorge Brothers Farm Inc

Jeff@BjorgeBrothersFarm.com

Jim Murn
3897 170th Ave, Twin Valley, MN 56584
10/25/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Jim Murn, I am an agronomist and partner with Skaurud Grain Farms in Gary, Minnesota, and have been for the last 12 years. Prior to that I was a crop consultant for 27 years in the Ada/Ulen/Beltrami area of the Red River Valley. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. We raise approximately 3,200 acres of sugarbeets annually, in addition to sugarbeets we also grow edible beans, corn, soybeans, wheat and barley.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

We have safely applied, when needed, chlorpyrifos, to our sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

As mentioned above, if needed, we apply chlorpyrifos on up to 500 acres of our sugarbeets in the years our rotation dictates that we raise our sugarbeets in the maggot prone areas. Because of extensive research and reporting by U of MN/NDSU extension services and our American Crystal co-op, these areas are forecasted to growers so we can carefully time applications to make sure they only occur at the right time and in the right place, if at all. The "if at all" decision is ultimately made by scouting the crop to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss could equate to as much as $43 to $116 loss an acre or an annual loss of up $58,000 for our farm. This has a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jim Murn

Agronomist/American Crystal Sugarbeet grower

jmurn@skaurud.com

Aaron Rogenes
16870 14th St NE
Buxton, ND 58218
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Aaron Rogenes, I farm with my family near Buxton, North Dakota. I am an 4th generation farmer, and I am hoping my two sons will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1800 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn soybeans and dry beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 360-1440 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss up to $167,040 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Aaron Rogenes

Owner

Rogenes4@icloud.com

AJ Lundeen
1519 430th Ave
Karlstad, MN 56732

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is AJ Lundeen, I farm in Karlstad, MN. I am an 2nd generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 168 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, sunflowers, canola, and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 168 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43 loss or an annual loss of $7,224 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

AJ Lundeen

Farmer

Ajlundeen03@gmail.com

Alysia Osowski
Grafton, North Dakota
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Alysia Osowski, I farm with family near Grafton, North Dakota. I am an 5th generation farmer, and I am hoping my son and daughter will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1200 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, dry beans, soybeans, corn, and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1200 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $85.81/acre loss or an annual loss of $102,972 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Alysia Osowski

Farmer

Alysiao88@gmail.com

Amber Meyer
8508 HWY 81
St. Thomas, ND 58276

October 27, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Amber Meyer, I farm with my husband, Jason, in St. Thomas, ND. I am a 3rd generation farmer, and I am hoping my son will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 464 acres of sugarbeets annually, in addition to sugarbeets I also grow hard red spring wheat and pinto beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 464 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $53,824 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Amber Meyer, CFP®, APMA

Owner/Financial Advisor

amberv@polarcomm.com

Benjamin Tinkham
34362 220 St. SW Fisher MN 56723
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Benjamin Tinkham, I farm with my family near Fisher. I am an 5th generation farmer, and I am hoping two daughters will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 666 acres of sugarbeets annually, in addition to sugarbeets I also grow spring wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 160 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $6,880 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Benjamin Tinkham

Farmer/Owner

tinkhamfarms@gmail.com

Brad Pecka
1967 36th Ave NE
Ardoch, ND 58261
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brad Pecka, I farm with my wife near Ardoch, North Dakota. I am a 4th generation farmer, and I am hoping my two boys will be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 85 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, edible beans, and corn.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 85 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $3,655 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brad Pecka

Small Farmer

Pecka77@hotmail.com

Brad Schuster
15991 81st St NE
Drayton, ND 58225

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brad Schuster, I farm with my family near Drayton, North Dakota. I am a 5th generation farmer, and I am hoping my son, Collin, will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 670 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $58,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brad Schuster

Farmer

bschus@polarcomm.com

Brent Baldwin
8244 144th Ave NE
Saint Thomas North Dakota, 58276
10/26/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brent Baldwin, I farm with my parents, wife, daughter, and sons in rural North Dakota, near the town of Saint Thomas. I am an 4th generation farmer, and I am hoping for my kids and grandkids will one day be the 5th and 6th generations to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 3000 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, wheat, and edible beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 2000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $114.97/acre loss or an annual loss of about $229,940 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brent Baldwin

Sugarbeet Grower

baldwin@polarcomm.com

Brent Halfmann
32512 430th St NW
Stephen, Minnesota 56757
October 25, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brent Halfmann, I farm with my dad and brother near Stephen, Minnesota. I am a third-generation farmer, and I am hoping for my daughter or nephew will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 800 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, navy beans, pinto beans, and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of over $17,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brent Halfmann

Young Farmer

Brent_halfmann@hotmail.com

Brent Schmitz
2312 25th St. NE
Mekinock, ND 58258
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brent Schmitz, I farm with family near Mekinock, North Dakota. I am a 1st generation farmer, and I am hoping my children will one day be the 2nd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 365 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 365 acres of sugarbeets. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $15,695 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brent Schmitz

First Generation Farmer

Brentschmitz1@gmail.com

Brian Jensen
41439 330th Ave NW
Stephen, MN 56757
October 25th, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brian Jensen, I farm with my wife and son near Stephen, Minnesota. I am the 5th generation farmer on our ground, and I am hoping for my son, Conner, will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 580 acres of sugarbeets annually, in addition to sugarbeets I also grow corn, edible beans, wheat, soybeans and canola.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 100-200 acres depending on severity. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $/43 loss or an annual loss of up to $8,600 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brian Jensen

Family Farmer

jensenfarmmn@gmail.com

Brian Kiner
15463 100th ST NE
Bathgate, ND 58216
10/26/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Hello,

My name is Brian Kiner, I farm with my family in Bathgate, ND. I am farmer, and I am hoping my daughter and son in law will one day be the next generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 300 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, wheat, and canola.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $34,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brian Kiner

Farmer

bks@polarcomm.com

G&B Thompson Farms
Grafton, North Dakota
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brian Thompson, I farm near Grafton, North Dakota. I am an 3rd generation farmer, and I am hoping my two sons will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1000 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, dry beans, soybeans, corn and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $65.97/acre loss or an annual loss of $65,970 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brian Thompson

Farmer

bthompson@gft.midco.net

Brooks Stellon
Drayton, ND
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Brooks Stellon, I farm with my family near Drayton, North Dakota. I am an 4th generation farmer, and I am hoping for my son and daughter will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 2740 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 2740 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $117,820 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Brooks Stellon

Farmer

brooksstellon@gmail.com

Bruce Erdmann
28964 290th Ave SW
Crookston, MN 56716
October 25, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Bruce Erdmann, I farm with my father and wife near Crookston, Minnesota. I am a third-generation farmer, and I am hoping my three sons will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 865 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, and corn.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 160 to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a severe reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of up to $34,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Bruce Erdmann

Small Family Farmer

bruceerdmann@yahoo.com

Bruce Newhouse
27093 350th Ave SW
Fisher, MN 56723
October 25, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Bruce Newhouse, I farm with my son, Troy, near Fisher Minnesota. My great-great grandparent came here from Norway in 1864, and our family has farmed in the RRV ever since. We will farm the same land that my wife's family homesteaded in 1882, we have hope that our Grandson will be the next generation to farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. we raise approximately 950 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and various species of beans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to about 1/3 of our acres or 315 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $64.04 loss or an annual loss of over $20,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Bruce Newhouse

Fisher Minnesota Farmer

bnewhous@cryalsugar.com

Charles Thompson
Grafton, North Dakota
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Charles Thompson, I farm with my family near Grafton, North Dakota. I am a 4th generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 450 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and edible beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 450 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $52,200X for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Charles Thompson

Farmer

Charles.thompson2@simplot.com

Chris Hong
5657 Adams Drive, Grand Forks, ND 58201
10/29/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It May Concern,

My name is Chris Hong, I farm with my brother and my father, in Buxton, ND. I am an 3rd generation farmer, and I am hoping my two sons will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I also sit on the Board of American Crystal Sugar Company. I raise approximately 5,620 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn, navy beans, and pinto beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I applied chlorpyrifos to 4,552 acres this year. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $86loss or an annual loss of $391,472 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Chris Hong
Farmer and ACSC Board Member
chris@hongfarms.com

Chris Thompson
15320 71st PL NE Grafton ND 58237
10/26/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Chris Thompson, I farm with wife Jennifer in Grafton ND. I am an 3rd generation farmer, and I am hoping my children will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 500 acres of sugarbeets annually, in addition to sugarbeets I also grow potatoes, wheat, soybeans, and edible beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of at least $58,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Chris Thompson

Family Farmer

bigredcrt@gmail.com

Chris Vancamp
Drayton, ND
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Chris Van Camp, I farm near Drayton, North Dakota. I am a 5th generation farmer, and I am hoping my son will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 145 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 145 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $16,820 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Chris Van Camp

Farmer

cjvanc@hotmail.com

Christian Kiel, Kiel Corporation
36044 275th Ave. SW, Crookston, MN 56716
10/26/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Christian Kiel, I farm with my parents in Crookston, Minnesota. I am an 4th generation farmer, and I am hoping my Children will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 730 acres of sugarbeets annually, in addition to sugarbeets I also grow Spring Wheat, Soybeans, and Corn.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 100 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $4,300 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Christian Kiel

President, Kiel Corporation

kielinnovation@yahoo.com

Cole Perry
25935 240th Ave SW Crookston, MN 56716
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Cole Perry, I farm with my brother and dad near Crookston, Minnesota. I am aa 5th generation farmer, and I am hoping for my song, Caden, will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 783 acres of sugarbeets annually, in addition to sugarbeets I also grow corn, soybeans and wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 250 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $10,750 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Cole Perry

Family Farmer

Cole.w.perrry@gmail.com

Connor Oihus
Saint Thomas, North Dakota
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Connor Oihus, I farm with family near Saint Thomas, North Dakota. I am a 4th generation farmer, and I am hoping my nephews will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 900 acres of sugarbeets annually, in addition to sugarbeets I also grow potatoes, wheat and edible beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 750 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $87,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Connor Oihus

Farmer

connoroihus@gmail.com

Corey Jacobson
1960 CT HWY 35
Ada MN, 56510
RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Corey Jacobson, I farm with my family near Ada, Minnesota. I am a 5th generation farmer, and I am hoping for my son and daughter will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1100 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn, soybeans, and dry beans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $46,400 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Corey Jacobson

Family Farmer

cjacobso@hotmail.com

Darin Moen
Rural Alvarado, Minnesota
10/26/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Darin Moen, I farm with my dad and family near Alvarado, Minnesota. I am a 4th generation farmer, and I am hoping for my son, Harrison, will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 840 acres of sugarbeets annually, in addition to sugarbeets I also grow corn, soybeans and spring wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximately between $43/acre and $116/acre loss or an annual loss of between $21,000 and $58,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Darin Moen

4th Generation Farmer

Dmoen77@hotmail.com

Darrell Slominski
Minto, North Dakota
10/28/21
RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Darrell Slominski, I farm with my son and son-in-law near Minto, North Dakota. I am a 3rd generation farmer, and I am hoping for my son and son-in-law will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 377 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, and dry beans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 285 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $12,255 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Darrell Slominski

Family Farmer

clgus@yahoo.com

Dave Hankey
6874 138th Ave NE, Park River, ND 58270
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Dave Hankey, I farm with my wife and Son in Park River, North Dakota. I am a 4th generation farmer, and I am hoping for my sons, Abraham, and Jackson, will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 795 acres of sugarbeets annually, in addition to sugarbeets I also grow seed wheat, soybeans, barley, corn, dry beans, and canola.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 795 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $67.75/acre loss or an annual loss of at least $54,064.50 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Dave Hankey & Abraham Hankey

Farmers

dave@hankeyfarm.com

Abraham.hankey@gmail.com

Douglas W. Olason
9037 134th Ave. N.E. Hensel, ND 58241
October 27, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear EPA Administrator,

My name is Douglas W. Olason, I farm near Hensel, North Dakota. I am a 4th generation farmer, and I am hoping my son will one day be the 5ht generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 210 acres of sugarbeets annually, in addition to sugarbeets I also grow black turtle beans, pinto beans, barley, soybeans, navy beans, and winter wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

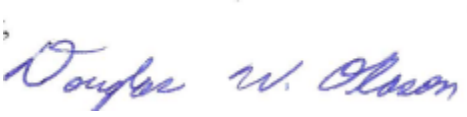
I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 210 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $24,360 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,



Douglas W. Olason

Farmer-Owner

icelander@polarcomm.com

George Cariveau
1909 20th St. NW
East Grand Forks, MN 56721
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is George Cariveau, I farm with my family near East Grand Forks, Minnesota. I am a 4th generation farmer on my side of the family, and 6th generation on my wife's side. Hopefully, one of our three children will take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 300 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 120 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $5,160 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

George Cariveau

Family Farmer

geofarms@ymail.com

Greg Cotton
304 163rd Ave SE
Hillsboro ND 58045

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Greg Cotton, I farm with family near Hillsboro, North Dakota. I am a 3rd generation farmer, and I am hoping my son will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 975 acres of sugarbeets annually, in addition to sugarbeets I also grow corn, soybeans, black beans, navy beans, wheat and barley.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to about 200 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $8,385 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Greg Cotton

Farmer

greg@gkcottonfarms.com

James Reitmeier
20903 275th Ave SW
Crookston MN 56716

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is James Reitmeier, I farm with my wife near Crookston, Minnesota. I am a 3rd generation farmer, and I am hoping my son-in-law will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 700 acres of sugarbeets annually, in addition to sugarbeets I also grow corn, wheat, navy beans and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 700 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $30,100 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

James Reitmeier

Farm Owner

crystalfarmer@rrv.net

Jared Kovar
29 Garden Ct NW EGF MN
10-25-21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Jared Kovar, I farm with Bob Kovar in East Grand Forks, MN. I am an 4th generation farmer, and I am hoping my son Grant will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 350 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and dry beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 200 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate up to an approximate $/43 loss or an annual loss of nearly $8,600 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jared Kovar

Farmer

Jaredkovar75@gmail.com

Jason Cadieux
1878 230th ST
Hallock, MN 56728

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Jason Cadieux, I farm near Hallock, Minnesota. I am a 1st generation farmer, and I am hoping my nephew, Justin, will one day be the 2nd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 445 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, corn and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $17,200 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jason Cadieux

1st Generation Farmer

cadieux@frontier.com

Jeff Whelan
14211 84th Street NE, Crystal ND 58222
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Jeff Whelan, I farm with my brother, Doug, near Crystal, North Dakota. I am a 5th generation farmer, and I am hoping my daughter Kate and Grandson Cole will one day be the 6th and 7th generations to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 600 acres of sugarbeets annually, in addition to sugarbeets I also grow potatoes, dry edible beans, soybeans and wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1200 acres (600 acres, twice a year). We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $/116acre loss or an annual loss of $69,600 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jeff Whelan

Farmer

Jgwhelan58@gmail.com

Jerod Hanson
1952 175TH Ave
Hallock, MN 56726
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It May Concern.

My name is Jerod Hanson, I farm in Hallock, MN. I am an 5th generation farmer, and I am hoping my two sons will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 500 acres of sugarbeets annually, in addition to sugarbeets I also grow hard red spring wheat and spybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43 loss or an annual loss of $21,500 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Jerod Hanson

Farmer

hanson@invisimax.com

Joel Gasper
22779 265th St SW
Crookston, MN 56716
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Joel Gasper, I farm with my dad near Crookston. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. We raise approximately 2500 acres of sugarbeets annually, in addition to sugarbeets I also grow edible beans, corn and wheat.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, we apply chlorpyrifos to 1000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $52.11/acre loss or an annual loss of $52,110 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Joel Gasper

Farmer

Jmgasper21@gmail.com

Joel Muir
Hallock, MN
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Joel Muir, I farm near Hallock, Minnesota. I am a 5th generation farmer, and I am hoping for my son will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 400 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and dry beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $17,200 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Joel Muir

Farmer Owner

Amuir321@gmail.com

John Ostenrude
1054 Dale Ave. Hoople, ND 58243
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is John Ostenrude, I am a 4th generation farmer, and I am hoping for my son or daughter will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 120 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, dry edible beans, soybeans, canola, and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 120 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $13,920 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

John Ostenrude

Owner/Operator

John.t.ostenrude@gmail.com

John Schumacher
Drayton, ND
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is John Schumacher, I farm near Drayton, North Dakota. I am a 4th generation farmer, and I am hoping my son will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 615 acres of sugarbeets annually, in addition to sugarbeets I also grow potatoes, wheat, soybeans and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 615 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $82.30/acre loss or an annual loss of $50,614.50 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

John Schumacher

Farmer

Mjschu1@yahoo.com

Justin Osowski
716 7th St SE
Hallock MN 56728

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Justin Osowski, I farm with my father in Hallock, MN. I am an 5th generation farmer, and I am hoping my children will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 580 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, and sunflowers

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/ac loss or an annual loss of $34,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Justin Osowski

Owner of S&O Beet Farms

jposowski@hotmail.com

Kameron Slominski
6038 157 Dr. NE
Minto ND, 58261

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kameron Slominski, I farm with my dad and son near Minto, North Dakota. I am a 4th generation farmer, and I am hoping for my son, Gavin, will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 638 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, and dry beans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 475 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $20,425 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kameron Slominski

Farmer

kameronslominski@yahoo.com

Kelly Erickson
PO Box 87
Hallock MN 56728
10/26/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kelly Erickson, I farm with my son, Scott, near Hallock Minnesota. I am the 4th generation farmer on our land, my son is the 5th generation, and I am hoping one day a grandchild will be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 900 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, canola and wheat.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $34,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kelly Erickson

Sugarbeet Grower

kerickso@crystalsugar.com

Ken Elliott
Drayton, North Dakota
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Ken Elliot I farm near Drayton, North Dakota. I am an 5th generation farmer, and I am hoping my son, James, will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1290 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1290 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $65.35/acre loss or an annual loss of $84,301.50 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Ken Elliott

Farmer

Elliot_farms@hotmail.com

Kenneth Slominski
Minto, North Dakota
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kenneth Slominski, I farm with my son near Minto, North Dakota. I am a 3rd generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 180 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, dry beans, and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 135 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $5,805 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kenneth Slominski

Farm Owner

koffeekup@hotmail.com

Kevin Lee
PO Box 173, St. Thomas ND 58276
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kevin, Lee, I farm with my family near Saint Thomas, North Dakota. I am a 2nd generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 700 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans, edible beans, canola and barley.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 700 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $83.98/acre loss or an annual loss of $58,786 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kevin Lee

Owner

Kleefarms79@gmail.com

Kody Pierce
5453 Mac Dr
Grand Forks, ND 58201
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kody Pierce, I am an 1st generation farmer and I hope to one day pass my farm to my brother. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 216 acres of sugarbeets annually, in addition to sugarbeets I also grow hard red spring wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 216 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43 loss or an annual loss of $9,288 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kody Pierce

Farmer

kodypierce007@gmail.com

Mark DeMars
10059 147th Ave NE
Bathgate, ND 58216
October 25th, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Mark DeMars, I farm with Dad and Brother and our wives in Bathgate, North Dakota. I am a 5th generation farmer, and I am hoping my nephews will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 3200 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and pinto beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I must apply chlorpyrifos to over 1800 acres, sometimes I have to spray two times because our outbreaks are so bad. Regardless, we carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $62.58/acre loss or an annual loss of at least $112,644 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Mark DeMars

Sugarbeet Grower

demmark@polarcomm.com

Matt Larson
213 7th Ave East
Halstad MN, 56548

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Matt Larson, I farm with my brother in Climax MN. I am an 3rd generation farmer, and I am hoping my kids will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1930 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans and wheat.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. Depending on the severity, that loss would equate to an approximate $43/acre loss to over $116/acre loss or an annual loss of at least $58,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Matt Larson

Larson Family Farms

Farmboy2617779@gmail.com

Michael J Thompson
Grafton North Dakota
10/25/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Michael Thompson, I farm with my wife Cindy in Grafton North Dakota. I am an 4th generation farmer, and I am hoping my nephew will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 600 acres of sugarbeets annually, in addition to sugarbeets I also grow Wheat, Soybeans, Pinto Beans and Navy Beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies and as necessary to control other pests that may threaten our crop to avoid economic loss. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 430 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $49,880 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Michael J Thompson

Farm Owner

Mjthomps1@gmail.com

Mike Bergeron
Fisher, Minnesota
10/26/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Mike Bergeron, I farm with my family and friend Jon Ross, near Fisher, Minnesota. I am an 1st generation farmer, and I am hoping either a family member or one of our dedicated employees will one day be the 2nd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1150 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all of my 1150 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $49,450 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Mike Bergeron

1st Generation Farmer

mikebergeron@gra.midco.net

Michael Bienek
PO Box 65, Warren MN 56762
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Mike Bienek, I farm with my family near Warren, Minnesota. I am a 3rd generation farmer and a 1st generation sugarbeet grower. I am hoping my sons, will one day be the next generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 550 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, wheat, pinto beans, corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 550 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $23,650 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Mike Bienek

Farmer

michaelbienek@yahoo.com

Michael Rosendahl
Warren, Minnesota 56762
October 25th, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Mike Rosendahl, I farm with my family in Warren, Minnesota as R&R Farms. I am a 3rd generation farmer, and I am hoping my kids will take over the operation and will be the 4th generation to farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 2300 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn, soybeans and black turtle beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $17,200 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Mike Rosendahl

Family Farmer

Michael.rosendahl@gmail.com

Nathan Green
15162 Highway 66, St. Thomas, ND 58276
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Nathan Green, I farm with my father in St. Thomas, North Dakota. I am a 5th generation farmer, and I am hoping my three sons will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1000 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, navy beans, and hard red spring wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $80/ acre loss or an annual loss of $80,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Nathan Green

Sugarbeet Grower

ngreen@polarcomm.com

Nick Hagen
East Grand Forks, Minnesota
10/28/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Nick Hagen, I farm with my dad and wife near East Grand Forks, Minnesota. I am an 5th generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 450 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 450 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $90.25/acre loss or an annual loss of $40,612.50 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Nick Hagen

Young Farmer

Nicholas.hags@gmail.com

Pat Mahar
501 E 3rd Ave S
Cavalier ND 58220

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Pat Mahar, I farm with my brother and son near Cavalier, North Dakota. I am a 3rd generation farmer; my son is the 4th generation, and I am hoping we can pass our farm onto the 5th generation someday. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 2000 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn, edible beans and soybeans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all my sugarbeet acres, or nearly 2000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. Depending on severity, that loss would range approximately from $43/acre loss to $116/acre loss or an annual loss of $86,000 up to $230,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Pat Mahar

Mahar Farms

patmahar@polarcomm.com

Paul Mathiason
275 Circle Hills Drive
Grand Forks, ND 58201
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Paul Mathiason, I farm with my family near Grand Forks, North Dakota. I am a 4th generation farmer, and I am hoping my nephew will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 800 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and dry beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 800 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $92,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Paul Mathiason

Sugarbeet Grower

sugarmath@hotmail.com

PS O'Toole Inc.
13551 Hwy66
Crystal, ND 58222
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear Sirs,

My name is Paul O'Toole, I farm with my son, daughter and son in law near Crystal, ND. I am a 5th generation farmer, and I am hoping my kids will one day be the 7th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 425 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, corn, navy beans, pinto beans and soybeans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 425 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $18,275 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Paul O'Toole

Pres PS O'Toole Inc.

O2lfarms@yahoo.com

Randy Green
3267 CTY HWY 23
Gary, Minnesota 56545

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Randy Green, I farm by myself near Gary, Minnesota. I am a 5th generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 300 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and soybeans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $85.54/acre loss or an annual loss of $25,662 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Randy Green

Farmer

arheit@hotmail.com

Reid Christenson
16060 Water St
Drayton, ND 58225
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It May Concern,

My name is Reid Christenson, I farm in Drayton, ND. I am an 5th generation farmer, and I am hoping my my son, Bryson, will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1,930 acres of sugarbeets annually, in addition to sugarbeets I also grow hard red spring wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1,000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $75.60 loss or an annual loss of $75,600 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Reid Christenson

Farmer

christenson_farms@hotmail.com

Richard Krueger
37580 150th St SW
East Grand Forks, MN 56721
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Richard Krueger, I farm with son near East Grand Forks, MN. I am a 3rd generation farmer, and I am hoping my son, Nathanial, will one day be the 4th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 450 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, navy beans, and wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 450 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $52,200 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Richard Krueger

Sugarbeet Grower

rkrueger@rrv.net

Robert W. Vivatson
9417 138th Ave NE Cavalier, ND 58220
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Robert W. Vivatson, I farm with my father and uncle in Cavalier, ND. I am an 5th generation farmer, and I am hoping my children will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 2000 acres of sugarbeets annually, in addition to sugarbeets I also grow Edible Beans, Soybeans, Corn, Potatoes, Wheat, and Barley.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to over 2000 acres of sugarbeets. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116 per acre loss or an annual loss of $232,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Robert W. Vivatson

Owner Operator

rwv@polarcomm.com

Rod Olson
1592 255th Ave
Halstad, MN 56548
10/26/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Rod Olson, I farm with my wife and son near Halstad, Minnesota. I am a 4th generation farmer, and I am hoping my son Ryan, will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1600 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, soybeans and black beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 800 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of at least $34,400 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Rodney Olson

Family Farmer

Olson428@gmail.com

Ryan Gilbertson
1757 CTY HWY 24
Ada, Minnesota 56510
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Ryan Gilbertson, I farm with my family near Ada, Minnesota. I am a 5th generation farmer, and I am hoping my kids will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 404 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 404 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $17,372 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Ryan Gilbertson

Family Farmer

ragilbertson@hotmail.com

Samantha Kiner
15624 95th ST NE
Hamilton ND 58238
10/26/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Hello,

My name is Samantha Kiner, I farm with my family in Hamilton, ND. I am farmer, and I am hoping my children will one day be the 3rd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 300 acres of sugarbeets annually, in addition to sugarbeets I also grow soybeans, wheat, and canola.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximately $116/acre loss or an annual loss of $34,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Samantha Kiner

Farmer

kinersamantha@gmail.com

Scott Erickson
Hallock, MN
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It My Concern,

My name is Scott Erickson, I farm with father in Hallock, MN. I am an 5th generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 715 acres of sugarbeets annually, in addition to sugarbeets I also grow hard red spring wheat, soybeans, and canola.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $49,800 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Scott Erickson

Farmer

kellyray57@hotmail.com

Scott W. Knutson Inc
31109 290th St. Sw
Crookston, MN 56716
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Scott Knutson, I farm with my son Matt in Crookston, MN. I am an 4th generation farmer, and I am hoping my son will one day be the 5 generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 440 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and soybeans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 75 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $3,225 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Scott Knutson

President

scottwknutsonfarm@gmail.com

Scott Love
37390 210th ST. SW Fisher, MN
10/27/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Scott Love, I farm with my brother and son in Euclid, MN. I am an 4th generation farmer, and I am hoping my son Jeremy will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 425 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, edible beans and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to over half my acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of over $10,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Scott Love

President Love Farms Inc.

slove@invisimax.com

Richard Staveteig
1083 10th Ave NE, Thompson, ND 58278
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Richard Staveteig, I farm with my parents and brother near Thompson, ND. I am a 4th generation farmer, and I am hoping one of my children will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1224 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, dry beans, soybeans, and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to all 1224 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $101.09/acre loss or an annual loss of $123,734.16 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Richard Staveteig

Farmer

staveteigfarming@gmail.com

Steve Helm
15858 CTY RD 7
Drayton ND, 58225
10/26/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Steve Helm, I farm with my wife and four young kids near Drayton, ND. I am hoping one of my kids will have the opportunity available for them to take over my farm in the future. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1360 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat and sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 500 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $58,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Steve Helm

Farmer

helmfarmsND@gmail.com

Steven Schuster
PO Box 87
Minto, ND 58261
October 25, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Steven Schuster, I farm with my family in Minto, North Dakota. I am a 5th generation farmer, and I am hoping for my kids and sons-in-law will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 650 acres of sugarbeets annually, in addition to sugarbeets I also grow edible beans, corn, soybeans, wheat, sunflowers.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos between 400 to 650 acres depending on outbreaks. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $27,950 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Steven Schuster

Farmer

Steven.schuster857@gmail.com

Steven Slominski
Minto, North Dakota
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Steven Slominski, I farm with relatives near Minto, North Dakota. I am a 4th generation farmer, and I am hoping someday my young son will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 100 acres of sugarbeets annually, in addition to sugarbeets I also grow dry beans, wheat and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 75 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $3,225 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Steven Slominski

4th Generation Farmer

Slominski2005@yahoo.com

Todd Mack
PO Box 452
East Grand Forks MN 56721
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Todd Mack, I farm with my family near East Grand Forks, MN. I am aa 4th generation farmer, and I am hoping for my son, Casey, will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 470 acres of sugarbeets annually, in addition to sugarbeets I also grow edible beans, soybeans, and wheat.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 235 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $102.35/acre loss or an annual loss of at least $24,052 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Todd Mack

Owner

agmacfarms@hotmail.com

Tom Grzadzieleski
Drayton, North Dakota
10/29/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Tom Grzadzieleski, I farm near Drayton, North Dakota. I am an 4th generation farmer, and I am hoping my children will one day be the 5th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1935 acres of sugarbeets annually, in addition to sugarbeets I also grow spring wheat, and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1935 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $59.85/acre loss or an annual loss of $115,809 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Tom Grzadzieleski

Farmer

Jdfarmer64@hotmail.com

Kennelly Farms
PO Box 158
St Thomas ND
October 27, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear Sir/Madam,

My name is Tom Kennelly, I farm with Mark Kennelly in St. Thomas, ND. I am a fifth-generation farmer, and I am hoping my nephew, Daughters and Grandson will one day be the Sixth generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 1000 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, pinto beans, navy beans, and soybeans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugar beet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $116,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Thomas J Kennelly

Owner

Tomly@polarcomm.com

William Petersen
1465 Kittson Ave. Grafton, ND 58237
October 28, 2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To whom it may concern,

My name is William Petersen, I farm on our family land with my father and uncles in Saint Thomas, ND. I am a 5th generation farmer and a 4th generation sugarbeet farmer, and I am hoping my children will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. Our farm raises approximately 1000 acres of sugarbeets annually, in addition to sugarbeets we also grow spring wheat, pinto beans, navy beans, and fresh market potatoes.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an effect on the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 1000 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $100/acre loss or an annual loss of $100,000 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

William Petersen

petersen.william15@gmail.com

Mike Loyland
Loyland Farms
712 8th ave NE
Thompson, ND 58278

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear EPA,

My name is Mike Loyland. I farm in Thompson, ND and am a 5th generation farmer. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 800 acres of sugarbeets annually, in addition to sugarbeets our farm raises potatoes, small grains and beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to protect our sugarbeet crop from root maggot damage, and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm.

In past years, I typically apply chlorpyrifos to between 500 and 840 acres depending on seasonal pressure and fly activity. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is applied only our licensed certified applicators through ground sprayers in the field. It is applied to the sugarbeet row in a 5-inch band, with low drift nozzles that are 8-10 inches above the ground. No one, other than the operator, is in the field during or immediately after these applications.

Without applying to apply chlorpyrifos I estimate I would have a 30-50% reduction in yield on my sugarbeet crop, depending on pressure, which would equate to approximately $116/acre loss or an annual loss of nearly $60,000. If alternative pesticides are used, additional applications will be needed, and treatments will not achieve the efficacy of chlorpyrifos. The additional pesticide applications will have an increased environmental impact and will increase cost of production and decrease the sustainability of our sugarbeet crop due to increased carbon footprint.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Mike Loyland

Loyland@invisimax.com

Les Puppe
148 W Main St.
Hensel, ND 58241
10-27-2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear EPA,

My name is Les Puppe. I farm with my son Chris in Hensel, ND. I am a 2nd generation farmer, and I am hoping my son will one day be the 3rd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 170 acres of sugarbeets annually, in addition to sugarbeets I also grow sunflowers, corn, wheat, pinto beans, and soybeans.

This letter is in response to EPA's August 30, 2021, rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 170 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $116/acre loss or an annual loss of $19,720 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Les Puppe

puppe@polarcomm.com

Emma Torkelson
14156 67th St. NE Grafton, ND 58237
10/29/2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Emma Torkelosn I farm with Kevin Lee in St. Thomas, ND. I am a first-generation farmer, and I am hoping my children will one day be the 2nd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 120 acres of sugarbeets annually, in addition to sugarbeets I also grow dry beans, wheat, soybeans, and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot and as necessary to control other pests that may threaten our crop to avoid economic loss. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 120 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $5,160 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Emma Torkelson

Farmer

AETorkelson@gmail.com

Hensel Sugar
304 spruce lane Cavalier, ND 58220
10/28/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

Dear Sir or Madam,

My name is Josh Heuchert., I farm with three family members in Cavalier ND, I am a 2nd generation farmer, and I am hoping our kids will one day be the 3rd generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 700 acres of sugarbeets annually, in addition to sugarbeets I also grow Potatoes, pintos, corn, soybeans, canola, and 1000 head of cattle.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugar beet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 400 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $70.72/acre loss or an annual loss of $28,288 for my farm if, and when root maggots destroy my crop. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming. This does not include the damage on soybeans or other use labeled crops.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Hensel Sugar, Josh Heuchert

Partner

joshheuc@hotmail.com

TE O'Toole Farms
8132 County Road 12
Crystal, ND 58222
10/27/21

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kelly O'Toole, I farm with Brian O'Toole (father) and Allison Olimb (Sister) in (Crystal, ND). I am a 5th generation farmer, and I am hoping my children/nieces and nephew will one day be the 6th generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 300 acres of sugarbeets annually; in addition to sugarbeets I also grow wheat, pinto beans, navy beans, soybeans and corn.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 300 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $43/acre loss or an annual loss of $12,900 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Kelly O'Toole

Partner

kellybotoole@gmail.com

Richard Bigwood
15035 County 11
St.Thomas, ND
10-27-2021

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Rick, I farm with my brother in St. Thomas, North Dakota. I am a 5thgeneration farmer, and I am hoping my son will one day be the 6 generation to take over my farm. I am a member of American Crystal Sugar Company, a farmer-owned beet sugar cooperative in the Red River Valley of Minnesota and North Dakota. I raise approximately 450 acres of sugarbeets annually, in addition to sugarbeets I also grow wheat, barley, soybeans, and dry beans.

This letter is in response to EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action.

I have safely applied chlorpyrifos on my sugarbeet crop for many years to combat sugarbeet root maggot. It is the most effective management tool we have for controlling sugarbeet root maggot flies. There are very few options to treat sugarbeet root maggot and none are as effective as chlorpyrifos. The loss of this treatment would reduce crop yields and significantly impact the profitability of our sugarbeet operation and may affect the long-term viability of the entire farm. The combined impacts on many sugarbeet farmers will also have an affect the future success of American Crystal, which will further reduce financial returns to all members of the cooperative, whether affected by root maggots or not.

In an average year, I apply chlorpyrifos to 450 acres. We carefully time applications to make sure they only occur at the right time and in the right place, if at all. This is done by scouting to determine when the population of flies is present and in high enough numbers that justify an application. Chlorpyrifos is typically applied by licensed certified applicators through ground sprayers in the field. It is important to note that no one, other than the operator, is in the field during or immediately after these applications.

Without the ability to apply chlorpyrifos I estimate I would have a reduction in yield on my sugarbeet crop. That loss would equate to an approximate $104.72 loss or an annual loss of at least $47,124 for my farm. This is a material financial impact on our farm, especially given the continued reduction in the overall economics of farming.

Through EPA's analysis in December of 2020, it was found that chlorpyrifos could be safely applied on 11 crops, one of which was sugarbeets. Given this analysis and based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. The loss of chlorpyrifos will cause significant and irreparable harm to my farming operation. I also request the Agency stay implementation of the rule until my objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Richard Bigwood

Owner operator

Mrbigs77@hotmail.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Daniel Ray Corn, and I/my family own and operate Arcadia valley farms llc in Nyssa, Oregon. On an annual basis, I cultivate approximately 360 acres of sugarbeets, and I have been growing sugarbeets for 15 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 400 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

DocuSigned by:
8F35C25AFA88477...

Dan Corn
Arcadia Valley Farms LLC
dan@arcadiaproco.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQOPP-2021-0523)

My name is Dean Edgar, and I/my family own and operate our farm in Burley, (Idaho). On an annual basis, I cultivate approximately 150 acres of sugarbeets, and I have been growing sugarbeets for 30+ years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 150 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Dean Edgar

Dean Edgar
Robert Dean Edgar
edgarinc007@gmail.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

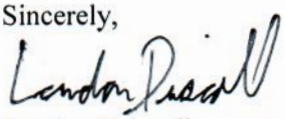
My name is Landon Driscoll, and I/my family own and operate Driscoll Brothers farm in Idaho. On an annual basis, I cultivate approximately 5477 acres of sugarbeets, and I have been growing sugarbeets for 24 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 5477 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,



Landon Driscoll

Landon Driscoll
Driscoll Brothers
dirk@driscollbros.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Kody Youree, and I/my family own and operate Youree Land & Livestock INC. a farm in Idaho. On an annual basis, I cultivate approximately 166 acres of sugarbeets, and I have been growing sugarbeets for 10 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

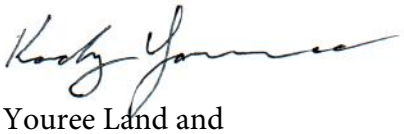
EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 166 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Kody Youree



Youree Land and
Livestock, LLC
kyouree@amalsugar.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Nic Christensen, and I/my family own and operate 7000 acre farm in Idaho. On an annual basis, I cultivate approximately 25 acres of sugarbeets, and I have been growing sugarbeets for 1006 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 1006 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Nic Christensen

bjcandsons@gmail.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Paul Rasgorshek, and I/my family own and operate Rasgorshek Farms farm in ID, (State). On an annual basis, I cultivate approximately 300 acres of sugarbeets, and I have been growing sugarbeets for 37 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

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EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Paul A. Rasgorshek

Paul Rasgorshek
Rasgorshek Farms Inc
paulrasgorshek@gmail.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Terry Reed, and I/my family own and operate ____ farm in Idaho . On an annual basis, I cultivate approximately 750 acres of sugarbeets, and I have been growing sugarbeets for 25 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 100 % acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Terry Reed

Terry Reed

Terry Reed
spudfarmer1@gmail.com

Submitted electronically via Federal eRulemaking Portal

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

My name is Thane Christensen and I/my family own and operate 7000 farm in Blackfoot (Idaho). On an annual basis, I cultivate approximately 1006 acres of sugarbeets, and I have been growing sugarbeets for 22 years. We have used the pesticide chlorpyrifos on our sugarbeet crop for many years in full compliance with all EPA regulations. I am aware of EPA's August 30, 2021 rule that would revoke pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), I am writing to file formal objections regarding this action. Based on these objections, I urge EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to me and my operation, and I also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by EPA.

EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that we raise and significantly diminish my farm's ability to operate. We use chlorpyrifos to combat the (sugarbeet root maggot flies/lygus bugs/leaf miner/aphids). According to U.S. Department of Agriculture's website, the sugarbeet root maggot alone affects almost half of sugarbeet acres in the U.S, and without control tools, can lead to 40% yield losses in certain areas. At my farm, chlorpyrifos is the only tool that has proven to be consistently effective in controlling those pests. In an average year, I apply chlorpyrifos on approximately 1006 acres. While pest pressure can vary year to year, I estimate that on average my yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability to apply chlorpyrifos to my sugarbeet crop, the reduction in yield will lead a large loss in profits for me and my cooperative, because we would have less throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that I would need to use in the absence of chlorpyrifos I have found to be much less effective. I have found that my farm is forced to apply greater volumes of other pesticides raising costs and potentially other environmental impacts.

EPA rule's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our operation. In the past, EPA has been able to strike the proper balance between sound science and risks, and I am urging the EPA to fulfill its commitment to scientific integrity in this decision. The data just does not support a revocation of chlorpyrifos tolerances for sugarbeets. My understanding is that EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11 specific crops, including sugarbeets. Thus it does not make any sense to revoke a tolerance that EPA has found to be safe for sugarbeets.

Given that EPA has said using chlorpyrifos on sugarbeets is safe, I urge you to find some way to allow the continued use for this crop without revoking the tolerance. Give my farm the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Thane Christensen
bjcandsons@gmail.com

EXHIBIT L

Southern Minnesota Beet Sugar Cooperative
Objections and Request to Stay Tolerance
Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 29, 2021

Southern Minnesota Beet Sugar Cooperative

83550 County Road 21, Renville, Minnesota 56284

October 29, 2021

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It May Concern:

We, the Southern Minnesota Beet Sugar Cooperative, (SMBSC) located in Renville, Minnesota are writing in objection to the EPA's August 30, 2021 rule that would revoke all pesticide tolerances for chlorpyrifos, (EPA-HQ-OPP-2021-0523). Pursuant to the Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(g) (21 U.S.C. § 346a), we are writing to file formal objections regarding this action. Based on these objections, we urge the EPA to rescind the final rule revoking tolerances for sugarbeets and consider continued safe uses of chlorpyrifos. This rule will cause significant and irreparable harm to the growers of SMBSC and our operation, we also request the Agency stay implementation of the rule until these objections can be formally addressed and responded to by the EPA.

The EPA's rule will completely remove the ability to apply chlorpyrifos to sugarbeets. If this rule is permitted to become effective as currently scheduled on February 28, 2022, it would have a devastating effect on the productivity of the crops that our growers raise and significantly diminish our cooperative's ability to operate. We use chlorpyrifos to combat the sugarbeet root maggot flies, lygus bugs, and other pests. Our growers annually raise about 120,000 acres of sugarbeets and chlorpyrifos is used on nearly half of those acres to combat lygus bugs alone. We have seen a continued increase in lygus bugs in our growing area and we anticipate this problem to only get worse. For SMBSC growers, chlorpyrifos is the only tool that has proven to be consistently effective in controlling these pests. Pest pressure can vary year to year. It is estimated that on average our grower's yield per acre is significantly greater using chlorpyrifos than using any other pesticide. Without the ability of our growers to apply chlorpyrifos, the reduction in yield will lead to a large loss in profits for the growers and the cooperative due to a decrease in throughput of mature and healthy sugarbeets. In addition, the alternative pesticides that our growers would need to use in the absence of chlorpyrifos has been found to be much less effective.

The EPA's extremely short timeline for rescinding the tolerance does not allow sufficient time to plan for a dramatic change to our growers' operations. In the past, the EPA has been able to strike the proper balance between sound science and risks. SMBSC urges the EPA to fulfill its commitment to scientific integrity in this decision. The data does not support a revocation of chlorpyrifos tolerances for sugarbeets. Our understanding is that the EPA's own analysis in December 2020 found that chlorpyrifos could continue to be safely used on 11

Southern Minnesota Beet Sugar Cooperative

83550 County Road 21, Renville, Minnesota 56284

specific crops, which includes sugarbeets. Thus, it does not make any sense to revoke a tolerance that the EPA has found to be safe for sugarbeets.

Given that the EPA has said using chlorpyrifos on sugarbeets is safe, we urge you to find an approach to allow the continued use on sugarbeets without revoking the tolerance. Give our growers the chance to continue to thrive, and do not inflict this unnecessary and irreparable harm on our industry.

Sincerely,

Todd Geselius
Vice President of Agriculture
Southern Minnesota Beet Sugar Cooperative

EXHIBIT M

American Crystal Sugar Company
Objections and Request to Stay Tolerance Revocations:
Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 29, 2021

October 29, 2021

Via EPA E-Filing System and Federal eRulemaking Portal

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

American Crystal Sugar Company
101 North Third Street
Moorhead, MN 56560

To Whom It May Concern,

American Crystal Sugar Company is a grower-owned cooperative of 2,600 shareholders producing sugarbeets on approximately 400,000 acres in the Red River Valley in northwest Minnesota and northeast North Dakota. The 2,600 shareholders represent 643 farms on which the sugarbeets are grown. Sugar is extracted in our factories from the sugarbeets and then sold as refined sugar. The United States raises roughly 1.1 million acres of sugarbeets domestically. This is a relatively small acreage crop compared to other crops and keeping crop protection products labeled that work for sugarbeets is vital as there are very few tools and options available.

The revocation of chlorpyrifos tolerances will directly reduce the ability to adequately control sugarbeet root maggot (SBRM). In 2021, SBRM affected 348 of the 643 sugarbeet farms (54%) in the American Crystal Sugar Company growing area representing 150,000 acres affected (38% of acres). Dr. Mark Boetel (North Dakota State Entomologist) has stated that revenue losses of up to $500/acre can occur if SBRM is not adequately controlled[1]. Loss is caused from the injury of the SBRM larvae feeding on the sugarbeet root.

When chlorpyrifos is used, it used post emergence to control the adult, egg laying, fly population, thereby reducing the number of eventual larvae that would feed upon the sugarbeet. This application is an integral part of the SBRM control plan, which also includes at-plant insecticides being used. However, the at-plant insecticides are not adequate to control SBRM on their own and require a post emergence application of chlorpyrifos to help ensure adequate control.

It should be noted that chlorpyrifos is only used in a targeted and precise manner and only when required to prevent loss. This is accomplished through the use of degree day models developed by university research to accurately predict when SBRM fly will appear. Fly sticky stakes are placed in

[1] See https://www.ndsu.edu/vpag/newsletter/ndsu_helping_control_sugarbeet_root_maggot/

sugarbeet fields and monitored for the presence and population levels of the SBRM flies. Only when fly populations reach economic threshold levels is an application of chlorpyrifos applied[2].

Dr. Boetel has also evaluated alternatives to chlorpyrifos post emergence, and they are not nearly as effective or adequate for control. In high root maggot pressure areas, the next best alternative to chlorpyrifos shows $116/acre loss and a 764-pound reduction in sugar/acre[3]. The loss of adequate SBRM control greatly hurts the individual farm and the cooperative with a possible total loss of $11,000,000 to growers directly. This corresponds to 82,000,000 pounds of lost sugar production across severe and moderate levels of SBRM acres at American Crystal Sugar Company.

The loss of adequate control doesn't only hurt the current year's production, but the surviving, overwintering SBRM population will continue to increase and spread to additional acres increasing the size of the SBRM territory. This increase in population and area will then compound losses further.

SBRM is the major concern in sugarbeet production fields but chlorpyrifos is also used to control cutworms, lygus bugs, and grasshoppers. Chlorpyrifos is also used in sugarbeet seed production that occurs in Oregon for control of symphylans. Chlorpyrifos is the only registered option for symphylan control and if not available 25 – 33% of the sugarbeet seed production acreage will be affected with up to a 50% loss of seed production. Without adequate control, symphylan populations will increase and spread to additional acres compounding the amount of production lost.

In EPA's Proposed Interim Decision (PID) from December 2020, the EPA found chlorpyrifos to be highly beneficial and safe for sugarbeet production. The EPA recognized the fact of how important it was to maintain chlorpyrifos use for sugarbeet production. Based on EPA's analysis in the PID, American Crystal Sugar Company is urging the EPA to rescind the final rule revoking tolerances for sugarbeets and permit farmers to continue the safe use of chlorpyrifos on sugarbeets. Additionally, American Crystal Sugar Company also requests the Agency stay implementation of the rule until our objections and those of others in the industry can be formally addressed by EPA.

Sincerely,

Joe Hastings
General Agronomist
American Crystal Sugar Company
jhasting@crystalsugar.com

[2] EPA-HQ-OPP-2008-0850-0987 Comment https://www.regulations.gov/comment/EPA-HQ-OPP-2008-0850-0978
[3] Boetel (2019) A 3-Year Assessment of Postemergence Liquid Insecticide Rates, Timing, and Product Rotations For Sugarbeet Root Maggot Control.

EXHIBIT T

National Association of Wheat Growers Supplemental Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 28, 2021

National Association of Wheat Growers
25 Massachusetts Avenue, NW, Suite 500B • Washington, D.C. 20001 • (202) 547-7800 • wheatworld.org

October 28, 2021

Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket Number EPA-HQ-OPP-2021-0523

To Whom it May Concern:

The National Association of Wheat Growers (NAWG) appreciates the opportunity to comment on the recent chlorpyrifos decision (Docket Number EPA-HQ-OPP-2021-0523). NAWG is a federation of 20 state wheat grower associations that works to represent the needs and interests of wheat producers before Congress and federal agencies. Based in Washington, D.C., NAWG is grower-governed and grower-funded, and works in areas as diverse as federal farm policy, trade, environmental regulation, agricultural research, and sustainability.

Chlorpyrifos is an important pest management tool that wheat growers use to address insect outbreaks arising during favorable weather conditions. The action taken by the EPA to cancel all tolerances for chlorpyrifos is concerning to NAWG members. It is critical for growers to have access to a variety of tools with different modes of action to control such insect pressures. There also must be a continued development and approval of new crop protection tools that are reviewed on a predicable schedule. New products must be made available to growers, especially considering the action EPA is taking under this announcement to eliminate the use of a product that allow wheat growers to protect their crop from insect infestations.

When the EPA announced the action to cancel chlorpyrifos tolerances prior to altering the registration and product labels, it was done in a manner that is contrary to normal procedure under FIFRA and contrary to agency's own data under the registration review of chlorpyrifos. Today, chlorpyrifos is registered for use on wheat and meets the EPA

and FDA safety standards. To proceed outside the approved regulatory process that allows for a transparent public input of data, comments and decision making sets a dangerous precedent for other crop protection products. Growers rely on EPA and FDA to establish requirements for the safe use of crop protection products and the current regulatory framework provides for those reviews.

The agency action to terminate tolerances prior to altering the label uses of the product can cause market disruptions in the wheat supply chains. Wheat is often stored on farm or processed into flour and further to baked goods that can be stored anywhere along the supply chain, including in an individual's home. The food products can be on the shelf or in the freezer, resulting in different storage timelines that must be taken into consideration by the agencies when they address the future of products in the supply chain. Additionally, wheat can be used as animal feed. To date, both the EPA and FDA have failed to provide sufficient guidance on the safety of these products and the how of protect channels of trade and ensure that wheat growers are not adversely impacted by this agency action.

We urge both EPA and FDA to quickly address the channels of trade specifically for the chlorpyrifos residues and the unique situation that the EPA's action to cancel tolerances has created. The agencies should take an action that does not result in destruction of these food products that are in the supply chain and allows sufficient time for supplies to move through the channels of trade for both food and animal feed.

Thank you for the opportunity to comment on this agency action. There must be more information provided to growers that have wheat that may have been treated with Chlorpyrifos during the growing season. We look forward to working with both EPA and FDA to ensure that wheat growers are able to continue to market their wheat produced in accordance with EPA requirements at the time it was grown and maintain the safety of products made with that wheat.

Sincerely,

David Milligan
President
National Association of Wheat Growers

EXHIBIT Q

Joel Schreurs – Soybean/Corn Grower
Objections and Request to Stay Tolerance Revocations:
Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 29, 2021

Joel Schreurs
2157 County Highway 8
Tyler, MN 56178

October 29, 2021

Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

To Whom It May Concern:

My name is Joel Schreurs, and I am a soybean and corn grower from Tyler, Minnesota. I am writing to object to EPA's revocation of the tolerances of chlorpyrifos. This insecticide is an important tool for my farming operations as well as for thousands of other growers across the country. Losing access to chlorpyrifos would significantly increase my costs of doing business, increase the vulnerability of my crops to pests, and reduce my ability to be a good environmental steward. I request EPA rescind its rule revoking tolerances and allow growers to continue to use this vital tool. I also ask that EPA stay implementing this rule until it can fully consider objections raised and the harms that will be caused by this action.

In my family's operation, we primarily use chlorpyrifos to control soybean aphids and two-spotted spider mites on our soybean crop. In instances when these pests reach economically damaging levels, chlorpyrifos is the most effective tool that can control both pests. Especially considering most populations of aphids in our region have developed resistance to pyrethroid chemistries, there are no other options that exist that will control for both pests – I would need at a minimum two chemistries to control for both.

If I lose access to chlorpyrifos, my operational costs and environmental impact will also likely increase. As mentioned, there is no one-to-one replacement for chlorpyrifos to control both pyrethroid-resistant aphids and two spotted spider mites. Very few replacement chemistries exist, especially for spider mite control. Dimethoate can control for spider mites and is roughly the same cost per acre as chlorpyrifos. However, it is unreliable in controlling aphids. I would need another non-pyrethroid chemistry to control aphids, such as imidacloprid, but that would cost me approximately an additional $1.50/acre. Under a worst-case scenario, this could push my operational costs up more than $1,000 annually and require me to apply much more pesticide active ingredient than I do with chlorpyrifos, increasing the environmental impact of my operation.

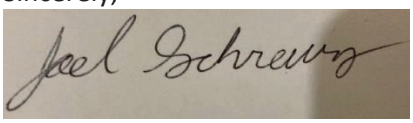
Additionally, by removing one of the already limited number of tools to control these pests, this action will increase the rate at which pest populations develop resistance to remaining chemistries. As part of integrated pest management strategies, growers rotate and mix chemistries to reduce the chances of pests developing resistance to any one active ingredient. By taking away a critical tool, EPA will reduce the effectiveness of other chemistries and increase the chances of pests developing resistance.

To lose the ability to control for these pests, through product loss or increases in pest resistance, would be economically devastating to my operation. Years ago, when soybean aphids first emerged in our region, chlorpyrifos supplies were limited based on the regional spike in product demand. Acres that went untreated showed approximately 12 bushel/acre yield reductions. At current market prices, this

would mean a loss of approximately $150/acre. When considering that my family raises 700-800 acres of soybeans annually, losing the ability to control aphids could cost my family's operation $120,000 per year. And this is only considering the impact of aphids – it does not factor in the impacts of spider mites or other damaging insect pests controlled by chlorpyrifos.

Growers do not want to apply pesticides if they do not have to – we would prefer to reduce our business costs and environmental impact. However, pest levels can reach damaging levels, and that is when we need effective tools, like chlorpyrifos, to protect our crops. Losing access to chlorpyrifos would both greatly harm my farming operations and others by tens to potentially hundreds of thousands of dollars annually and reduce our ability to be good environmental stewards. I object to the revocation of these tolerances, urge EPA to rescind this rule, and ask that this rule be stayed to prevent these significant, irreparable harms from coming to pass until these objections can be fully considered.

Sincerely,



Joel Schreurs

EXHIBIT V

Cherry Marketing Institute
Objections and Request for Evidentiary Hearing Tolerance Revocation: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 29, 2021

CHERRY MARKETING INSTITUTE

MONTMORENCY
U.S. TART CHERRIES™

October 29, 2021

Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Formal Written Objections and Request for Evidentiary Hearing for Chlorpyrifos Tolerance Revocation (EPA-HQ-OPP-2021-0523)

To Whom It May Concern,

Cherry Marketing Institute (CMI) would like to further object to and request an evidentiary hearing regarding the misrepresentation and disregarding factual statements as it pertains to the revocation of tolerances for Chlorpyrifos. CMI is a non-profit national organization representing U.S. tart cherry growers and Michigan sweet cherry growers. The total U.S. tart cherry crop has the capacity to produce 275-360 million pounds annually, contributing more than $1.4 billion to the economy this past year. Environmental Protection Agency's (EPA) decision on one of the most effective tools in cherry growers' toolbox will cause irreparable harm to cherry growers and the economy.

In a memorandum published in 2020, EPA reviewed 11 different geographical regions and the crops grown there, determining that if a prescribed set of parameters are followed, the amount of residue would below levels of concern.[1] The Michigan tart cherry industry is one of those 11 industries that EPA has determined to receive a "high benefit" from the use of Chlorpyrifos and does not pose a dietary risk. EPA states in Sec. 5(a)(1) of the Proposed Interim Registration Review Decision (PID) (Docket Number EPA-HQ-OPP-2008-0850) that, "Table 10 provides a list of the high-benefit agricultural uses that the agency has determined will not pose potential risk of concerns…"[2].

Furthermore, as stated in the Federal Register, "Considering food exposure alone, the Agency did not identify risks of concern for either acute or steady state exposure."[3] As well, the Michigan tart cherry industry uses this "high-benefit" chemistry as a trunk spray to treat for peachtree borer, lesser peachtree borer, and American plum borer control where the "high benefit signifies that there are no alternative pesticides available or the alternatives are expensive or not as efficacious for a pest on a specific crop."[4]

CMI's concern is that the Michigan tart cherry industry can, as has been proven by EPA, use this resource to produce a nutritional crop in a safe manner. Again, it has been proven by a drinking water assessment and a dietary assessment that our industry's use meets Federal Food, Drug, and Cosmetic Act safety standards. Therefore, by EPA revoking the tolerances for use of Chlorpyrifos

[1] Bohaty, Ph.D., Rochelle et. al, Memorandum: Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review | September 15, 2020 | https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0941
[2] Chlorpyrifos, Proposed Interim Registration Review Decision, Case Number 100, December 2020 | https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0971
[3] Federal Register, Vol. 86, No. 165, published on Monday, August 30, 2021 https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0001
[4] Bohaty, Ph.D., Rochelle et. al, Memorandum: Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review | September 15, 2020 | https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0941

in the Michigan tart cherry industry due to a dietary risk of concern is factually inaccurate, based on EPA's own findings.

In conclusion, Cherry Marketing Institute respectfully request an evidentiary hearing to further convey our concerns with EPA's determination. The Agency has shown that Chlorpyrifos can be used with no risk of harm in the Michigan tart cherry industry, yet revokes the tolerance anyways, a move that could cause irreparable harm.

We appreciate your understanding and consideration in this request.

Sincerely,

Kyle Harris
Director, Grower Relations
Cherry Marketing Institute
12800 Escanaba Drive, Suite A
DeWitt, MI 48820

EXHIBIT DD

Minor Crop Farmer Alliance
Objections and Request to Stay Tolerance
Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

October 29, 2021

Minor Crop Farmer Alliance

Via Electronic Docket Submission October 29, 2021

Mr. Edward Messina
Director, Office of Pesticide Programs
C/O Office of the Hearing Clerk
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Re: Objections to the Revocation of Chlorpyrifos Tolerances Final Rule (Docket No. EPA-HQ-OPP-2021-0523)

Dear Mr. Messina:

These objections are submitted on behalf of the Minor Crop Farmer Alliance ("MCFA") and its members in response to the final rule *Chlorpyrifos; Tolerance Revocations* published by the U.S. Environmental Protection Agency ("EPA" or "Agency") in the Federal Register on August 30, 2021 (86 Fed. Reg. 48315-36).

MCFA is an alliance of national and regional organizations and individuals representing growers, shippers, packers, handlers and processors of various agricultural commodities, including food, fiber, turf grass, nursery and landscape crops, and organizations involved with public health pesticides. MCFA advocates for use of sound science in government pesticide policies, so that our growers have access to crop protection tools that are safe for applicators, workers, the public and the environment. While our commodities are often called "minor crops" or "specialty crops," they play a major role in the public's health and wellbeing by supplying diverse and highly nutritious foods to the world's growing population, and safe and beautiful surroundings for our homes, schools, and places of business. These U.S. farmers grow more than 500 types of fruit, vegetable, tree nut, flower, ornamental nursery and turf grass crops. Specialty crop production accounts for more than $60 billion, or approximately 40% of total U.S. crop receipts.

On behalf of our members, MCFA objects to the revocation of the chlorpyrifos tolerances (40 CFR § 180.342) as specified in the final rule. These tolerances should remain in effect. Chlorpyrifos is an important pesticide used by many farmers in the production of their crops, including specialty crop producers who are members of MCFA, to address various insect pests. They and their customers rely on the chlorpyrifos tolerances to address any residues of the chemical that may be present in the commodities they produce and distribute. Consequently, MCFA members are adversely affected by the revocation of chlorpyrifos tolerances.

MCFA has three main objections to the final rule. In summary, first MCFA objects to the Agency relying on certain epidemiological reports as a basis for maintaining a ten-fold uncertainty factor in assessing whether the chlorpyrifos tolerances meet the statutory standard of safety, i.e., a reasonable certainty of no harm. It is clear that these epidemiological reports are the

central basis for the Agency not reducing the uncertainty factor. The epidemiological information on which the Agency is relying is unreliable and therefore inappropriate for use in the Agency's decision-making process. As such, MCFA believes the Agency has not conducted an appropriate weight-of-evidence analysis of the available reliable data and information as required.

Second, assuming *arguendo* that the ten-fold uncertainty factor is maintained, the Agency in the final rule acknowledges that there are at least eleven (11) current crop uses that would meet the required safety standard. However, the Agency indicates that because it is forced to deal with the entire label as currently constructed, it lacks the ability/flexibility to maintain the tolerances associated with these 11 crops. The Agency tries to disassociate itself from the consequences of the administrative regulatory path it has chosen to take, namely initiating tolerance revocation before completing a cancelation proceeding. If the Agency followed the sequence of taking the necessary tolerance actions only after first finalizing its registration decision in a cancellation action under Section 6 of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") as has been its historical approach, situations like that presented in the current action would be avoided. Consequently, MCFA objects to the tolerance revocations applicable to the 11 crops because these uses meet the required safety standard and the revocation of tolerance results because the Agency has failed to first initiate the applicable procedures under FIFRA before initiating this tolerance revocation action.

Third, MCFA objects to the October 29, 2021, effective date. The Administrator has the authority under the statute to stay the effective date, and he should exercise his discretion in this situation. Each of these objections are discussed in greater detail below.

I. The epidemiological reports which the Agency uses as support for not reducing the ten-fold uncertainty factor are not reliable and are inappropriate for use in the tolerance review process.

EPA should reconsider its approaches used in its revised chlorpyrifos human health risk assessment, particularly the reliance on three epidemiology reports[1], and more specifically the CCCEH report. The information in that paper underpins EPA's decision to maintain the Food Quality Protection Act (FQPA) ten-fold uncertainty factor. This additional uncertainty factor is central in determining whether chlorpyrifos exceeds the total aggregate/dietary risk under the FQPA. Essentially, the Agency is choosing to set aside the results of carefully conducted chlorpyrifos laboratory animal exposure studies and instead rely on these limited epidemiological reports. That approach does not appear to reflect the application of sound science or transparency, both of which the Agency has championed as cornerstones of its approach in implementing the provisions of the FQPA.

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[1] Mothers and Newborn Study of North Manhattan and South Bronx conducted by Columbia Children's Center for Environmental Health ("CCCEH") Columbia University; 2) Mount Sinai Inner-City Toxicants, Child Growth and Development Study; and 3) Center for Health Assessment of Mothers and Children of Salinas Valley (CHAMACOS) conducted by University of California Berkeley researchers.

The chlorpyrifos toxicological database is very extensive, and the endpoints are well understood. In this instance, however, the Agency has decided to give undue weight to the "secret science" of these epidemiological papers, using the conclusions of those papers as the underpinning for the conclusion that there is uncertainty regarding the safety of the chemical residue. In fact, the Agency does not know whether the reported conclusions in the CCCEH reports are consistent with the underlying information/data associated with the report. Before relying on the conclusions of these reports, the Agency needs to validate them by determining : (1) whether the participants were actually exposed to chlorpyrifos, and if so, (2) at what dose, (3) over what time period, (4) whether the reported effects actually occurred, (5) that the measurements were accurate, and, (6) if the measurements were accurate, whether there were factors other than exposure to chlorpyrifos which caused the purported effect.

Consequently, the Agency is overriding the results of carefully constructed Good Laboratory Practices-compliant laboratory animal toxicology studies in favor of epidemiological studies, and all affected parties should be assured that the exposures to the pesticide are clearly documented and legitimate. Otherwise, the Agency is replacing scientific results with guesswork. By according these epidemiology studies such primacy in its decision making without having the raw data available and public consultation or discussion, EPA is reordering the hierarchy of information it uses to make regulatory decisions.

The administrative record is very clear. Despite the Agency making repeated reasonable requests to review the underlying data and information from the CCCEH study, the authors declined to share such information. Apparently, the researchers did not think they could trust the Agency to maintain the confidentiality of the information relating to the study's participants. Notwithstanding the researchers declining to provide the necessary access to demonstrate the reliability of the CCCEH paper, the Agency subsequently relied on the researchers' conclusions to justify maintaining the ten-fold uncertainty factor in its chlorpyrifos tolerances safety assessment. The reliance of the unsubstantiated information from these epidemiological reports is unjustified. Without the underlying information/data associated with the reports, they cannot be said to meet any reasonable definition of "reliable information" as contemplated by the FQPA.

Furthermore, the Agency has reliable, comprehensive and robust toxicity and exposure information for chlorpyrifos. The Agency recognizes that regulating chlorpyrifos on the basis of cholinesterase inhibition is sufficiently protective of infants and children. There is no available scientifically valid evidence that demonstrates that regulating chlorpyrifos based on cholinesterase inhibition is not sufficiently protective of infants and children from effects of potential exposure to the chemical, including neurodevelopmental effects. Further, as the Agency's record reflects, there are numerous other epidemiological publications and studies which are counter to the conclusions of the three reports in question.[2] Those other studies appear

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[2] In fact, a review of approximately 600 studies contracted by the EU European Food Safety Agency concluded that there is no evidence to suggest an association between pesticide exposure, including Chlorpyrifos, and neurodevelopment effects.

to indicate that at the measured levels of exposure, the evidence is insufficient to show causality between chlorpyrifos and adverse neurological effects in infants and children. As such, the Agency should re-initiate its analysis of whether, based on a weight-of evidence approach, the reliable available data demonstrate that the ten-fold uncertainty factor can be reduced. We believe that the data support such a reduction.

II. The Agency's current analysis demonstrates that even with no reduction of the ten-fold uncertainty factor, tolerances associated with 11 current crop uses would meet the required safety standard, and therefore should be maintained.

In its analysis, the Agency recognizes that 11 current crop uses would meet the required safety standard even if the ten-fold uncertainty factor is maintained.[3] However, the Agency indicates that because it is forced to deal with the entire label as currently constructed, it lacks the ability/flexibility to maintain the tolerances associated with these 11 crops uses. The Agency tries to disassociate itself from the consequences of the administrative regulatory path it has chosen to take, namely initiating tolerance revocation before completing a cancelation proceeding. If the Agency followed its traditional FIFRA/FQPA sequencing of taking the necessary tolerance actions only after first finalizing its decision in a cancellation action under Section 6 of the FIFRA, situations like that presented in the current action would be avoided. Consequently, MCFA objects to the tolerance revocations applicable to the 11 crops because the Agency has failed to first initiate the applicable procedures under FIFRA before initiating this tolerance revocation action.

It is not reasonable that Congress ever intended such a result in the application of the FQPA. Congress wanted to make certain that the Agency conducted the appropriate rigorous scientific analysis to be assured that residues associated with approved uses of a chemical met the required safety standards for maintaining the associated tolerance. However, Congress also recognized the important role pesticides play in agriculture production in producing the nation's food supply and maintaining national food security. Nowhere in the FQPA is there support for revoking a tolerance associated with a food use that met the reasonable certainty of no harm standard because of an administrative sequencing problem that the Agency itself controls. Revoking such tolerances in the instant situation merely serves to hurt the affected growers and their customers who rely on the foods they produce. It is not warranted from a safety perspective under the FQPA. The exposures are safe. What is missing is the Agency affording the registrant the opportunity to amend its registration to appropriately reduce the uses of the chemical to only the 11 crops. Additionally, canceling tolerances that meet safety standards undermines the scientific credibility of the Agency.

III. The Agency should exercise its discretion and stay the effective date of October 29, 2021.

The statute provides the Agency the authority to stay the effective date of the tolerance revocations. See 21 U.S.C. § 346a (g)(1). Under the current circumstances, the Administrator should exercise his discretion and extend the effective date, at least to allow the full

[3] These include alfalfa, apple, asparagus, cherry, citrus, cotton, peach, soybean, sugar beet, strawberry and wheat in specific areas of the country.

consideration of the objections and allow for the appropriate amendment of the registration to accommodate the uses associated with the above-referenced commodities so that the 11 tolerances are maintained.

Based on the foregoing, the Agency should modify the tolerance revocations decision for chlorpyrifos.

Respectfully submitted,

Michael J. Aerts
MCFA Technical Committee Co-Chair
800 Trafalgar Court, Suite 200
Maitland, Florida 32751

EXHIBIT S

EPA Response to American Soybean Association Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523)

January 4, 2022

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 4, 2022

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Kyle Kunkler
Director of Government Affairs
American Soybean Association
12647 Olive Boulevard, Suite 410
St. Louis, Missouri 63141

Dear Mr. Kunkler:

Thank you for your letter on behalf of the American Soybean Association and stakeholders regarding chlorpyrifos.

As the Biden-Harris Administration works to advance the U.S. Environmental Protection Agency's (EPA) mission of protecting human health and the environment, EPA is committed to ensuring the safety of chemicals used by all Americans. At this time, EPA is reviewing a number of Agency actions in light of statutory obligations, policy objectives related to use of the best available science, and protection of human health and the environment in accordance with executive orders and other direction provided by the Biden-Harris Administration.

In August 2021, EPA released a final rule revoking all tolerances, which established the amounts of a pesticide allowed on food, for chlorpyrifos (https://www.epa.gov/newsreleases/epa-takes-action-address-risk-chlorpyrifos-and-protect-childrens-health). As set by the final rule, the tolerances for chlorpyrifos will be revoked on February 28, 2022, six months after the final rule published on August 30, 2021 in the Federal Register (https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0001).

The rule was issued in response to the Ninth Circuit's order directing EPA to issue a final rule in response to the 2007 petition filed by Pesticide Action Network North America and the Natural Resources Defense Council (https://cdn.ca9.uscourts.gov/datastore/opinions/2021/04/29/19-71979.pdf). In its decision, the Ninth Circuit Court, indicated that "EPA had abdicated its statutory duty under the Federal Food, Drug and Cosmetic Act (FFDCA)," ordered EPA to, within 60 days of the issuance of the mandate, issue a final rule in which the Agency either modifies the chlorpyrifos tolerances and issues a finding that the modified tolerances are safe, or revokes the tolerances. The petition requested that EPA revoke all chlorpyrifos tolerances, because those tolerances were not safe, in part due to the potential for neurodevelopmental effects in children.

Any registrant, including those who hold registrations of chlorpyrifos, can cancel the registration of a pesticide product or use at any time by voluntarily submitting a request to the Agency. If no requests are submitted for chlorpyrifos, the Agency intends to issue a Notice of Intent to Cancel (NOIC) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to cancel registered food uses of chlorpyrifos associated with the revoked tolerances. EPA would take the initiative to cancel the food

uses of chlorpyrifos due to the unacceptable risks. When EPA issues an NOIC, it will be published in the Federal Register. For more information on the NOIC process, please visit EPA's website at https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative.

For the remaining non-food uses, the Agency is proceeding with registration review, which is a review of all registered pesticide registrations at least every 15 years to ensure that, as the ability to assess risk evolves and as policies and practices change, all registered pesticides continue to meet the statutory standard of no unreasonable adverse effects. After considering public comments on the December 2020 Proposed Interim Decision (PID), EPA will issue an interim decision by October 1, 2022, which may consider additional measures to reduce human health and ecological risks. More information about chlorpyrifos is available on EPA's website (https://www.epa.gov/ingredients-usedpesticide-products/chlorpyrifos).

Again, thank you for your letter. We look forward to strengthening our relationship with stakeholders as we forge ahead in our work.

Sincerely,

MICHAL FREEDHOFF

Digitally signed by MICHAL FREEDHOFF
Date: 2022.01.04 18:34:48 -05'00'

Michal Freedhoff, Ph.D.
Assistant Administrator

EXHIBIT AA

USDA NASS Citrus January Forecast

Issued January 12, 2022

United States Department of Agriculture
National Agricultural Statistics Service

CITRUS

JANUARY FORECAST
MATURITY TEST RESULTS AND FRUIT SIZE

Cooperating with the Florida Department of Agriculture and Consumer Services
851 Trafalgar Ct, Suite 310E, Maitland, FL 32751-4132
(407) 648-6013 · (855) 271-9801 FAX · www.nass.usda.gov/fl

January 12, 2022

Florida All Orange Production Down 3 Percent
Florida Non-Valencia Orange Production Down 3 Percent
Florida Valencia Orange Production Down 4 Percent
Florida All Grapefruit Production Unchanged
Florida All Tangerine and Tangelo Production Down 11 Percent

FORECAST DATES - 2021-2022 SEASON	
February 9, 2022	May 12, 2022
March 9, 2022	June 10, 2022
April 8, 2022	July 12, 2022

Citrus Production by Type – States and United States

Crop and State	Production [1]		2021-2022 Forecasted Production [1]	
	2019-2020	2020-2021	December	January
	(1,000 boxes)	(1,000 boxes)	(1,000 boxes)	(1,000 boxes)
Non-Valencia Oranges [2]				
Florida	**29,650**	**22,700**	**18,000**	**17,500**
California	43,300	40,600	35,000	39,000
Texas	1,150	1,000	450	300
United States	74,100	64,300	53,450	56,800
Valencia Oranges				
Florida	**37,750**	**30,100**	**28,000**	**27,000**
California	10,800	9,500	8,500	8,600
Texas	190	50	100	100
United States	48,740	39,650	36,600	35,700
All Oranges				
Florida	**67,400**	**52,800**	**46,000**	**44,500**
California	54,100	50,100	43,500	47,600
Texas	1,340	1,050	550	400
United States	122,840	103,950	90,050	92,500
Grapefruit				
Florida-All	**4,850**	**4,100**	**4,100**	**4,100**
Red	**4,060**	**3,480**	**3,300**	**3,300**
White	**790**	**620**	**800**	**800**
California	4,700	3,900	3,900	3,500
Texas	4,400	2,400	3,100	1,600
United States	13,950	10,400	11,100	9,200
Lemons				
Arizona	1,800	800	1,300	1,400
California	25,300	21,300	21,000	23,000
United States	27,100	22,100	22,300	24,400
Tangerines and Tangelos				
Florida	**1,020**	**890**	**900**	**800**
California [3]	22,400	28,100	21,000	21,000
United States	23,420	28,990	21,900	21,800

[1] Net pounds per box: oranges in California-80, Florida-90, Texas-85; grapefruit in California and Texas-80, Florida-85; lemons-80; and tangerines and mandarins in California-80, Florida-95.
[2] Navel and miscellaneous varieties in California. Early (including Navel) and midseason varieties in Florida and Texas.
[3] Includes tangors.

All Oranges 44.5 Million Boxes

The 2021-2022 Florida all orange forecast released today by the USDA Agricultural Statistics Board is 44.5 million boxes, down 1.50 million boxes from the December forecast. If realized, this will be 16 percent less than last season's final production. The forecast consists of 17.5 million boxes of non-Valencia oranges (early, mid-season, and Navel varieties) and 27.0 million boxes of Valencia oranges. A 9-year regression has been used for comparison purposes. All references to "average", "minimum", and "maximum" refer to the previous 10 seasons, excluding the 2017-2018 season, which was affected by Hurricane Irma. Average fruit per tree includes both regular and first late bloom.

Non-Valencia Oranges 17.5 Million Boxes

The forecast of non-Valencia production is lowered 500,000 boxes to 17.5 million boxes. Final fruit size is close to the minimum, requiring 326 pieces to fill a 90-pound box. Final droppage of non-Valencia oranges (excluding Navels) at 39 percent is close to the maximum. The Navel forecast, included in the non-Valencia forecast, is unchanged at 450,000 boxes, and is 3 percent of the non-Valencia total.

Valencia Oranges 27.0 Million Boxes

The forecast of Valencia production is lowered 1.00 million boxes from the December forecast to 27.0 million boxes. Current fruit size is close to the minimum and is projected to be close to the minimum at harvest. Current droppage is above average and projected to be above average at harvest.

All Grapefruit 4.10 Million Boxes

The forecast of all grapefruit production is unchanged from December at 4.10 million boxes. If realized, this will be equal to last season's final production. The red grapefruit forecast is held at 3.30 million boxes. Fruit size of red grapefruit at harvest is projected to be average, and droppage is projected to be average. The white grapefruit forecast is unchanged at 800,000 boxes. Projected fruit size of white grapefruit at harvest is above average. White grapefruit droppage is projected to be below average.

Tangerines and Tangelos 800,000 Boxes

The forecast for tangerines and tangelos is reduced 100,000 boxes from December and is now 800,000 boxes, 10 percent less than last season's utilization of 890,000 boxes. This forecast number includes all certified tangerine and tangelo varieties.

Reliability

To assist users in evaluating the reliability of the January 1 Florida production forecasts, the "Root Mean Square Error," a statistical measure based on past performance, is computed. The deviation between the January 1 production forecast and the final estimate is expressed as a percentage of the final estimate. The average of squared percentage deviations for the latest 20-year period is computed. The square root of the average becomes statistically the "Root Mean Square Error." Probability statements can be made concerning expected differences in the current forecast relative to the final end-of-season estimate, assuming that factors affecting this year's forecast are not different from those influencing recent years.

The "Root Mean Square Error" for the January 1 Florida all orange production forecast is 6.3 percent. If you exclude the three abnormal production seasons (three hurricane seasons) chances are still 6.3 percent. This means chances are 2 out of 3 that the current all orange production forecast will not be above or below the final estimates by more than 6.3 percent, including or excluding abnormal seasons. Chances are 9 out of 10 (90 percent confidence level) that the difference will not exceed 10.9 percent including abnormal seasons, or 11.0 percent excluding abnormal seasons.

Changes between the January 1 Florida all orange forecast and the final estimates during the past 20 years have averaged 5.34 million boxes (4.90 million, excluding abnormal seasons), ranging from 0.30 million boxes to 12.7 million boxes (including and excluding abnormal seasons). The January 1 forecast for all oranges has been below the final estimate 5 times, above 15 times, (below 5 times, above 12 times, excluding abnormal seasons). The difference does not imply that the January 1 forecasts this year are likely to understate or overstate final production.

Forecast Components, by Type – Florida: January 2022

[Survey data is considered final in December for Navels, January for early-midseason (non-Valencia) oranges, February for grapefruit, and April for Valencia oranges]

Type	Bearing trees	Fruit per tree	Droppage	Fruit per box
	(1,000 trees)	(number)	(percent)	(number)
ORANGES				
Early-midseason (Non-Valencia) [1]	18,171	571	39	326
Navel	864	150	28	137
Valencia	30,349	394	30	263
GRAPEFRUIT				
Red	1,776	393	29	122
White	314	481	25	105

[1] Excludes Navels.

Maturity

Regular bloom fruit samples were collected on December 27-28, 2021 from groves on established routes in Florida's five major citrus producing areas, and tested December 29-30, 2021. All comparisons in the first table are made to January 1, 2021. Ratios are lower on all varieties of oranges. Unfinished juice per box is lower on Valencia oranges, and solids per box are lower on all varieties.

All Indian River comparisons are made to fruit from other areas for this test period. Ratios on Valencia oranges tested from the Indian River are lower. Unfinished juice per box and solids per box is lower on early non-Valencia oranges.

Unadjusted Maturity Tests — Florida: January 1, 2020-2021 and 2021-2022

[Averages of regular bloom fruit from sample groves. Juice and solids per box are unadjusted and not comparable to juice processing plant test results. Samples were run through an FMC 091B machine using pneumatic pressure. This machine utilizes a 0.025 short strainer and a 1.00-inch orifice tube for the 3 inch cup and a 1.25 inch orifice tube for the 4 inch and 5 inch cups]

Fruit type (number of groves) test date	Acid		Solids (Brix)		Ratio		Unfinished juice per box		Solids per box	
	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022
	(percent)	(percent)	(percent)	(percent)			(pounds)	(pounds)	(pounds)	(pounds)
ORANGES										
Early N-V (73-66)										
Sep 1	1.23	1.19	8.81	9.20	7.26	7.79	44.36	43.18	3.91	3.97
Oct 1	0.90	0.91	9.21	9.03	10.43	10.02	49.63	48.07	4.57	4.34
Nov 1	0.67	0.71	9.47	9.65	14.28	13.63	50.94	50.08	4.82	4.83
Dec 1	0.59	0.66	9.77	9.65	16.57	14.67	51.80	51.85	5.06	5.00
Jan 1	0.58	0.62	10.41	10.00	18.17	16.21	50.83	51.84	5.29	5.18
Midseason N-V (35-38)										
Sep 1	1.31	1.34	8.56	8.69	6.66	6.61	45.35	44.70	3.89	3.89
Oct 1	0.97	1.03	9.04	8.85	9.49	8.72	49.72	48.35	4.50	4.28
Nov 1	0.79	0.80	9.29	9.26	11.92	11.78	51.32	50.84	4.77	4.71
Dec 1	0.66	0.74	9.67	9.24	14.86	12.65	53.50	52.28	5.17	4.84
Jan 1	0.60	0.65	9.91	9.67	16.63	15.02	51.69	51.99	5.12	5.03
Valencia (150-150)										
Sep 1	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Oct 1	1.79	2.00	8.75	8.66	4.95	4.37	48.55	46.41	4.25	4.02
Nov 1	1.48	1.57	8.84	9.07	6.06	5.88	50.65	48.98	4.48	4.44
Dec 1	1.22	1.35	9.17	9.25	7.63	6.91	52.88	51.36	4.85	4.75
Jan 1	1.08	1.18	9.61	9.49	8.97	8.11	53.59	52.79	5.15	5.01

(N-V) Non-Valencia
(NA) Not available.

Unadjusted Maturity Test Averages, by Areas — Florida: January 1, 2020-2021 and 2021-2022

Fruit type (number of groves)	Acid		Solids (Brix)		Ratio		Unfinished juice per box		Solids per box	
	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022	2020-2021	2021-2022
	(percent)	(percent)	(percent)	(percent)			(pounds)	(pounds)	(pounds)	(pounds)
ORANGES										
Early N-V										
Indian River (6-7)	0.57	0.60	10.79	10.19	19.14	17.03	53.25	49.51	5.75	5.06
Other Areas (67-59)	0.58	0.63	10.37	9.98	18.08	16.12	50.61	52.12	5.25	5.20
Midseason N-V										
Indian River (2-2)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)	(D)
Other Areas (33-36)	0.60	0.65	9.88	9.65	16.51	15.06	51.54	52.17	5.10	5.04
Valencia										
Indian River (29-29)	1.09	1.25	9.91	9.96	9.17	8.03	54.19	52.86	5.37	5.26
Other Areas (121-121)	1.08	1.16	9.54	9.37	8.93	8.13	53.45	52.77	5.10	4.95

(N-V) Non-Valencia
(D) Withheld to avoid disclosing data for individual operations.

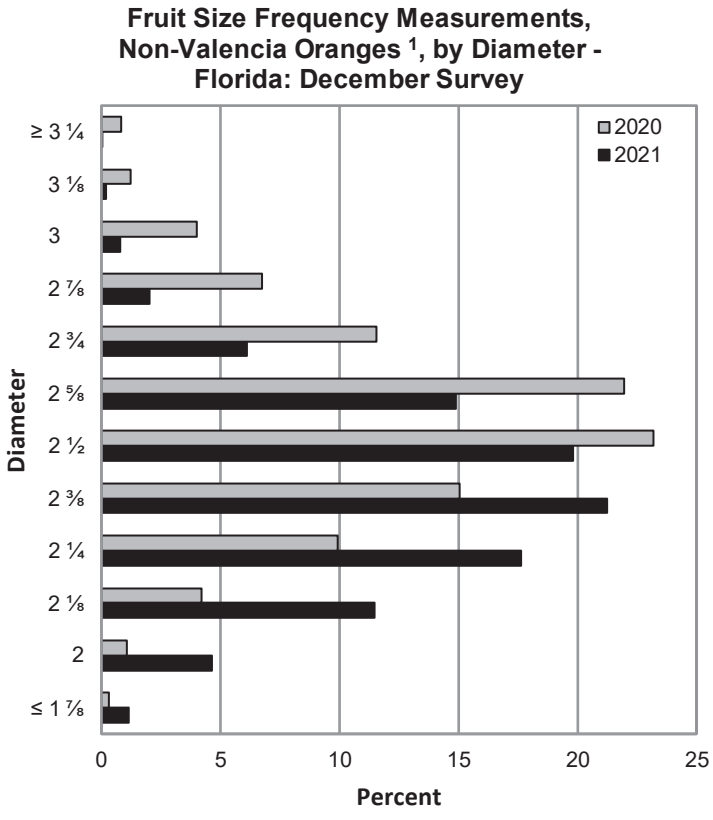
Size Frequency Measurement Distributions, by Type — Florida: December Survey

[Size frequency distributions from the December size survey are shown in the following table. The distributions are by percent of fruit falling within the size range of each 4/5-bushel container. These frequency distributions include fruit from regular bloom and exclude fruit from summer bloom]

Type and number of fruit per 4/5 – bushel containers	2019	2020	2021	Type and number of fruit per 4/5 – bushel containers	2019	2020	2021
	(percent)	(percent)	(percent)		(percent)	(percent)	(percent)
NON-VALENCIA ORANGES [1]				**RED GRAPEFRUIT**			
64 or less	0.2	1.2	0.1	32 or less	2.3	3.6	0.8
80	2.1	7.5	1.6	36	7.7	8.3	4.6
100	14.2	24.3	12.6	40	12.2	10.4	8.9
125	31.9	36.5	29.5	48	16.8	13.4	14.4
163 or more	51.6	30.5	56.2	56	16.3	17.4	17.0
				63 or more	44.7	46.9	54.3
VALENCIA ORANGES				**WHITE GRAPEFRUIT [2]**			
64 or less	0.6	1.5	0.6	32 or less	7.1	2.9	7.0
80	6.2	8.7	4.1	36	9.6	10.3	16.3
100	26.0	27.5	18.4	40	16.6	16.1	16.8
125	35.4	33.7	31.8	48	17.9	15.5	20.5
163 or more	31.8	28.6	45.1	56	12.3	17.7	14.2
				63 or more	36.5	37.5	25.2

[1] Excludes Navels.
[2] Excludes seedy.

The charts below show the distribution of fruit sizes in 2020 compared to 2021. The diameter measurements shown are the minimum values of each eighth inch range, except for the smallest values.



[1] Excludes Navel varieties.

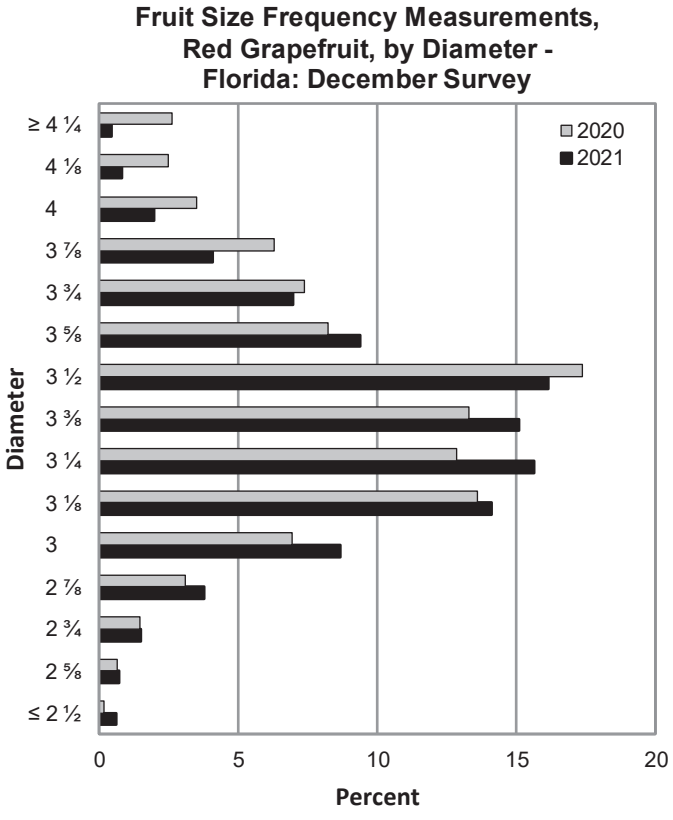


EXHIBIT 24

USDA United States Department of Agriculture

Office of the Secretary
Washington, DC 20250

September 20, 2022

THE HONORABLE VICKY HARTZLER
U.S. House of Representatives
2235 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Hartzler:

Thank you for your letter of July 11, 2022, cosigned by your colleagues, in which you request the rescission of the Environmental Protection Agency's (EPA) August 18, 2021, final rule canceling all food uses of the organophosphate pesticide chlorpyrifos and in which you offer several questions for both EPA and the U.S. Department of Agriculture (USDA). I apologize for the delayed response.

USDA is committed to providing all U.S. farmers with a diverse "toolbox" for addressing pest management challenges. The composition of this toolbox will undoubtedly continue to expand and evolve over time. At present, the judicious use of pesticides continues to be an important tool for farmers—and one which is strictly regulated to ensure safety to applicators, consumers, and the environment. USDA vigorously supports continuous progress and improvements to food systems that support our health, environment, and economy.

I encourage you to look at USDA's Agriculture Innovation Agenda and the U.S. Agriculture Innovation Research Strategy, which describe some of the extraordinary achievements of U.S. agriculture and our forward-looking vision for continuing to increase agricultural productivity by 40% while cutting the environmental footprint of U.S. agriculture in half by 2050. This information is available at: https://www.usda.gov/aia.

USDA is strongly supportive of the EPA's pesticide regulatory and policymaking process, for both its scientific rigor and its commitment to integrity and transparency. Under U.S. law, the EPA evaluates not only the potential risks associated with pesticide use, but also balances those risks with the benefits derived from pesticide use in agriculture, as well as in public health, residential settings, and our parks, forests, and public lands. The EPA's deliberative scientific evaluation process ensures farmers' continued access to the safe tools and technologies that are necessary to providing Americans with an abundant and affordable food supply.

Regarding the recent regulatory actions on chlorpyrifos, we are coordinating closely with the EPA and agricultural stakeholders. While chlorpyrifos is a broad-spectrum organophosphate insecticide that has been a part of U.S. growers' toolbox for multiple decades, its use has declined in recent years, and alternative pest control methods are available in many crop production systems. We are actively working to identify additional tools to replace critical uses of chlorpyrifos that currently lack viable pest management alternatives, including those critical uses in Missouri.

The USDA also collaborates with states, universities, and growers to promote the development of integrated pest management (IPM) strategies that reduce the economic, environmental, and public health risks from pests and the methods used to control them in agricultural and natural resource environments. You can find more information about our efforts to support IPM at: https://www.usda.gov/oce/pest/integrated-pest-management.

In response to your specific questions, please see below:

Question 1. Did scientists at the USDA's Office of Pest Management Policy agree with EPA's decision to cancel all food tolerances of chlorpyrifos in 2021 under FFDCA?

> **Answer:** USDA-Pest Management Policy (OPMP) scientists believe EPA could retain certain chlorpyrifos uses that meet EPA's safety standard, based on the EPA's proposed interim decision (PID). USDA-OPMP scientists also presented arguments for why additional uses should be considered for retention. This is summarized in USDA-OPMP's comments submitted to EPA in response to the chlorpyrifos PID in March 2021: https://www.regulations.gov/comment/EPA-HQ-OPP-2008-0850-1101.

Question 2. What was USDA's level of involvement in this decision?

> **Answer:** USDA has no formal regulatory role over pesticide regulatory decisions, but instead, through OPMP, provides information to EPA for use and consideration in regulatory decision-making. In addition to our public comment submission, OPMP has been in regular contact with EPA to discuss the importance of chlorpyrifos.

Question 3. Was USDA briefed by DOJ and EPA regarding EPA's final rule canceling all food tolerances for chlorpyrifos, of which was the administration's response to the April 29, 2021, directive by the U.S. Court of Appeals for the Ninth Circuit?

> **Answer:** USDA was briefed by EPA but was not briefed by the Department of Justice.

Question 4. EPA recently requested voluntary cancellations under FIFRA from the registrants of chlorpyrifos. Voluntary cancellations occurred for all except the 11 uses that EPA deemed safe in its December 2020 PID for chlorpyrifos, including Missouri soybeans, alfalfa, and wheat. The registrant has requested EPA work with on sublabels for said 11 continued uses.

a. Are your agencies working to approve these 11 sublabels?

b. If so, what is the expected timeline for approval?

> **Answer:** USDA does not have a formal role in approving pesticide regulatory decisions. The decision to re-visit or potentially re-register labels with chlorpyrifos uses rests with EPA. We have and will, however, provide information to help inform EPA's decision,

including information on the benefits of chlorpyrifos to growers. We will work to make the case to follow the science and maintain safe use of chlorpyrifos for those 11 crops, and any others that might still be adjusted or refined to meet EPA's safety standard.

Question 5. Will you prioritize a way for chlorpyrifos use this growing season, given the chemistry has few viable and cost-effective alternatives?

Answer: As with any chemical uses determined to meet the safety standard, we will encourage EPA to allow for continued use.

Thank you for your letter, and I hope the information and responses I have provided are helpful. I would also like to welcome you to reach out directly to our Office of Pest Management Policy (kimberly.nesci@usda.gov or clayton.myers@usda.gov) which coordinates pest management and pesticide regulatory policy for the USDA. A similar response is being sent to your colleagues.

Sincerely,

THOMAS J. VILSACK
Secretary

January 6, 2023

The Honorable Michael S. Regan
Administrator, United States Environmental
Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Request for Stay/Withdrawal of EPA's Notice of Intent to Cancel Registrations for Chlorpyrifos

Dear Administrator Regan:

We write on behalf of nineteen grower groups (representing thousands of farmers around the country who rely upon the pesticide product known as chlorpyrifos) and the sole remaining technical registrant of chlorpyrifos (Gharda Chemicals International, Inc. ("Gharda")) (collectively "Petitioners"). Over the last 30 years, the global agricultural system has managed to feed almost 2.5 billion more people whilst reducing per capita environmental impacts by 20%. America's farmers are committed to producing safe and affordable food for consumers in the U.S. and around the world. Around 98% of U.S. farms are family owned and on a daily basis these farming families work to ensure a sufficient, safe, and nutritious food supply exists. We respectfully request that EPA immediately stay or withdraw EPA's Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations dated December 14, 2022 ("NOIC"). This request is based on several reasons.

First, EPA's primary basis for its NOIC is that tolerances for all food uses of chlorpyrifos were revoked by way of EPA's Final Rule published August 30, 2021, and the chlorpyrifos registrations must be cancelled as a follow-up to the tolerance revocation. However, Petitioners have challenged EPA's Final Rule as to eleven high benefit food uses found safe by the Agency ("Safe Uses") in the lawsuit known as *Red River Valley Sugarbeet Growers Ass'n, et al. v. Regan, et al.,* No. 22-1422 (8th Circuit) ("lawsuit"). There is no reason that EPA action with respect to chlorpyrifos registrations cannot await the Eighth Circuit's decision. As the Agency has said many times, once the tolerances expired, pesticide products containing chlorpyrifos could no longer be used on food crops. Registration cancellation does not alter or add to that result. The fact that EPA did not initiate the process until 15 months after the Final Rule lends support for the fact that cancellation will not impact the reality that it is already illegal to use pesticide products containing chlorpyrifos on food crops. Thus, EPA's NOIC is unnecessary at this time and premature in light of the lawsuit. It will only add considerably to the costs of Petitioners and other adversely affected parties who seek to have their rights addressed as to the Safe Uses.

Second, there is no urgency that the NOIC seeks to address. There is no reasonable basis to believe that chlorpyrifos is being distributed, sold, or otherwise placed in the stream of commerce, necessitating registration cancellation at this time. As noted above, EPA's tolerance revocations made distribution or use illegal as a matter of law. Moreover, in correspondence

dated March 1, 2022, EPA asked Gharda to voluntarily cancel its food use registrations for chlorpyrifos. The Agency threatened the immediate initiation of involuntary cancellation proceedings if Gharda did not do as the Agency had demanded. Gharda responded on March 30; *see* attached March 30, 2022, letter from Gharda to EPA. Gharda's response: (1) requested the voluntary cancellation of all of Gharda's food use registrations for chlorpyrifos except for the eleven Safe Uses currently in litigation (consistent with Gharda's commitment to the Agency well before the Final Rule); (2) recognized that "there can be no use, distribution, or sale of chlorpyrifos products for use on food by Gharda, its distributors and dealers, and other downstream uses"; and (3) "committed to working to ensure that its chlorpyrifos product does not enter the U.S. food supply while EPA's revocation order remains under review by the Eighth Circuit." Nothing has changed since Gharda's commitment, and EPA has never responded to Gharda's letter.

Third, the timing of EPA's NOIC is highly questionable. Published the day before oral argument in the Eighth Circuit in the lawsuit and coupled with an inflammatory press release issued by EPA, the NOIC appears to be an effort to interfere with the jurisdiction of the Eighth Circuit with respect to the Safe Uses. The issuance of the NOIC also appears to be an attempt to signal urgency when, as noted above, none exists except for American growers' desperate need of the Safe Uses of chlorpyrifos for the 2023 growing season commencing in March. In sum, there is no need based on the law or the facts for EPA to issue the NOIC while the Eighth Circuit litigation is pending. Indeed, for the Agency to wait nine months after Gharda's commitment not to sell or distribute chlorpyrifos products to issue its NOIC and to do so one day before oral argument in the lawsuit, smacks of an effort to create urgency where EPA's conduct demonstrates none exists, thereby impeding fair consideration of the lawsuit by the Court. This is especially true given USDA's adamant opposition to the NOIC and tolerance revocation as to the Safe Uses.

Finally, issuance of the NOIC with a response deadline shortly after the holiday period seems punitive by any measure. As set forth above, there is simply no reason to force Petitioners and other adversely affected parties to prepare for and go through a potentially costly NOIC process in light of the circumstances set forth above. Accordingly, the Petitioners respectfully request that EPA stay and/or withdraw the NOIC until after the Eighth Circuit's decision in the lawsuit. ***The Petitioners further request that EPA rule on this request as soon as possible in order to allow the Petitioners time to seek other relief, if necessary, consistent with this request.***

Sincerely,

South Dakota Soybean Association

By: _____
Jerry Schmitz
Executive Director

Red River Valley Sugarbeet Growers Association

By: _____
Brent Baldwin
Vice President

American Soybean Association

By: _____
Stephen Censky
Chief Executive Officer

Iowa Soybean Association

By: _____
Kirk Leed
Chief Executive Officer

Missouri Soybean Association

By: _____
Matthew Wright
President

Minnesota Soybean Growers Association

By: _____
Joseph Smentek
Executive Director

Nebraska Soybean Association

By: _____
Lori Luebbe
Executive Director

North Dakota Soybean Growers Association

By: _____
Kasey J. Bitz
President

American Farm Bureau Federation

By: _____
Samuel Kieffer
Vice President, Public Affairs

American Sugarbeet Growers Association

By: _____
Luther Markwart
Executive Vice President

U.S. Beet Sugar Association

By: _____
Cassie Bladow
President

Southern Minnesota Beet Sugar Cooperative

By: _____
Paul Fry
Chief Executive Officer

American Crystal Sugar Cooperative

By: _____
Thomas Astrup
President and Chief Executive Officer

Minn-Dak Farmers Cooperative

By: _____
Kurt Wickstrom
Chief Executive Officer

Florida Fruit and Vegetable Growers Association

By: _____
Mike Aerts
Vice President

Georgia Fruit and Vegetable Growers Association

By: _____
Chris Butts
Executive Vice President

Gharda Chemicals International, Inc.

By: _____
Ram Seethapathi
President

National Cotton Council of America

By: _____
Gary Adams
President and Chief Executive Officer

National Association of Wheat Growers

By: _____
Nicole Berg
President

Attachment

cc: Michal Freedhoff, Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency: freedhoff.michal@epa.gov.

Edward Messina, Director, Office of Pesticide Programs, U.S. Environmental Protection Agency: messina.edward@epa.gov.

Elissa Reaves, Pesticide Re-Evaluation Division, Office of Pesticide Programs, U.S. Environmental Protection Agency: reaves.elissa@epa.gov.

Dana Friedman, Branch Chief, Office of Pesticide Programs, Risk Management and Implementation Branch I (RMIB I), U.S Environmental Protection Agency: friedman.dana@epa.gov.

The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Gharda Chemicals International, Inc.

March 30, 2022

VIA EMAIL

U.S. Environmental Protection Agency
Office of Pesticide Programs
Risk Management and Implementation Branch I (RMIB I)
Attn: Dana Friedman, Branch Chief
1200 Pennsylvania Ave, N.W.
Washington, DC 20460
Email: friedman.dana@epa.gov

Re: Gharda Chemicals International, Inc. (EPA Company No. 93182) - Request for (1) Voluntary Cancellation of Certain Chlorpyrifos Food Use Registrations and (2) Sub-labels for Non-Food Uses

Dear Ms. Friedman:

On behalf of Gharda Chemicals International, Inc. (Gharda), I submit this response to the March 1, 2022 letter of the U.S. Environmental Protection Agency (EPA or Agency), in which EPA requested that Gharda voluntarily cancel registrations and/or uses impacted by EPA's decision to revoke all chlorpyrifos tolerances.

Consistent with its commitment to EPA in the weeks leading up to EPA's Final Rule revoking all chlorpyrifos tolerances, and pursuant to Section 6(f)(1)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Gharda requests voluntary cancellation of the food use registrations identified in Table 1. These uses comprise all of Gharda's currently registered food uses of chlorpyrifos **except** the eleven uses in select regions identified in EPA's December 2020 Proposed Interim Decision as critical, high-benefit crop uses (the **Eleven Uses**).

Table 1: Gharda Chemicals International, Inc. Voluntarily Cancelled Food Uses

Product name	**EPA Registration No.**	**Voluntarily Cancelled Food Uses**
Chlorpyrifos Technical	93182-3	**Alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), **Asparagus** (**except** in MI), Banana, Blueberry, Caneberry, Cherimoya, **Citrus Fruits** (**except** in AL, FL, GA, NC, SC, TX), Corn, **Cotton** (**except** in AL, FL, GA, NC, SC,

		VA), Cranberries, Cucumber, Date, Feijoa, Figs, Grapes, Kiwifruit, Leek, Legume Vegetables (except soybean), Mint, Onions (dry bulb), Pea, Peanuts, Pepper, Pumpkin, Sorghum, **Soybeans** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), Sunflowers, **Sugar Beets** (**except** in IA, ID, IL, MI, MN, ND, OR, WA, WI), Sugarcane, **Strawberries** (**except** in OR), Sweet Potatoes, Tree Fruit, (**apples** [**except** in AL, DC, DE, GA, ID, IN, KY, MD, MI, NJ, NY, OH, OR, PA, TN, VA, VT, WA, WV], pears, **cherries** [**except** tart cherries in MI], plums/prunes, **peaches** [**except** in AL, DC, DE, FL, GA, MD, MI, NC, NJ, NY, OH, PA, SC, TX, VA, VT, WV] and nectarines), Tree Nuts (almonds, filberts, pecans and walnuts), Vegetables (cauliflower, broccoli, Brussels sprouts, cabbage, collards, kale, kohlrabi, turnips, radishes, and rutabagas), and **wheat** (**except** spring wheat in CO, KS, MO, MT, ND, NE, SD, WY and winter wheat in CO, IA, KS, MN, MO, MT, ND, NE, OK, SD, TX, WY).
Pilot 4E Chlorpyrifos Agricultural Insecticide	93182-7	**Alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), **apple** (**except** in AL, DC, DE, GA, ID, IN, KY, MD, MI, NJ, NY, OH, OR, PA, TN, VA, VT, WA, WV), **asparagus** (**except** in MI), brassica (cole), leafy vegetables, radish, rutabaga, turnip, **citrus fruits and citrus orchard floors** (except in AL, FL, GA, NC, SC, TX), corn (field corn and sweet corn, including corn grown for seed) **cotton (except** in AL, FL, GA, NC, SC, VA), cranberries figs, grape, legume vegetables (succulent or dried, except soybean), onions (dry bulb), peanut, pear, peppermint and spearmint, sorghum (milo), **soybean** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), **strawberry** (**except** in OR), **sugar beet** (**except** in IA, ID, IL, MI, MN, ND, OR,

		WA, WI), sunflower, sweet potato, almond, walnut (dormant/delayed dormant sprays), tree fruits and almond (trunk spray or preplant dip) tree nuts (foliar sprays) tree nut orchard floors, **wheat** (**except** spring wheat in CO, KS, MO, MT, ND, NE, SD, WY and winter wheat in CO, IA, KS, MN, MO, MT, ND, NE, OK, SD, TX, WY), **cherries** (**except** tart cherries in MI), and **peaches** (**except** in AL, DC, DE, FL, GA, MD, MI, NC, NJ, NY, OH, PA, SC, TX, VA, VT, WV).
Pilot 15G Chlorpyrifos Agricultural Insecticide	93182-8	**Citrus and citrus orchards** (**except** in AL, FL, GA, NC, SC, TX), broccoli, Brussel sprouts, cabbage, Chinese cabbage, cauliflower, collards, kale, kohlrabi, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, corn, **asparagus** (**except** in MI), **alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), sorghum, **soybeans** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), peanuts, **sugar beets** (**except** in IA, ID, IL, MI, MN, ND, OR, WA, WI), turnips, and sunflowers.

Gharda understands that cancellation of the food uses outlined in Table 1 will result in cancellation of the same food uses for the supplemental distribution product identified below in Table 2.

Table 2: Supplemental Distribution Product

Distributor Product Number	Distributor Company Name	Distributor Product Name
93182-7-55467	Tenkoz, Inc.	Govern Insecticide

Gharda understands that a notice of receipt of this voluntary cancellation request will be published in the Federal Register, as required by Section 6(f) of FIFRA. Gharda further understands that the notice may allow up to a 180-day period after publication for public comment, during which time EPA may not approve or reject the request, and that the registrant may request that the comment period be waived. Gharda is not requesting waiver of the comment period. Gharda also understands that it is the Agency's policy to consider comments

received during the public comment period before making its final determination on such a request.

Gharda is not in a position to voluntarily cancel its registration for the Eleven Uses at this time, given the litigation pending in the U.S. Court of Appeals for the Eighth Circuit. Gharda stands prepared to engage in a dialogue with EPA and/or the Department of Justice concerning the Eleven Uses at the appropriate time.

Gharda nevertheless understands that while the litigation is pending there can be no use, distribution, or sale of chlorpyrifos products for use on food by Gharda, its distributors and dealers, and other downstream uses. Accordingly, Gharda has suspended the sale and distribution of its chlorpyrifos product labeled for use on food, consistent with EPA's revocation order. Gharda is also prepared to accept return of its branded product from its distributors and dealers back to its possession and control for relabeling, export, or storage. Gharda is committed to working to ensure that its chlorpyrifos product does not enter the U.S. food supply while EPA's revocation order remains under review by the Eighth Circuit.

With the Agency's permission, Gharda is prepared to submit a request to EPA for sub-labels for its technical and end-use products that would include only non-food uses. This would limit continued domestic distribution, sale, and use of Gharda's relabeled chlorpyrifos products to non-food uses only, consistent with EPA's revocation order. This request is faithful to EPA's revocation order and also preserves Gharda's rights in the ongoing litigation, consistent with the Federal Food, Drug, and Cosmetic Act and FIFRA. Gharda is prepared to work with the Agency on a plan for relabeling consistent with this request.

I can be reached at (215) 791-0956 or sramanathan@gharda.com to discuss these issues at the Agency's convenience.

Respectfully submitted,

Ram Seethapathi
President, Gharda Chemicals International, Inc.

CC: Patricia Biggio
Melissa Grable

EXHIBIT 8

January 9, 2023

The Honorable Michael S. Regan
Administrator, United States Environmental
Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Request for Stay/Withdrawal of EPA's Notice of Intent to Cancel Registrations for Chlorpyrifos

Dear Administrator Regan:

I write on behalf of the Cherry Marketing Institute to confirm that it joins in the request to withdraw or stay submitted to EPA on Friday, January 6, 2023. A copy of that request is attached hereto and incorporated in full by reference.

Sincerely,

Cherry Marketing Institute

By: _____
Julie Gordon
President/Managing Director

Attachment

cc: Michal Freedhoff, Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency: freedhoff.michal@epa.gov.

Edward Messina, Director, Office of Pesticide Programs, U.S. Environmental Protection Agency: messina.edward@epa.gov.

Elissa Reaves, Pesticide Re-Evaluation Division, Office of Pesticide Programs, U.S. Environmental Protection Agency: reaves.elissa@epa.gov.

Dana Friedman, Branch Chief, Office of Pesticide Programs, Risk Management and Implementation Branch I (RMIB I), U.S Environmental Protection Agency: friedman.dana@epa.gov.

The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

January 6, 2023

The Honorable Michael S. Regan
Administrator, United States Environmental
Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Request for Stay/Withdrawal of EPA's Notice of Intent to Cancel Registrations for Chlorpyrifos

Dear Administrator Regan:

We write on behalf of nineteen grower groups (representing thousands of farmers around the country who rely upon the pesticide product known as chlorpyrifos) and the sole remaining technical registrant of chlorpyrifos (Gharda Chemicals International, Inc. ("Gharda")) (collectively "Petitioners"). Over the last 30 years, the global agricultural system has managed to feed almost 2.5 billion more people whilst reducing per capita environmental impacts by 20%. America's farmers are committed to producing safe and affordable food for consumers in the U.S. and around the world. Around 98% of U.S. farms are family owned and on a daily basis these farming families work to ensure a sufficient, safe, and nutritious food supply exists. We respectfully request that EPA immediately stay or withdraw EPA's Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations dated December 14, 2022 ("NOIC"). This request is based on several reasons.

First, EPA's primary basis for its NOIC is that tolerances for all food uses of chlorpyrifos were revoked by way of EPA's Final Rule published August 30, 2021, and the chlorpyrifos registrations must be cancelled as a follow-up to the tolerance revocation. However, Petitioners have challenged EPA's Final Rule as to eleven high benefit food uses found safe by the Agency ("Safe Uses") in the lawsuit known as *Red River Valley Sugarbeet Growers Ass'n, et al. v. Regan, et al.,* No. 22-1422 (8th Circuit) ("lawsuit"). There is no reason that EPA action with respect to chlorpyrifos registrations cannot await the Eighth Circuit's decision. As the Agency has said many times, once the tolerances expired, pesticide products containing chlorpyrifos could no longer be used on food crops. Registration cancellation does not alter or add to that result. The fact that EPA did not initiate the process until 15 months after the Final Rule lends support for the fact that cancellation will not impact the reality that it is already illegal to use pesticide products containing chlorpyrifos on food crops. Thus, EPA's NOIC is unnecessary at this time and premature in light of the lawsuit. It will only add considerably to the costs of Petitioners and other adversely affected parties who seek to have their rights addressed as to the Safe Uses.

Second, there is no urgency that the NOIC seeks to address. There is no reasonable basis to believe that chlorpyrifos is being distributed, sold, or otherwise placed in the stream of commerce, necessitating registration cancellation at this time. As noted above, EPA's tolerance revocations made distribution or use illegal as a matter of law. Moreover, in correspondence

dated March 1, 2022, EPA asked Gharda to voluntarily cancel its food use registrations for chlorpyrifos. The Agency threatened the immediate initiation of involuntary cancellation proceedings if Gharda did not do as the Agency had demanded. Gharda responded on March 30; *see* attached March 30, 2022, letter from Gharda to EPA. Gharda's response: (1) requested the voluntary cancellation of all of Gharda's food use registrations for chlorpyrifos except for the eleven Safe Uses currently in litigation (consistent with Gharda's commitment to the Agency well before the Final Rule); (2) recognized that "there can be no use, distribution, or sale of chlorpyrifos products for use on food by Gharda, its distributors and dealers, and other downstream uses"; and (3) "committed to working to ensure that its chlorpyrifos product does not enter the U.S. food supply while EPA's revocation order remains under review by the Eighth Circuit." Nothing has changed since Gharda's commitment, and EPA has never responded to Gharda's letter.

Third, the timing of EPA's NOIC is highly questionable. Published the day before oral argument in the Eighth Circuit in the lawsuit and coupled with an inflammatory press release issued by EPA, the NOIC appears to be an effort to interfere with the jurisdiction of the Eighth Circuit with respect to the Safe Uses. The issuance of the NOIC also appears to be an attempt to signal urgency when, as noted above, none exists except for American growers' desperate need of the Safe Uses of chlorpyrifos for the 2023 growing season commencing in March. In sum, there is no need based on the law or the facts for EPA to issue the NOIC while the Eighth Circuit litigation is pending. Indeed, for the Agency to wait nine months after Gharda's commitment not to sell or distribute chlorpyrifos products to issue its NOIC and to do so one day before oral argument in the lawsuit, smacks of an effort to create urgency where EPA's conduct demonstrates none exists, thereby impeding fair consideration of the lawsuit by the Court. This is especially true given USDA's adamant opposition to the NOIC and tolerance revocation as to the Safe Uses.

Finally, issuance of the NOIC with a response deadline shortly after the holiday period seems punitive by any measure. As set forth above, there is simply no reason to force Petitioners and other adversely affected parties to prepare for and go through a potentially costly NOIC process in light of the circumstances set forth above. Accordingly, the Petitioners respectfully request that EPA stay and/or withdraw the NOIC until after the Eighth Circuit's decision in the lawsuit. ***The Petitioners further request that EPA rule on this request as soon as possible in order to allow the Petitioners time to seek other relief, if necessary, consistent with this request.***

Sincerely,

South Dakota Soybean Association

By: _____
Jerry Schmitz
Executive Director

Red River Valley Sugarbeet Growers Association

By: _____
Brent Baldwin
Vice President

American Soybean Association

By: _____
Stephen Censky
Chief Executive Officer

Iowa Soybean Association

By: _____
Kirk Leed
Chief Executive Officer

Missouri Soybean Association

By: _____
Matthew Wright
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Joseph Smentek
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Lori Luebbe
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Kasey J. Bitz
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American Farm Bureau Federation

By: _____
Samuel Kieffer
Vice President, Public Affairs

American Sugarbeet Growers Association

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Executive Vice President

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President

Southern Minnesota Beet Sugar Cooperative

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Paul Fry
Chief Executive Officer

American Crystal Sugar Cooperative

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Thomas Astrup
President and Chief Executive Officer

Minn-Dak Farmers Cooperative

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Kurt Wickstrom
Chief Executive Officer

Florida Fruit and Vegetable Growers Association

By: _____
Mike Aerts
Vice President

Georgia Fruit and Vegetable Growers Association

By: _____
Chris Butts
Executive Vice President

Gharda Chemicals International, Inc.

By: _____
Ram Seethapathi
President

National Cotton Council of America

By: _____
Gary Adams
President and Chief Executive Officer

National Association of Wheat Growers

By: _____
Nicole Berg
President

Attachment

cc: Michal Freedhoff, Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency: freedhoff.michal@epa.gov.

Edward Messina, Director, Office of Pesticide Programs, U.S. Environmental Protection Agency: messina.edward@epa.gov.

Elissa Reaves, Pesticide Re-Evaluation Division, Office of Pesticide Programs, U.S. Environmental Protection Agency: reaves.elissa@epa.gov.

Dana Friedman, Branch Chief, Office of Pesticide Programs, Risk Management and Implementation Branch I (RMIB I), U.S Environmental Protection Agency: friedman.dana@epa.gov.

The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Gharda Chemicals International, Inc.

March 30, 2022

VIA EMAIL

U.S. Environmental Protection Agency
Office of Pesticide Programs
Risk Management and Implementation Branch I (RMIB I)
Attn: Dana Friedman, Branch Chief
1200 Pennsylvania Ave, N.W.
Washington, DC 20460
Email: friedman.dana@epa.gov

Re: Gharda Chemicals International, Inc. (EPA Company No. 93182) - Request for (1) Voluntary Cancellation of Certain Chlorpyrifos Food Use Registrations and (2) Sub-labels for Non-Food Uses

Dear Ms. Friedman:

On behalf of Gharda Chemicals International, Inc. (Gharda), I submit this response to the March 1, 2022 letter of the U.S. Environmental Protection Agency (EPA or Agency), in which EPA requested that Gharda voluntarily cancel registrations and/or uses impacted by EPA's decision to revoke all chlorpyrifos tolerances.

Consistent with its commitment to EPA in the weeks leading up to EPA's Final Rule revoking all chlorpyrifos tolerances, and pursuant to Section 6(f)(1)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Gharda requests voluntary cancellation of the food use registrations identified in Table 1. These uses comprise all of Gharda's currently registered food uses of chlorpyrifos **except** the eleven uses in select regions identified in EPA's December 2020 Proposed Interim Decision as critical, high-benefit crop uses (the **Eleven Uses**).

Table 1: Gharda Chemicals International, Inc. Voluntarily Cancelled Food Uses

Product name	**EPA Registration No.**	**Voluntarily Cancelled Food Uses**
Chlorpyrifos Technical	93182-3	**Alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), **Asparagus** (**except** in MI), Banana, Blueberry, Caneberry, Cherimoya, **Citrus Fruits** (**except** in AL, FL, GA, NC, SC, TX), Corn, **Cotton** (**except** in AL, FL, GA, NC, SC,

		VA), Cranberries, Cucumber, Date, Feijoa, Figs, Grapes, Kiwifruit, Leek, Legume Vegetables (except soybean), Mint, Onions (dry bulb), Pea, Peanuts, Pepper, Pumpkin, Sorghum, **Soybeans** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), Sunflowers, **Sugar Beets** (**except** in IA, ID, IL, MI, MN, ND, OR, WA, WI), Sugarcane, **Strawberries** (**except** in OR), Sweet Potatoes, Tree Fruit, (**apples** [**except** in AL, DC, DE, GA, ID, IN, KY, MD, MI, NJ, NY, OH, OR, PA, TN, VA, VT, WA, WV], pears, **cherries** [**except** tart cherries in MI], plums/prunes, **peaches** [**except** in AL, DC, DE, FL, GA, MD, MI, NC, NJ, NY, OH, PA, SC, TX, VA, VT, WV] and nectarines), Tree Nuts (almonds, filberts, pecans and walnuts), Vegetables (cauliflower, broccoli, Brussels sprouts, cabbage, collards, kale, kohlrabi, turnips, radishes, and rutabagas), and **wheat** (**except** spring wheat in CO, KS, MO, MT, ND, NE, SD, WY and winter wheat in CO, IA, KS, MN, MO, MT, ND, NE, OK, SD, TX, WY).
Pilot 4E Chlorpyrifos Agricultural Insecticide	93182-7	**Alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), **apple** (**except** in AL, DC, DE, GA, ID, IN, KY, MD, MI, NJ, NY, OH, OR, PA, TN, VA, VT, WA, WV), **asparagus** (**except** in MI), brassica (cole), leafy vegetables, radish, rutabaga, turnip, **citrus fruits and citrus orchard floors** (except in AL, FL, GA, NC, SC, TX), corn (field corn and sweet corn, including corn grown for seed) **cotton (except** in AL, FL, GA, NC, SC, VA), cranberries figs, grape, legume vegetables (succulent or dried, except soybean), onions (dry bulb), peanut, pear, peppermint and spearmint, sorghum (milo), **soybean** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), **strawberry** (**except** in OR), **sugar beet** (**except** in IA, ID, IL, MI, MN, ND, OR,

		WA, WI), sunflower, sweet potato, almond, walnut (dormant/delayed dormant sprays), tree fruits and almond (trunk spray or preplant dip) tree nuts (foliar sprays) tree nut orchard floors, **wheat** (**except** spring wheat in CO, KS, MO, MT, ND, NE, SD, WY and winter wheat in CO, IA, KS, MN, MO, MT, ND, NE, OK, SD, TX, WY), **cherries** (**except** tart cherries in MI), and **peaches** (**except** in AL, DC, DE, FL, GA, MD, MI, NC, NJ, NY, OH, PA, SC, TX, VA, VT, WV).
Pilot 15G Chlorpyrifos Agricultural Insecticide	93182-8	**Citrus and citrus orchards** (**except** in AL, FL, GA, NC, SC, TX), broccoli, Brussel sprouts, cabbage, Chinese cabbage, cauliflower, collards, kale, kohlrabi, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, corn, **asparagus** (**except** in MI), **alfalfa** (**except** in AZ, CO, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, WI), sorghum, **soybeans** (**except** in AL, CO, FL, GA, IA, IL, IN, KS, KY, MN, MO, MT, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, TX, VA, WI, WV, WY), peanuts, **sugar beets** (**except** in IA, ID, IL, MI, MN, ND, OR, WA, WI), turnips, and sunflowers.

Gharda understands that cancellation of the food uses outlined in Table 1 will result in cancellation of the same food uses for the supplemental distribution product identified below in Table 2.

Table 2: Supplemental Distribution Product

Distributor Product Number	Distributor Company Name	Distributor Product Name
93182-7-55467	Tenkoz, Inc.	Govern Insecticide

Gharda understands that a notice of receipt of this voluntary cancellation request will be published in the Federal Register, as required by Section 6(f) of FIFRA. Gharda further understands that the notice may allow up to a 180-day period after publication for public comment, during which time EPA may not approve or reject the request, and that the registrant may request that the comment period be waived. Gharda is not requesting waiver of the comment period. Gharda also understands that it is the Agency's policy to consider comments

received during the public comment period before making its final determination on such a request.

Gharda is not in a position to voluntarily cancel its registration for the Eleven Uses at this time, given the litigation pending in the U.S. Court of Appeals for the Eighth Circuit. Gharda stands prepared to engage in a dialogue with EPA and/or the Department of Justice concerning the Eleven Uses at the appropriate time.

Gharda nevertheless understands that while the litigation is pending there can be no use, distribution, or sale of chlorpyrifos products for use on food by Gharda, its distributors and dealers, and other downstream uses. Accordingly, Gharda has suspended the sale and distribution of its chlorpyrifos product labeled for use on food, consistent with EPA's revocation order. Gharda is also prepared to accept return of its branded product from its distributors and dealers back to its possession and control for relabeling, export, or storage. Gharda is committed to working to ensure that its chlorpyrifos product does not enter the U.S. food supply while EPA's revocation order remains under review by the Eighth Circuit.

With the Agency's permission, Gharda is prepared to submit a request to EPA for sub-labels for its technical and end-use products that would include only non-food uses. This would limit continued domestic distribution, sale, and use of Gharda's relabeled chlorpyrifos products to non-food uses only, consistent with EPA's revocation order. This request is faithful to EPA's revocation order and also preserves Gharda's rights in the ongoing litigation, consistent with the Federal Food, Drug, and Cosmetic Act and FIFRA. Gharda is prepared to work with the Agency on a plan for relabeling consistent with this request.

I can be reached at (215) 791-0956 or sramanathan@gharda.com to discuss these issues at the Agency's convenience.

Respectfully submitted,

Ram Seethapathi
President, Gharda Chemicals International, Inc.

CC: Patricia Biggio
Melissa Grable

EXHIBIT 9

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA EMAIL, RETURN RECEIPT REQUESTED

January 11, 2023

To: Carrie Meadows, U.S. Beet Sugar Association

On behalf of: Julie Gordon, Cherry Marketing Institute
Jerry Schmitz, South Dakota Soybean Association
Brent Baldwin, Red River Valley Sugar Beet Growers Association
Stephen Censky, American Soybean Association
Luther Markwart, American Sugarbeet Growers Association
Cassie Bladow, U.S. Beet Sugar Association
Kirk Leed, Iowa Soybean Association
Matthew Wright, Missouri Soybean Association
Paul Fry, Southern Minnesota Beet Sugar Cooperative
Joseph Smentek, Minnesota Soybean Growers Association
Thomas Astrup, American Crystal Sugar Cooperative
Lori Luebbe, Nebraska Soybean Association
Kurt Wickstrom, Minn-Dak Farmers Cooperative
Kasey J. Bitz, North Dakota Soybean Grower Association
Mike Aerts, Florida Fruit and Vegetable Growers Association
Samuel Kieffer, American Farm Bureau Federation
Chris Butts, Georgia Fruit and Vegetable Growers Association
Gary Adams, National Cotton Council of America
Ram Seethapathi, Gharda Chemicals International, Inc.
Nicole Berg, National Association of Wheat Growers

Per your letter dated January 6, 2023, you requested that EPA immediately stay or withdraw EPA's Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations dated December 14, 2022 (the "NOIC")[1] until the issuance of the Eighth Circuit's decision in *RRVSG Assoc., et al. v. Michael Regan, et al.*, No. 22-1422, 22-1530 (8th Cir.).

EPA's rationale for the issuing NOIC is discussed in detail in the NOIC itself. *See, e.g.*, unit IV of the NOIC.[2] To summarize, the chlorpyrifos registrations identified in the NOIC each bear labeling for use on food crops. Due to the lack of tolerances for residues of chlorpyrifos, these products (i) pose unreasonable adverse effects on the environment under Federal Insecticide,

[1] 87 Fed. Reg. 76,474 (Dec. 14, 2022) (FRL-10108-01-OCSPP).
[2] *Id*. at 76,476-77 (Dec. 14, 2022).

Fungicide, and Rodenticide Act (FIFRA) section 2(bb)(2), 7 U.S.C. 136(bb)(2), because use of chlorpyrifos on food results in unsafe pesticide residues under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a, and (ii) are misbranded and thus not in compliance with FIFRA, 7 U.S.C. 136j(a)(1)(E).

Therefore, between March 1 and March 9 of 2022, after EPA's publication of its order denying all objections, hearing requests, and requests to stay the Final Rule in the Federal Register (87 Fed. Reg. 11,222, February 28, 2022) (FRL–5993–05–OCSPP), EPA issued letters to all registrants of chlorpyrifos products with food uses confirming revocation of the tolerances and recommending that such registrants consider various cancellation and label amendment options. EPA requested that registrants submit a letter formally expressing their intention to submit registration amendments to remove food uses from product labels or to submit a voluntary cancellation for products where all uses are subject to the tolerance revocation by March 30, 2022. All chlorpyrifos registrants to whom that letter was sent have submitted requests to voluntarily cancel their pesticide products and/or label amendments to remove food uses from their chlorpyrifos pesticide product labels, with the exception of Gharda, the registrant of products listed in the NOIC. While Gharda submitted requests for voluntary cancellation for some uses and some label amendments, that request does not fully align with the revocation of chlorpyrifos tolerances (*i.e.,* it does not result in the removal of all food uses from those registered products); therefore, EPA issued the NOIC for the Gharda's products identified therein.

Under FIFRA section 6(b), the Agency may issue a notice of its intent to cancel a registration of a pesticide product whenever it appears either that ''a pesticide or its labeling or other material required to be submitted does not comply with FIFRA, or when used in accordance with widespread and commonly recognized practice, the pesticide generally causes unreasonable adverse effects on the environment.'' 7 U.S.C. 136d(b). As noted in the NOIC, EPA concluded that those conditions for cancellation are met here. The registrations subject to the NOIC have not changed since the issuance of the NOIC, so EPA continues to believe that the conditions for cancellation are met. EPA therefore declines to withdraw or stay the NOIC consistent with your letter.

Per FIFRA section 6(b) and as noted in the NOIC, the cancellation proposed in the NOIC shall become final 30 days after publication of the NOIC, or the date the registrant receives the NOIC, whichever is later, unless the registrant makes the necessary corrections to the registrations, or a hearing is requested by a person adversely affected by the NOIC. The deadline for submitting corrections or a hearing request is Friday, January 13, 2023. Unless one of those submissions

occurs by that date, the cancellation proposed in the NOIC will become final as of Friday, January 13, 2023.[3]

Sincerely,

MICHAEL GOODIS

Digitally signed by
MICHAEL GOODIS
Date: 2023.01.11
14:16:18 -05'00'

Ed Messina
Director, Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency

Cc: Kimberly Nesci
Director, Office of Pest Management Policy
United States Department of Agriculture

[3] 87 Fed. Reg. 76,474 at 76,480-81 (Dec. 14, 2022).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations	Docket Nos. FIFRA-HQ-2023-0001; EPA-HQ-OPP-2022-0417

REQUEST FOR HEARING AND STATEMENT OF OBJECTIONS

by

Red River Valley Sugarbeet Growers Association, U.S. Beet Sugar Association, American Sugarbeet Growers Association, Southern Minnesota Beet Sugar Cooperative, American Crystal Sugar Company, Minn-Dak Farmers Cooperative, American Farm Bureau Federation, American Soybean Association, Iowa Soybean Association, Minnesota Soybean Growers Association, Missouri Soybean Association, Nebraska Soybean Association, South Dakota Soybean Association, North Dakota Soybean Growers Association, National Association of Wheat Growers, Cherry Marketing Institute, Florida Fruit and Vegetable Association, Georgia Fruit and Vegetable Growers Association, and National Cotton Council of America

January 13, 2023

Nash E. Long
HUNTON ANDREWS KURTH LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28280-0008
(704) 378-4728
nlong@HuntonAK.com

Javaneh S. Tarter
HUNTON ANDREWS KURTH LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 955-1500
jtarter@HuntonAK.com

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MISCELLANEOUS

This Request for Hearing and Statement of Objections is submitted on behalf of the grower groups currently involved in litigation with the U.S. Environmental Protection Agency in the U.S. Court of Appeals for the Eighth Circuit[1] (Grower Petitioners) challenging EPA's Final Rule[2] revoking all tolerances for chlorpyrifos, including the 11 food uses EPA deemed to be safe (the Safe Uses).[3] The Grower Petitioners object to EPA's recent notice of intent to cancel (NOIC)[4] Gharda Chemicals International Inc.'s (Gharda's) products Chlorpyrifos Technical (EPA Reg. No. 93182-3),[5] Pilot 4E Chlorpyrifos Agricultural Insecticide (EPA Reg. No. 93182-7),[6] and Pilot 15G Chlorpyrifos Agricultural Insecticide (EPA Reg. No. 93182-8).[7] The Grower

[1] *Red River Valley Sugarbeet Growers Ass'n et al. v. Regan, et al*., Nos. 22-1422, 22-1530 (8th Cir. filed Feb. 28, 2022) (*Red River Valley Sugarbeet Growers Ass'n et al.*).

[2] "Chlorpyrifos; Tolerance Revocations," 86 Fed. Reg. 48,315 (Aug. 30, 2021) (the Final Rule) (Exhibit 1).

[3] The Safe Uses of chlorpyrifos are the uses EPA unequivocally found to be safe in its Proposed Interim Registration Review Decision (PID) for Chlorpyrifos, Case Number 0100, December 2020 (Chlorpyrifos PID), EPA-HQ-OPP-2008-0850-0971 (Exhibit 2). These Safe Uses are the use of chlorpyrifos on alfalfa, apple, asparagus, cherry, citrus, cotton, peach, soybean, sugarbeet, strawberry, and wheat in specifically designated regions as set forth in EPA's PID. Petitioners have challenged EPA's revocation of the tolerances for the Safe Uses of chlorpyrifos.

[4] EPA Notice "Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations," 87 Fed. Reg. 76,474 (Dec. 14, 2022) (Exhibit 3).

[5] A copy of the label for EPA Reg. No. 93182-3 can be found here. (Exhibit 4).

[6] A copy of the label for EPA Reg. No. 93182-7 can be found here. (Exhibit 5).

[7] A copy of the label for EPA Reg. No. 93182-8 can be found here. (Exhibit 6).

Petitioners have urged EPA to immediately stay or withdraw the NOIC,[8] and EPA rejected this request.[9] The Grower Petitioners therefore request a hearing on the NOIC and these objections.

EPA's NOIC seeks a premature revocation of registrations for uses of an economically critical pesticide that EPA has unequivocally found to be safe. EPA announced this safety finding in the PID and has since that time reiterated to the public and to the Eighth Circuit that the Safe Uses present no risks of concern.[10] Each of the registrants of chlorpyrifos have cancelled (or requested cancellation) of all food uses for chlorpyrifos other than the Safe Uses. Thus, the only action EPA proposes to take in the NOIC is to cancel Gharda's registrations for the Safe Uses. EPA's NOIC will cause unnecessary and irreparable harm to the Grower Petitioners.

The Grower Petitioners include the following entities:

Red River Valley Sugarbeet Growers Association, U.S. Beet Sugar Association, American Sugarbeet Growers Association, Southern Minnesota Beet Sugar Cooperative, American Crystal Sugar Company, Minn-Dak Farmers Cooperative, American Farm Bureau Federation, American Soybean Association, Iowa Soybean Association, Minnesota Soybean Growers Association, Missouri Soybean Association, Nebraska Soybean Association, South Dakota Soybean Association, North Dakota Soybean Growers Association, National Association

[8] Letter from South Dakota Soybean Association and 18 additional Grower Groups, to The Honorable Michael S. Regan, Administrator, EPA, "Request for Stay/Withdrawal of EPA's Notice of Intent to Cancel Registrations for Chlorpyrifos" (Jan. 6, 2023) (Exhibit 7); Letter from Julie Gordon, President/Managing Director, Cherry Marketing Institute, to the Honorable Michael S. Regan, Administrator, EPA, "Request for Stay/Withdrawal of EPA's Notice of Intent to Cancel Registrations for Chlorpyrifos" (Jan. 9, 2023) (Exhibit 8).

[9] Letter from Michael Goodis, Dir., Office of Pesticide Programs, EPA, to Grower Petitioners (Jan. 11, 2023) (Exhibit 9).

[10] Brief of Respondents 12-13, *Red River Valley Sugarbeet Growers Ass'n et al.*, (8th Cir. July 26, 2022) (EPA Br.) (Exhibit 10).

of Wheat Growers, Cherry Marketing Institute, Florida Fruit and Vegetable Association, Georgia Fruit and Vegetable Growers Association, and the National Cotton Council of America.

The Grower Petitioners represent thousands of farmers around the country who need chlorpyrifos as a critical crop protection tool and who would be adversely affected by EPA's NOIC. The Grower Petitioners object to EPA's NOIC on multiple grounds, as described below.

I. EPA's Proposed Cancellation of Gharda's Registrations for the Safe Uses Is Contrary to Law Because it Would Interfere with the Jurisdiction of the U.S. Court of Appeals for the Eighth Circuit.

EPA's proposed cancellation of Gharda's registrations for the Safe Uses is contrary to law. EPA explains in its NOIC that its sole justification for cancelling the registrations of Gharda's products containing chlorpyrifos is the Agency's Final Rule revoking *all* tolerances for chlorpyrifos.[11] EPA explains that Gharda's chlorpyrifos products must be cancelled because they bear labeling for use on food crops, and, due to the lack of tolerances for residues of chlorpyrifos, these products pose unreasonable adverse effects on the environment under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).[12] In other words, EPA's position is that, because it has revoked all tolerances for chlorpyrifos, "chlorpyrifos residues in or on food are unsafe as a matter of law."[13]

However, the legality of the Final Rule is currently being decided by the Eighth Circuit. It is premature and contrary to law to cancel registrations for the Safe Uses ahead of the Eighth Circuit's decision. Commencing cancellation proceedings before the court has rendered a decision would unjustly interfere with the jurisdiction of the Eighth Circuit. The Eighth Circuit

[11] 87 Fed. Reg. at 76,474.

[12] *Id*. at 76,476.

[13] *Id*. at 76,477.

will decide if EPA's rule revoking chlorpyrifos tolerances is lawful and whether growers can resume using chlorpyrifos as outlined in EPA's Safe Uses. EPA's attempt to remove these products from the market now on the basis that the products are "unsafe as a matter of law" interferes with the Eighth Circuit's pending decision on this very issue.

II. EPA's Proposed Cancellation of Gharda's Registrations Is Contrary to Law Because it Is Based on an Unlawful Rule.

EPA's decision to cancel Gharda's registrations is contrary to law because it is based on an unlawful rule—EPA's Final Rule revoking all tolerances for chlorpyrifos.[14] The Grower Petitioners have demonstrated that EPA's Final Rule is unlawful on the following grounds.

First, EPA's Final Rule is arbitrary and capricious because it disregards its own scientific evidence.[15] EPA's Final Rule reaffirmed its own scientific conclusions about any neurodevelopmental effects of chlorpyrifos. As discussed in the Petitioners' opening brief, EPA

[14] The Grower Petitioners hereby incorporate by reference the entirety of the Petitioners' Opening Brief, *Red River Valley Sugarbeet Growers Ass'n et al.*, (8th Cir. May 24, 2022) (Pet'rs Br.) (Exhibit 11), and Reply Brief, *Red River Valley Sugarbeet Growers Ass'n et al.*, (8th Cir. Sept. 6, 2022) (Pet'rs Reply Br.) (Exhibit 12), submitted to the Eighth Circuit. These objections also incorporate by reference the objections filed by Grower Petitioners in response to EPA's Final Rule revoking chlorpyrifos tolerances. Letter from Cassie Bladow, President, U.S. Beet Sugar Association, and Luther Markwart, Executive Vice President, American Sugarbeet Growers Association, to EPA, Office of Administrative Law Judges, "Objections to Decision Revoking All Chlorpyrifos Tolerances" (Oct. 29, 2021), EPA-HQ-OPP-2021-0523-0029 (U.S. Beet Sugar Ass'n & Am. Sugarbeet Growers Ass'n Objections) (Exhibit 13); Letter from Richard Gupton, Senior Vice President of Public Policy & Counsel, Agricultural Retailers Association, et al., to EPA, "Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos" (Oct. 19, 2021), EPA-HQ-OPP-2021-0523-0007 (Exhibit 14); Letter from David Milligan, President, National Association of Wheat Growers (Oct. 28, 2021), EPA-HQ-OPP-2021-0523-0016 (Exhibit 15); Letter from Kevin Scott, President, American Soybean Association, "Formal Written Objections, Request for Evidentiary Hearing, and Request to Stay Tolerance Revocations: Chlorpyrifos" (Oct. 29, 2021), EPA-HQ-OPP-2021-0523-0022 (Exhibit 16); Letter from Kyle Harris, Director, Grower Relations, Cherry Marketing Institute, "Formal Written Objections and Request for Evidentiary Hearing for Chlorpyrifos Tolerance Revocation" (Oct. 29, 2021), EPA-HQ-OPP-2021-0523-0024 (Exhibit 17).

[15] Pet'rs Br. 38.

found the data to be insufficient to show that there are neurodevelopmental effects below current regulatory requirements, and it maintained its longstanding 10 percent red blood cell acetylcholinesterase (RBC AChE) inhibition regulatory standard and applied the Food Quality Protection Act (FQPA) Safety Factor of 10X.[16] EPA also updated its drinking water assessment in 2020 to be the most cutting-edge, sophisticated drinking water assessment yet, reflecting the most advanced methodologies for assessing drinking water exposures and risks. The assessment underwent extensive peer review. EPA analyzed risks from exposures from 11 high-benefit agricultural uses in certain regions where estimated drinking water concentrations of chlorpyrifos were below EPA's benchmark level of concern. The PID found that, based on the drinking water assessment, those uses were safe.[17] And yet, EPA's Final Rule refuses to apply its own findings from its risk assessments and does not even dispute its scientific findings. Rather, EPA's refusal is based on a new legal interpretation that EPA contends required it to conclude that none of the existing tolerances was safe.[18] EPA misstates the law, which nowhere justifies EPA's decision to ignore its safety finding for the Safe Uses. EPA's rejection of its own scientific evidence is arbitrary and capricious.

Second, EPA's Final Rule is arbitrary and capricious and contrary to law because it ignores the text of the law and the intent of Congress in FIFRA and the Federal Food, Drug, and Cosmetic Act (FFDCA). Based on the FFDCA's plain language, EPA was required to assess safety by not only considering currently registered uses but also by looking to anticipated exposures (a forward-looking mandate). EPA must also make safety determinations for each

[16] *Id*. at 39.

[17] *Id*. at 40.

[18] *Id*. at 42.

tolerance on an individual basis.[19] EPA has authority to modify tolerances and thereby narrow uses if it finds based on scientific evidence that an existing tolerance is not safe. While EPA must look at aggregate exposures, the reference to aggregate exposure in the FFDCA means EPA must consider, in making individual tolerance determinations, all of the exposures a person is "anticipated" to encounter.[20] Therefore, EPA's position in the Final Rule that all tolerances must rise or fall together, and that it is required to assess only currently registered uses, misreads the statute.[21]

Third, EPA's Final Rule is contrary to law because EPA failed to harmonize its safety determination under the FFDCA with FIFRA. Instead, EPA took the unprecedented position that its actions under the two statutes are separate.[22] EPA could have (and has in the past with other pesticides) coordinated its actions under the FFDCA with FIFRA by modifying tolerances or registrations accordingly.[23] EPA did not need to have cancellation and label amendment requests from all registrants in hand before acting on its safety finding.[24] EPA never gave registrants or the public notice of any such requirement, and in fact told Gharda that EPA would notify Gharda if it needed anything more than the written commitment Gharda had given EPA to voluntarily give up all but the Safe Uses. EPA never provided such notice to Gharda or, upon information and belief, to any other registrant. EPA should have followed its science and banned any food uses other than the Safe Uses, anticipating that regulated parties would follow the law and give

[19] *Id*. at 43.

[20] Pet'rs Reply Br. 18.

[21] Pet'rs Br. 45.

[22] *Id*. at 48.

[23] *Id*. at 53.

[24] Pet'rs Reply Br. 19.

up uses made unlawful by a tolerance revocation.[25] EPA's failure to do so renders the Final Rule arbitrary, capricious, and contrary to law.

Fourth, EPA's Final Rule is arbitrary and capricious because it offers no reasoned explanation that addresses the relevant factors and evidence. EPA's reason for revoking all tolerances was the claim that it had no reason to believe that the registrations would be amended, and thus it was allegedly required to consider the safety of all currently registered uses collectively. This reasoning is contrary to the statute, contrary to EPA's prior practice, and contrary to logic.[26]

Fifth, EPA's post-hoc rationalization that the PID finding was only a proposal, and therefore EPA was not required to consider it in the Final Rule, is wrong. EPA cannot disregard the scientific evidence before it simply because it may be revised later.[27] It was required to make decisions on tolerances based on available data and information regardless of whether it has been through notice and comment rulemaking.[28] EPA certainly treated its PID scientific findings as final in discussions with Gharda on a voluntary narrowing of uses consistent with the PID.[29] EPA's decision in the Final Rule to ignore the PID findings was arbitrary, capricious, and contrary to law.

Sixth, EPA incorrectly claims that the PID was based on a FIFRA-based analysis separate from the safety standard applicable to tolerances under the FFDCA.[30] Congress requires

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[25] *Id*. at 20.

[26] Pet'rs Br. 55.

[27] *Id*. at 56.

[28] Pet'rs Reply Br. 8.

[29] Pet'rs Br. 60.

[30] Pet'rs Reply Br. 11-12.

the same safety standard for food use pesticides for both FIFRA and the FFDCA. The PID's safety finding was therefore directly applicable to EPA's decision concerning the safety of chlorpyrifos tolerances. Here again, EPA's post-hoc justification is arbitrary, capricious, and contrary to law.

Finally, EPA's argument that it lacked the necessary basis to act on its safety finding ignores the plain language of the statute and the undisputed facts. EPA had written commitments from Gharda to give up all uses other than the Safe Uses. EPA had a reasonable basis to expect modifications to chlorpyrifos registrations because the practical effect of tolerance revocation is a ban on the use of the pesticide.[31] EPA did in fact receive voluntary cancellation requests of chlorpyrifos registrations once it issued its notice requesting the same, after revocation of the tolerances went into effect. If EPA needed any additional information in order to support modifying tolerances by revoking all but those for the Safe Uses, it had the statutory duty to obtain it from the registrants and the tools to compel production of such information.[32] EPA's attempts to defend the Final Rule confirm that it was arbitrary, capricious and contrary to law.

For the reasons argued by Grower Petitioners to the Eighth Circuit, summarized above, the Final Rule is unlawful. Because EPA's NOIC relies on this unlawful rule, the NOIC is itself contrary to law.

III. EPA's Proposed Cancellation of Gharda's Registrations Is Arbitrary and Capricious Because it Is Contrary to the Evidence.

EPA's proposed cancellation of Gharda's registrations is arbitrary and capricious because it is contrary to the evidence. First, EPA has not presented any evidence that chlorpyrifos products are being sold or distributed for food uses. There is no evidence of a safety risk because

[31] *Id*. at 23.

[32] 21 U.S.C. § 346a(f).

there is no continuing sale or distribution of chlorpyrifos for use on food. Gharda is the only technical registrant of chlorpyrifos seeking to maintain a registration for chlorpyrifos, and even there only with respect to the Safe Uses. Moreover, Gharda clearly committed to EPA in March 2022 that its chlorpyrifos products would not enter the U.S. food supply while EPA's Final Rule remains under review by the Eighth Circuit. EPA's justification for cancelling Gharda's products on the basis that these products are allegedly unsafe is unsupported, as evidenced by the fact that the products are not being sold or distributed.

Second, EPA's cancellation of Gharda's products is contrary to EPA's own evidence that chlorpyrifos is safe for certain food uses. EPA's chlorpyrifos risk assessments[33] show that the Safe Uses are safe and meet the FQPA standard for safety set forth in FFDCA and applicable to registration review under FIFRA. EPA concluded that the Safe Uses meet the FQPA's safety standard using the 10X margin of safety and announced that finding in the 2020 PID.[34] There is no scientific evidence in the record to support any conclusion that the Safe Uses do not meet the applicable safety standard under FIFRA. EPA continues to agree that the Safe Uses are indeed safe.[35]

Third, there is no evidence that the extreme step of registration cancellation is necessary to address EPA's purported concerns with certain food uses of chlorpyrifos. EPA has the information necessary to amend the chlorpyrifos registrations and labels in order to limit use of

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[33] *Chlorpyrifos: Third Revised Human Health Risk Assessment for Registration Review*, (Sept. 22, 2020), EPA-HQ-OPP-2008-0850-0944 (Exhibit 18); Memorandum from Rochelle F.H. Bohaty, Ph.D., Senior Chemist, et al., EPA, to Patricia Biggio, Chemical Review Manager, et al., EPA, "Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review" (Sept. 15, 2020), EPA-HQ-OPP-2008-0850-0941 (Exhibit 19).

[34] Chlorpyrifos PID.

[35] EPA Br. 12-13; 87 Fed. Reg. 11,222, 11,241 (Feb. 28, 2022) (Exhibit 20).

chlorpyrifos to be consistent with the EPA's identified Safe Uses. EPA can and should amend, rather than cancel, Gharda's registrations.[36] EPA's failure to do so violates FIFRA section 6(b),[37] requiring EPA to consider restricting pesticide use as an alternative to cancellation.

Fourth, EPA's conclusion that cancellation of the registrations "is not anticipated to have any impacts on the agricultural economy"[38] is contrary to the evidence. The tolerances for the Safe Uses must be reinstated, as the Grower Petitioners have explained to the Eighth Circuit. Cancellation of the registrations would deprive Grower Petitioners of a critical crop protection tool that will cause significant crop losses and significant harm to the agricultural economy.

IV. EPA's Proposed Cancellation of Gharda's Registrations Is Arbitrary and Capricious because it Fails to Consider Important Aspects of the Problem.

EPA's proposed cancellation of Gharda's registrations is arbitrary and capricious because it fails to consider important aspects of the problem, including the extent to which EPA's decision would interfere with the Eighth Circuit's jurisdiction, the harm it would cause the Grower Petitioners, the lack of necessity for the cancellation, and the impact the cancellation would have on the economy.

A. EPA Fails to Consider the Extent to Which its Actions Would Interfere with the Jurisdiction of the Eighth Circuit.

EPA fails to consider the extent to which its cancellation of Gharda's registrations interferes with the jurisdiction of the Eighth Circuit. The Eighth Circuit is currently deciding the

[36] We note that these comments are relevant to the NOIC and not only to EPA's Final Rule revoking all chlorpyrifos tolerances because EPA's NOIC seeks to remove the last remaining chlorpyrifos products from the market, depriving growers from having access to chlorpyrifos in the future if the Eighth Circuit decides EPA's revocation of the tolerances for the Safe Uses is unlawful. EPA fails to justify why an NOIC is appropriate when it has the authority to amend registrations to remove the specific uses it determined to be unsafe.

[37] 7 U.S.C. § 136d(b).

[38] 87 Fed. Reg. at 76,478.

legality of EPA's revocation of the tolerances for the Safe Uses. EPA's preemptive cancellation of Gharda's registrations will cause serious consequences for Grower Petitioners. A favorable decision from the Eighth Circuit would allow Grower Petitioners to use chlorpyrifos for the Safe Uses in the 2023 growing season. But cancellation of Gharda's registrations for these Safe Uses would prevent Grower Petitioners from resuming use of chlorpyrifos in the upcoming growing season. The Grower Petitioners would have to wait years while registrants undertake the process to obtain new registrations for chlorpyrifos, all the while suffering the crop loses and year-on-year increases in pest pressure, as detailed in their sworn declarations before the Eighth Circuit.

B. EPA Fails to Consider the Harm this Action Would Cause the Petitioners and Other Growers.

EPA has failed to consider the substantial harm that growers are already facing and will continue to face by EPA's attempt to keep chlorpyrifos off the market. EPA has found chlorpyrifos critical to the agricultural economy.[39] In many instances, there is no available substitute for the effective control of pests. Growers are in desperate need of chlorpyrifos for the 2023 growing season. The Grower Petitioners have demonstrated in their objections to EPA and in their attestations to the Eighth Circuit[40] the dire situation they are facing and will continue to suffer for the survival of their businesses and the crops they supply for U.S. consumers with the loss of chlorpyrifos.

EPA's assumption that its NOIC will not have an impact on the economy, because chlorpyrifos tolerances have been revoked, is a fallacy. If the Eighth Circuit rules in favor of the

[39] EPA, "Revised Benefits of Agricultural Uses of Chlorpyrifos (PC# 059101)," (Nov. 18, 2020), EPA-HQ-OPP-2008-0850-0969 (Exhibit 21).

[40] Pet. for Review, Attachment 2, Exhibits A-W, Supporting Declarations of Grower Petitioners, *Red River Valley Sugarbeet Growers Ass'n et al.* (8th Cir. Feb. 28, 2022). We hereby incorporate by reference the entirety of Attachment 2, Exhibits A-W (Exhibit 22).

Grower Petitioners, and EPA has already cancelled all chlorpyrifos registrations, growers will have no chlorpyrifos products available to protect the crops at issue. Growers would have to wait for registrants to submit new registrations to EPA and obtain approvals from EPA prior to sale or distribution of the pesticide. As explained below, this hurdle would cause significant harm to growers and disruptions in the economy.

On average, 8.8 million acres of agricultural crops were treated with chlorpyrifos annually from 2014-2018, and EPA estimated the total annual economic benefit of chlorpyrifos to crop production to be $19-130 million.[41] In the state of North Dakota alone, the per acre benefits of chlorpyrifos could be as high as $500 in parts of the state, leading the EPA-estimated high-end benefits over $30 million overall nationwide.[42] Therefore, the loss of chlorpyrifos has significant negative economic impacts for the agriculture industry.

The Grower Petitioners already suffer and will continue to suffer immediate, unrecoverable, significant irreparable harm in the form of economic losses and reputational damage unless EPA withdraws or stays this NOIC as soon as possible. The loss of chlorpyrifos as a pest management tool will result in substantially increased costs, lost profits, a larger environmental impact from the more frequent use of less effective alternatives, and decreased crop yields. All of these harms are compounded by the fact that growers reasonably relied on EPA's PID to plan for crop management, and several states took a measured approach to phase out uses of chlorpyrifos rather than immediately banning chlorpyrifos without a phase-out

[41] *Id*., Exhibit J at 3.

[42] *Amicus Curiae* Br. of the State of North Dakota in Support of Petitioners 16, *Red River Valley Sugarbeet Growers Ass'n et al.* (8th Cir. June 1, 2022) (North Dakota *Amicus* Br.) (Exhibit 23).

period.[43] And growers and states face burdens of having to address the tons of "stranded" and unusable chlorpyrifos stocks remaining that will need to be disposed of.[44] EPA's NOIC ignores these economic impacts.

1. Irreparable Harm to Sugarbeet Growers

For the sugarbeet industry, the estimated high-end benefits for the use of chlorpyrifos is $32.2 million per year, and this is likely an underestimate.[45] Chlorpyrifos is the most effective control against the sugarbeet root maggot (SBRM) and flies, and in some cases is the *only* effective pesticide. The industry depends significantly on chlorpyrifos as a critical crop protection tool to meet the sugar demands of the U.S. economy.[46] EPA has acknowledged that the lack of alternatives to chlorpyrifos can lead to potential yield loss in sugarbeet crops. The continued loss of chlorpyrifos products would be devastating to sugarbeet growers because registered alternatives can only suppress but not control the SBRM or are only registered for use on adult flies and not larvae.

For one sugarbeet farm located in a "hot spot" with a high incidence of SBRM infestation, 65 percent of its annual revenue comes from sugarbeets, and 75 percent of its annual revenue comes from crops on which it applies chlorpyrifos.[47] The farm estimated that without chlorpyrifos unrecoverable losses could be up to $200 per acre.[48] For another farm, where 50 percent of its annual revenue comes from crops on which it applies chlorpyrifos, it estimated

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[43] *Id*.

[44] *Id*. at 26.

[45] U.S. Beet Sugar Ass'n & Am. Sugarbeet Growers Ass'n Objections.

[46] Pet. for Review, Attach. 2 Supporting Declarations of Grower Petitioners, Exhibit A at 4-5.

[47] *Id*., Exhibit B at 3.

[48] *Id*. at 8.

unrecoverable losses of about $60,000 per year of its sugarbeet crop alone.[49] Another cooperative estimated unrecoverable losses of up to $30,000,000 per year for its members.[50] One cooperative estimated unrecoverable losses of approximately $34,436,634 in 2022 for its grower members .[51] Growers in this region cannot source sugarbeets from elsewhere because they cannot be shipped thousands of miles or be grown in other areas to make up for the losses.[52] Another cooperative estimated unrecoverable losses of up to $17,500,000 per year of its members.[53]

The State of North Dakota found that there would be a reduction of 1,565 pounds of sugar per acre produced and $201 per acre in revenue losses, resulting in $20,904,000 in losses in North Dakota SBRM areas and $18,395,642 in additional total production costs for a total of $39,299,642 in losses.[54] And these losses will compound with every year of using less effective alternatives. Without chlorpyrifos, SBRM can decrease crop yields by as much as 45 percent.[55]

Sugarbeet growers also face concerns about their healthy crops being impacted by being stored with crops from other farms that are damaged by destructive pests. Costs to sugarbeet growers are exacerbated by inflation, which has increased the cost of operating a farming business (fertilizer costs, fuel costs, chemical costs, and equipment costs) by over 30 percent.[56]

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[49] *Id*., Exhibit E at 7.

[50] *Id*., Exhibit F at 9.

[51] *Id*., Exhibit G at 11.

[52] *Id*. at 15.

[53] *Id*., Exhibit I at 10.

[54] North Dakota *Amicus* Br. 18-19.

[55] *Id*. at 22.

[56] Pet. for Review, Attach. 2 Supporting Declarations of Grower Petitioners, Exhibit B at 8.

In North Dakota, the sugarbeet industry is also suffering from impacts from extreme weather, early freezes, drought, and, in 2022, the latest spring on record caused by persistent cool and wet weather.[57]

For these farms and many others, chlorpyrifos is the only tool that has been consistently effective at controlling SBRM. Alternatives require multiple applications and are less effective, resulting in increased costs and a larger environmental impact. The problem cannot be ameliorated through methods like crop rotation because it is not an effective substitute for chlorpyrifos for SBRM control. SBRM larvae overwinter in fields and emerge the next year.[58] Without chlorpyrifos use in the future, this will likely lead to greater harm every year as the population of destructive SBRM grows with each growing season.[59]

Sugarbeet growers are also concerned that the loss of chlorpyrifos in the future will result in less protection for sugarbeets from symphylans, as chlorpyrifos is the only fully registered rescue option available in early spring to control symphylans.[60] One cooperative estimated that, if chlorpyrifos is not available, 25-33 percent of the sugarbeet seed production acreage will likely be affected, with up to a 50 percent loss of seed production.[61] Further, the loss of chlorpyrifos will negatively impact sugarbeet growers not only economically but also through reputational harm, creating uncertainty regarding the safety of food products in commerce.[62]

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[57] North Dakota *Amicus* Br. 25.

[58] *Id.* at 24.

[59] Pet. for Review, Attach. 2 Supporting Declarations of Grower Petitioners, Exhibit B at 6.

[60] *Id*., Exhibit C at 4.

[61] *Id*., Exhibit G at 14.

[62] *Id*., Exhibit C at 7.

2. Irreparable Harm to Soybean Growers

As the soybean industry has demonstrated, growers have relied on chlorpyrifos to control numerous insect pests, with the most critical uses being for the control of soybean aphids and two-spotted spider mites (TSM). These pests are notoriously difficult to control and can result in up to 60 percent yield loss.[63]

Some of these pests can vector plant pathogenic viruses which can result in double-digit yield loses and, in rare instances, reduce yields greater than 90 percent.[64] There are only a limited number of options to control aphids and TSM, and removal of any options such as chlorpyrifos will result in rapid build-up of insecticide resistance to the remaining options.[65] For growers who lose access to chlorpyrifos, there is no one-to-one replacement, meaning that growers will have to spray at least two active ingredients to control these pests, increasing their purchase and application costs. Soybean farmers estimate over $1.26 million in annual cost increases to protect their crops if they are forced to continue to use alternatives.[66]

3. Irreparable Harm to Fruit Growers

For cherry growers, chlorpyrifos has been one of the most effective tools and, according to one Grower Petitioner, is used on almost all of its cherry tree acres.[67] And there is no equivalent replacement for chlorpyrifos. Chlorpyrifos is unique in that it is the only effective chemistry to protect the cherry industry from trunk borers. Chlorpyrifos is active on adult, egg, and larval stages of most trunk boring pests. EPA has even acknowledged that borers are a

[63] *Id*., Exhibit K at 4.

[64] *Id*., Exhibit M at 4.

[65] *Id*.

[66] *Id*., Exhibit K at 6.

[67] *Id*., Exhibit T at 3.

growing problem for which effective alternatives to chlorpyrifos are not available.[68] Tree loss from trunk borers can cost a grower $300 per tree in lost revenue.[69] Chlorpyrifos has also been important for peach growers to protect against lesser peach tree borers, as well as apple growers to protect against scale, stink bugs, aphids, and borers in apple production.[70]

Citrus growers in Florida also depend on chlorpyrifos. They currently face a dire situation with the growing problem citrus greening caused by the Asian citrus psyllid. The importance of chlorpyrifos in the management of citrus greening cannot be overemphasized. Already, the U.S. Department of Agriculture (USDA) reported in 2019 that citrus production overall in Florida has decreased by more than 74 percent since the introduction of the Asian citrus psyllid and the subsequent citrus greening infections.[71] Asian citrus psyllids, rust mites, spider mites, broad mites, scales, and Diaprepes root weevils all cause economic damage to citrus in Florida. All of these pests are targeted directly and managed effectively by chlorpyrifos. Other alternatives are less effective, have increased costs, and result in lower crop yields.

4. Irreparable Harm to Wheat and Cotton Growers

Chlorpyrifos has been used on winter and spring wheat and allows growers the flexibility needed to address pest pressures.[72] It has also been used to protect cotton crops from whitefly and late season cotton aphid infestations. If not controlled, the entire cotton chain is impacted from sugar excretions on the cotton from the pests. The resulting "sticky cotton" slows down the

[68] *Id*. at 4.

[69] *Id*. at 5-6.

[70] *Id*., Exhibit V at 4.

[71] *Id*., Exhibit U at 3.

[72] *Id*., Exhibit S at 3.

ginning process by up to 25 percent and will lower the grade and value of cotton. Over time, wheat and cotton growers will experience yield losses and increased costs.

As outlined above, grower groups will suffer immediate, irreparable harm in the form of significant yield losses, lost profits, and, consequently, lost jobs if they can no longer use chlorpyrifos to protect their crops. Chlorpyrifos is urgently needed because it has broad-spectrum effectiveness, has a relatively short persistence (making it less harmful to beneficial insects), and can be used in multiple delivery systems—all key attributes of an integrated pest management program.[73] The loss of chlorpyrifos will only expedite insect resistance to the few remaining alternatives and result in greater crop damage. These growers will also be forced to apply less effective alternatives in greater volumes, reducing their ability to be good environmental stewards.

C. EPA Fails to Consider That There Is No Purpose Served by Cancelling Gharda's Registrations.

EPA fails to consider that its proposed cancellation of Gharda's products does not serve the cited purpose. In fact, there is no legitimate purpose for cancelling Gharda's registrations. Chlorpyrifos cannot be used on food crops while the Eighth Circuit considers the validity of the Final Rule revoking all tolerances for chlorpyrifos. And, as stated previously, Gharda has committed to ensure chlorpyrifos product does not enter the U.S. food supply while EPA's Final Rule remains under review by the Eighth Circuit. EPA has not presented any evidence that chlorpyrifos products are being sold or distributed in violation of its revocation order. All EPA's NOIC accomplishes is prematurely revoking pesticide registrations for economically critical pesticide products on the basis of an unlawful Final Rule that the Grower Petitioners have asked

[73] *Id*., Exhibit J at 4.

to be vacated. EPA's NOIC would create more barriers and delays for growers who will need access to chlorpyrifos products in the future.

D. EPA Fails to Consider the Impact on the Economy.

EPA fails to consider, as required by FIFRA section 6(b) for registration cancellations, "restricting [chlorpyrifos's] use or uses as an alternative to cancellation" and fails to "take[] into account the impact" of cancellation of chlorpyrifos registrations "on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy."[74] As demonstrated by the Grower Petitioners, the economic impact of the total removal of all chlorpyrifos registrations for all food uses is devastating for the crops that, based on EPA's own evidence and safety finding for the Safe Uses, should not be restricted. While significant economic impacts are already being felt by growers, the harms will continue and be exacerbated with the cancellation of Gharda's products, the sole remaining approved chlorpyrifos products for the Safe Uses. Rather than have growers go out of business and consumers be deprived of critical food supply, EPA can simply amend chlorpyrifos registrations to restrict the non-safe food uses and allow the safe food uses to continue to be approved.

V. EPA's Proposed Cancellation of Gharda's Registrations Is Arbitrary and Capricious and an Abuse of Discretion Because it Offers No Reasoned Analysis for the Agency's Change in Course.

EPA's proposed cancellation of Gharda's registrations is arbitrary and capricious and an abuse of discretion because it fails to provide a reasoned analysis for its sudden shift in position. EPA fails to explain why it is deviating from historical precedent and procedures. The USDA Office of Pest Management Policy (OPMP) believes EPA can retain certain chlorpyrifos uses

[74] 7 U.S.C. § 136d(b).

that meet EPA's safety standard based on its PID—the Safe Uses.[75] EPA provides no analysis for why its drastic actions to cancel all registrations is appropriate when specific uses it has determined to be safe can be preserved. EPA also inappropriately brushes aside the comments and concerns from USDA.[76]

VI. EPA's Refusal to Stay this Proceeding, Seeking Cancellation of Gharda's Registrations, Is Arbitrary, Capricious and Contrary to Law.

Petitioners in the Eighth Circuit, by letter dated January 6, 2023, asked EPA to withdraw or stay this proceeding in light of the pending Eighth Circuit litigation. Unfortunately, EPA rejected that request. As discussed, EPA's cancellation of Gharda's registrations would interfere with the jurisdiction of the Eighth Circuit and would force Grower Petitioners and other parties to needlessly expend additional resources fighting the cancellation while the Eighth Circuit litigation continues. Any cancellation of Gharda's registrations based upon the fact that tolerances have been revoked by EPA's Final Rule would become void upon an Eighth Circuit's ruling invalidating the Final Rule.

Because no use of chlorpyrifos can occur while the Final Rule is in effect, there is no legitimate purpose served by proceeding with cancellation of Gharda's registrations. EPA does not have reason to believe that chlorpyrifos is being sold or distributed in violation of the Final Rule. EPA waited to issue this NOIC for over nine months after Gharda's written commitment to ensuring its chlorpyrifos products do not enter the U.S. food supply. EPA's decision to issue the NOIC appears to be an attempt to interfere with the jurisdiction of the Eighth Circuit and the

[75] Letter from The Honorable Thomas J. Vilsack, Secretary, USDA, to The Honorable Rep. Vicky Hartzler (Sept. 20, 2022) (Exhibit 24).

[76] 87 Fed. Reg. at 76,478-79.

relief it might award Petitioners for EPA's unlawful Final Rule, rather than an action based on a legitimate concern about the unlawful sale and distribution of chlorpyrifos products for food use.

If the Eighth Circuit decides in favor of the Grower Petitioners, and growers can thereafter resume use of chlorpyrifos on the crops identified in the Safe Uses, cancelling Gharda's registrations will have unnecessarily created significant difficulties for growers in their ability to fight pests. It could take years before registrants of products containing chlorpyrifos apply for and obtain approval from EPA for new products or new food uses. In the meantime, growers will continue to suffer crop losses and/or increased costs of production.

The Grower Petitioners will suffer irreparable harm from EPA's cancellation of chlorpyrifos registrations for the Safe Uses. For the reasons set forth above, sound public policy supports a stay of the NOIC, and a stay would not harm public health or any public interest. The Grower Petitioners' objections to the NOIC are made in good faith and not frivolous. EPA should therefore stay the NOIC.[77]

VII. Grower Petitioners Request a Hearing on EPA's Proposed Cancellation of Gharda's Registrations.

For the reasons outlined above, Grower Petitioners object to EPA's NOIC and request a hearing on EPA's cancellation of Gharda's registrations. The Grower Petitioners are adversely affected by EPA's NOIC and EPA's refusal to withdraw or stay that action. EPA should not proceed with cancelling Gharda's chlorpyrifos product registrations until the litigation pending before the Eighth Circuit is resolved. Neither should EPA cancel Gharda's chlorpyrifos registrations until EPA first complies with the requirements of FIFRA. For the reasons set forth

[77] *Cf.*, 21 C.F.R. § 10.35(e)(1)-(4).

above, cancellation of Gharda's registrations is unlawful, arbitrary, capricious, and an abuse of discretion.

January 13, 2023

Respectfully submitted,

/s/ Nash E. Long

Nash E. Long
HUNTON ANDREWS KURTH LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28280-0008
(704) 378-4728
nlong@HuntonAK.com
Counsel for Grower Petitioners

Gharda Chemicals International, Inc.

February 3, 2021

Mr. Richard Keigwin
Director
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Via Regulations.gov

Re: Gharda Chemicals International, Inc. Comments to the U.S. Environmental Protection Agency on the Proposed Interim Registration Review Decision for Chlorpyrifos, Docket ID No. EPA-HQ-OPP-2008-0850, 85 Fed. Reg. 78849 (Dec. 7, 2020)

Dear Mr. Keigwin:

Gharda Chemicals International, Inc. ("Gharda") is pleased to submit these comments regarding the U.S. Environmental Protection Agency's ("EPA's") Proposed Interim Registration Review Decision for Chlorpyrifos (the "PID"). Established in 1967, Gharda is a research-based company leading in the field of agrochemical manufacturing. More than four decades of innovation and investment in R&D has transformed Gharda into a successful agrochemical company. Gharda's product portfolio includes a wide range of insecticides and herbicides, including chlorpyrifos, for which it holds an EPA registration. Gharda sells end-use chlorpyrifos products under the brand name Pilot™ as well as technical grade chlorpyrifos for manufacturing use.

Gharda has long supported the registration of chlorpyrifos in the United States, including through an industry task force that provided financial and other support for comments, scientific data, and other materials submitted to EPA by Dow AgroSciences, LLC, now Corteva Agriscience.[1]

[1] The prior comments and submissions made by Dow AgroSciences (DAS) are incorporated here by reference and include: (1) DAS Response to 2014 Revised Human Health Risk Assessment for Chlorpyrifos, (Apr. 29, 2015), EPA-HQ-OPP-2015-0653-0214; (2) Decl. of C. Burns in support of DAS Comments on EPA's Literature Review on Neurodevelopment Effects & FQPA Safety Factor Determination for Organophosphate Pesticides, (Dec. 22, 2015), EPA-HQ-OPP-2015-0653-0230 (submitted to docket EPA-HQ-OPP-2010-0119); (3) DAS Response to EPA's Proposed Rule to Revoke Chlorpyrifos Tolerances (including all references and appendices), (Jan. 4, 2016), EPA-HQ-OPP-2015-0653-0386; (4) DAS Legal and Policy Comments in Response to EPA's Proposed Rule to Revoke Tolerances for Chlorpyrifos, (Jan. 5,

On December 7, 2020, EPA published its PID. *See* 85 Fed. Reg. 78849 (Dec. 7, 2020). The PID is supported by analyses included in EPA's September 21, 2020 Third Revised Human Health Risk Assessment, EPA-HQ-OPP-2008-0850-0951 (the "2020 RHHRA"), which in turn relies on, among other documents, a September 15, 2020 Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review, EPA-HQ-OPP-0850-0941. EPA's notice announcing the availability of the PID invited comments on the PID and 2020 RHHRA, so Gharda's comments herein address issues raised in the PID, the 2020 RHHRA, and the updated drinking water assessment.

Gharda appreciates that EPA is continuing its registration review of chlorpyrifos, as well as the novel, complex scientific issues the Agency is presented with in its review of this critical crop protection tool. While Gharda supports several aspects of EPA's analysis, Gharda respectfully submits that (i) a Food Quality Protection Act ("FQPA") safety factor of 10X should not be set based on epidemiology and recent animal laboratory studies that are not valid and reliable for the

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2016), EPA-HQ-OPP-2015-0653-0266; (5) DAS Response to Chlorpyrifos-Methyl Human Health Draft Risk Assessment, (Sept. 15, 2015), EPA-HQ-OPP-2010-0119-0044; (6) DAS Legal and Policy Comments in Response to (i) EPA's Literature Review on Neurodevelopment Effects & FQPA Safety Factor Determination for Organophosphate Pesticides and (ii) EPA's Chlorpyrifos-Methyl Human Health Draft Risk Assessment, (Feb. 19, 2016), EPA-HQ-OPP-2010-0119-0033; (7) DAS Comments on 2016 Revised Human Health Risk Assessment and Refined Drinking Water Assessment for Chlorpyrifos, (Jan. 17, 2017), EPA-HQ-OPP-2015-0653-0651; (8) Decl. of C. Burns in support of DAS Comments on EPA's Response to Comments Related to Applying the FQPA 10X Safety Factor for the Organophosphate Pesticides (Dec. 29, 2016), EPA-HQ-OPP-2008-0316-0071, (submitted to docket EPA-HQ-OPP-2010-0119); (9) DAS Legal and Policy Comments on (i) EPA's Response to Comments Related to Applying the FQPA 10X Safety Factor for the Organophosphate Pesticides; (ii) Response to Occupational and Residential Exposure-Related Comments on the Preliminary Organophosphate Human Health Risk Assessments; and (iii) Response to Dietary-Related Comments on the Preliminary Organophosphate Human Health Risk Assessments, (July 24, 2017) (submitted to docket EPA-HQ-OPP-2010-0119); (10) DAS Response to Objections to EPA's Denial of Petition to Revoke Tolerances and Cancel Registrations for Chlorpyrifos (and supporting Declarations), (Aug. 27, 2018) (submitted to docket EPA-HQ-OPP-2007-1005-0526) ("DAS Response to Objections"); (11) Br. of Amicus Curiae Dow AgroSciences in Supp. of EPA, LULAC v. Wheeler, Nos. 19-71979, 19-71982 (9th Cir. Mar. 6, 2020), ECF No. 53-2; (12) D. Juberg and J. Driver, A Review of Recent Studies - Red Blood Cell Cholinesterase Inhibition as a Point of Departure for Regulation of Chlorpyrifos is Protective Against Neurodevelopmental Toxicity, (June 17, 2020) ("DAS Review of Recent Studies"); (13) D. Juberg and J. Driver, Scientific Bases and Perspectives on Uncertainty and Safety Factors for Assessing Risks Associated with Human Chlorpyrifos Exposures, (June 17, 2020) ("DAS Submission on Uncertainty and Safety Factors"); and (14) Corteva Agriscience's Comments on Chlorpyrifos Proposed Interim Registration Review Decision (Feb. 2, 2021) ("Corteva Comments on PID").

purposes of regulatory decision-making, particularly where application of a 10X safety factor would eliminate many important crop uses, including use on corn, almonds, grapes, peanuts, pecans, and walnuts, (ii) application of an FQPA safety factor of 1X is fully supported by reliable data allowing, with limited exceptions, "all labeled chlorpyrifos uses [to] be retained nationwide," PID at 41, including the critical use on corn, (iii) a close look by EPA is warranted at a recent drinking water study submitted to the Agency by Corteva Agriscience that supports the current regulatory standard and an FQPA safety factor of 1X, allowing additional uses of chlorpyrifos, including use on corn, and (iv) the recent report of EPA's Scientific Advisory Panel ("SAP") does not support altering the current regulatory standard for chlorpyrifos or application of a 10X FQPA safety factor.

I. Chlorpyrifos and its Vital Importance to Agriculture

Chlorpyrifos is an organophosphorus insecticide first registered in the United States in 1965 and approved for use on crops in 1974. Chlorpyrifos protects over fifty valuable U.S. food crops from destruction due to insect pests, including citrus, corn, cotton, soybeans, sugarbeets, and wheat. Chlorpyrifos's critical importance as an insect pest management tool is due to its broad-spectrum efficacy and favorable environmental and human health characteristics. It is the leading active ingredient to control many insect pests, and for some destructive pests it is the only effective pest management tool available. *See* EPA, Revised Benefits of Agricultural Uses of Chlorpyrifos at 2, (Nov. 18, 2020), EPA-HQ-OPP-2008-0850-0969 ("Revised Benefits"); *see also, e.g.*, Comment of U.S. Dep't of Agric. at 10 (Jan. 5, 2016), EPA-HQ-OPP-2015-0653-0369 (loss of chlorpyrifos would have "a significantly negative impact on the production capabilities and economic stability of producers of many human and animal food crops, particularly where few or no efficacious insecticide alternatives are available"); Ltr. from Cal. Cotton Ginners and Growers Ass'ns to EPA (Aug. 28, 2018) (chlorpyrifos "is one of the only active ingredients that have efficacy and plant canopy penetration to manage late season Cotton Aphid"); Ltr. from Am. Crystal Sugar Co. to EPA (Aug. 27, 2018) (chlorpyrifos is the only insecticide available for managing sugarbeet root maggot) (cited in Br. of Amici Curiae Agribusiness Council of Ind., et al. at 6–7, 8 and nn.13, 19, *LULAC v. Wheeler*, Nos. 19-71979, 19-71982 (9th Cir. Mar. 6, 2020, ECF No. 54-2); Decl. in Supp. of Br. Amicus Curiae CropLife Am., et al., PANNA v. U.S. EPA, No. 14-72794 (9th Cir. July 5, 2016), ECF No. 40-9 (chlorpyrifos is very effective as a rescue treatment for corn rootworm; loss of chlorpyrifos would force corn growers to use more expensive alternative products).

Because of its broad-spectrum effectiveness, chlorpyrifos is often the first tool growers employ to control new or unknown insect pests, a long-standing problem but one that will be exacerbated by climate change. *See* Revised Benefits at 12 (observing that removal of "broad spectrum materials such as chlorpyrifos . . . from pest management programs can result in unexpected outbreaks of previously minor pests or even the emergence of new pests"). Chlorpyrifos is also less harmful to beneficial insect populations than other insecticides, and requires fewer applications to control certain pests, reducing overall insecticide use.

EPA has long evaluated the safety of chlorpyrifos based on its potential to inhibit acetylcholinesterase ("AChE"). EPA's current regulatory standard is based on its conclusion that exposure to chlorpyrifos below levels that result in 10% red blood cell AChE ("RBC AChE") inhibition does not adversely affect human health. The current regulatory standard based on that conclusion has been supported for decades by a robust data set.

II. Statutory Framework

A. FIFRA's Registration Standard

EPA regulates pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") and the Federal Food, Drug, and Cosmetic Act ("FFDCA"). EPA will not register a pesticide under FIFRA unless scientific data and other information show that its use will not cause "unreasonable adverse effects on the environment." FIFRA § 3(c)(5)(D), 7 U.S.C. § 136a(c)(5)(D). FIFRA defines "unreasonable adverse effects on the environment" as

> (1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under [FFDCA] section 346a . . . .

FIFRA § 2(bb), 7 U.S.C. § 136(bb).

With respect to the human dietary risk component of FIFRA's definition of "unreasonable adverse effects on the environment," section 408 of the FFDCA requires EPA to set "tolerances," which are maximum levels of pesticide residue allowed in or on food. FFDCA § 408, 21 U.S.C. § 346a. Food containing pesticide residues that exceed an established tolerance level (in the absence of an exception from a tolerance) is "adulterated" under the FFDCA and may not be moved in interstate commerce. FFDCA §§ 301, 402, 21 U.S.C. §§ 331, 342. In considering whether to establish, modify, or revoke a tolerance (or tolerance exemption), EPA must consider, among other things, "the *validity*, completeness, and *reliability* of the available data from studies of the pesticide chemical and pesticide chemical residue." FFDCA § 408a(b)(2)(D), 21 U.S.C. § 346a(b)(2)(D) (emphasis added).

B. The FQPA Safety Standard Incorporated into FIFRA's Registration Standard

The FQPA amended both FIFRA and FFDCA. In particular, FQPA established a single health-based safety standard under section 408 of FFDCA for the use of pesticides on food. FFDCA § 408(b)(2)(A)(ii), 21 U.S.C. § 346a(b)(2)(A)(ii). Specifically, EPA may establish a tolerance for a pesticide if EPA determines that the tolerance is "safe," and must modify or revoke a tolerance if EPA determines that the tolerance is not "safe." *Id.* § 408(b)(2)(A)(i), § 346a(b)(2)(A)(i). A tolerance is deemed "safe" under the FFDCA if EPA has concluded that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is *reliable information*." *Id.* § 408(b)(2)(A)(ii), 346a(b)(2)(A)(ii) (emphasis added). The FQPA also

amended FIFRA's registration standard for food use pesticides to include the reasonable certainty of no harm standard. *See* FIFRA § 2(bb)(2), 7 U.S.C. § 136(bb)(2).

Key to FQPA's safety standard is the aggregate exposure assessment. FQPA's aggregate exposure provision requires EPA, in its determination of whether a pesticide should be registered for a food use, to assess the aggregate exposure levels of consumers, including infants and children, to the pesticide chemical, adding together exposure from any proposed new food use, all existing food uses, drinking water, and residential sources. FFDCA § 408(b)(2)(D)(v) and (vi), 21 U.S.C. §§ 346a(b)(2)(D)(v) and (vi).

The FQPA also modified the safety standards EPA must apply when considering the risk of pesticide residue exposure to infants and children. In particular, Section 408(b)(2)(C) of the FFDCA requires EPA to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue." *Id.* § 408(b)(2)(C)(ii), § 346a(b)(2)(C)(ii). In making this determination, EPA is to apply an additional tenfold margin of safety "to take into account potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children" but EPA has discretion to apply a different margin of safety if there is "reliable data" to support that determination. *Id.* This provision regarding the additional safety margin for infants and children in FFDCA Section § 408(b)(2)(C) is often referred to as the "FQPA safety factor" or "tenfold safety factor." Thus, "reliability" of scientific data is the cornerstone of EPA's determination with respect to whether a pesticide tolerance is "safe" for infants and children. *Id.*. Indeed, EPA has made clear in guidance that it "uses *reliable* data when considering the need to *raise, retain, modify, or remove* the 10-fold additional safety factor." EPA, Progress Report: Implementing the Food Quality Protection Act ("EPA Progress Report") at 18 (1999) (emphasis added).

The FFDCA does not define "reliability" or "reliable data." However, in a February 2002 guidance document, EPA counseled that "the data and information" relied upon to inform a safety factor determination "must be *sufficiently sound* such that OPP could routinely rely on such information in taking regulatory action." FQPA Safety Factor Policy at A-6 (emphasis added); *see also* EPA, *Determination of the Appropriate FQPA Safety Factor(s) in Tolerance* ("FQPA Safety Factor Policy") at 29, 31 (2002) ("As part of the toxicological considerations, OPP evaluates potential pre- and postnatal toxicity on a case-by-case basis taking into account all pertinent information. . . . As in any weight-of-evidence approach, it is important to consider the *quality and adequacy of the data*, and the consistency of responses induced by the chemical across different studies.") (emphasis added). Data that are not replicable, and in some cases not available, are not reliable. EPA, Framework for Incorporating Human Epidemiologic & Incident Data in Health Risk Assessment (Dec. 28, 2016) at 30 ("[R]eliability general[ly] refers to the ability to reproduce results. . . ."). And, data that do not accurately reflect exposure are not valid. *Id.* ("[V]alidity generally refers to the extent that exposure estimates reflect true exposure levels.").

III. Regulatory History of EPA's Safety Factor Determinations for Chlorpyrifos Under the FFDCA

In 2006, EPA completed its statutorily mandated "reregistration" review of chlorpyrifos under FIFRA and the FFDCA. In a final decision that remains in effect today, EPA reauthorized all existing agricultural uses for chlorpyrifos. EPA, *Reregistration Eligibility Decision for Chlorpyrifos* ("RED") at 2. EPA determined that chlorpyrifos food tolerances are "safe," meaning there is "a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue." FFDCA § 408(b)(2)(A)(ii), 21 U.S.C. § 346a(b)(2)(A)(ii). EPA also conducted a cumulative risk assessment that evaluated the combined human dietary and non-occupational exposures to all of the organophosphate pesticides (OPs), because all OPs share a common mechanism of toxicity—AChE inhibition. Importantly, in both the aggregate and cumulative risk assessments, EPA found that exposures to infants and children were safe, consistent with FFDCA's mandate of ensuring EPA's decisions are protective for these early life stages. EPA's cumulative risk assessment set an FQPA safety factor of 1X for chlorpyrifos.

In 2007, Pesticide Action Network of North America and Natural Resources Defense Council (PAN/NRDC) submitted a petition to EPA seeking revocation of all chlorpyrifos tolerances and cancellation of all EPA registrations for products containing chlorpyrifos. The petition was based, in large part, on a study conducted by researchers at Columbia University, which reported associations between trace levels of chlorpyrifos found in umbilical cord blood with neurodevelopmental effects in children later in life (the "Columbia Study"). In response to the petition, EPA accelerated Registration Review of chlorpyrifos. *See* FIFRA § 3(g), 7 U.S.C. § 136a(g).

During Registration Review, EPA conducted multiple risk assessments, and sought public comment on these assessments. In particular, in June 2011, EPA issued a Preliminary Human Health Risk Assessment for chlorpyrifos ("PHHRA"). In the PHHRA, the Agency stated that the "toxicological database for chlorpyrifos is extensive and is adequate to support the registration review." PHHRA at 36 (citation omitted). The Agency found "no residual uncertainties in the exposure database" and that "[t]he dietary risk assessment is conservative and is not expected to underestimate dietary exposure to chlorpyrifos and chlorpyrifos oxon." *Id*. at 40. Accordingly, the Agency proposed applying an FQPA safety factor of 1X "for acute and chronic oral exposure, in addition to dermal and inhalation exposure to chlorpyrifos." *Id.* at 40–41. The Agency also stated that it "believes data are supportive of this proposal." *Id*. at 36.

In December 2014, EPA issued a Revised Human Health Risk Assessment for chlorpyrifos ("2014 RHHRA"). EPA proposed, on the basis of the Columbia Study and other epidemiology studies, that the FQPA safety factor be increased from 1X to 10X. 2014 RHHRA at 49. EPA found that, while numerous limitations in the epidemiology data "precludes definitive causal inference," "there is sufficient uncertainty in the human dose-response relationship for neurodevelopmental effects" to support a safety factor of 10X. *Id*.

During Registration Review, EPA also convened several sessions of its SAP to evaluate scientific issues relating to chlorpyrifos. The SAP looked closely at the Columbia Study and other epidemiology studies and concluded that they contained numerous deficiencies that rendered them insufficient to guide regulatory action. *See, e.g.*, 2008 SAP Minutes at 46 (EPA-HQ-OPP-2008-0274-0064) ("The Panel agreed with the Agency that there were limitations in the

[Columbia and two additional] epidemiological studies that precluded them from being used to directly derive the PoD or the uncertainty factor.").

Notwithstanding these admonitions, in November 2016, EPA proposed and sought comment on a new regulatory standard (the "2016 RHHRA") that was also based principally on the Columbia Study's conclusions concerning alleged neurodevelopmental effects. The 2016 RHHRA and the Columbia Study on which it relied were severely criticized in public comments, including comments submitted by the U.S. Department of Agriculture under the Obama Administration. *See* USDA Comments on the Risk Assessment Underlying the Reopened Proposed Rule "Chlorpyrifos; Tolerance Revocations; Notice of Data Availability and Request for Comment" (EPA-HQ-OPP-2015-0653-0648), Jan. 17, 2017 ("USDA Comments on 2016 RHHRA"), at 2.

In March 2017, the Agency denied the petition in full, finding the epidemiology data urged in support of the petition not sufficiently valid, complete, or reliable. *See* Chlorpyrifos; Order Denying PANNA and NRDC's Pet. to Revoke Tolerances, 82 Fed. Reg. 16,581 (Apr. 5, 2017). EPA also rejected PAN/NRDC's claim that the CRA misrepresented risks in applying a 1X safety factor for OPs. *Id.* at 16,589. PAN/NRDC submitted objections to EPA's petition denial, which EPA denied in July 2019, again finding the claims concerning neurotoxicity of chlorpyrifos at levels below 10% RBC AChE inhibition unsupported by valid, complete, and reliable data. *See* Chlorpyrifos; Final Order Denying Objs. to Mar. 2017 Pet. Denial Order, 84 Fed. Reg. 35,555, 35,563 (July 24, 2019). EPA nevertheless stated that it was retaining the 10X safety factor "in part because of the neurodevelopmental studies"—the same studies the Agency found lacking to support a new point of departure. *Id.* at 35,563.

In its latest 2020 RHHRA and PID, EPA continued to use 10% RBC AChE as a regulatory endpoint or point of departure for chlorpyrifos. *See* 2020 RHHRA at 2. EPA applied a weight-of-the-evidence (WOE) analysis for neurodevelopmental effects, assessing quantitative and qualitative findings from various scientific studies, including "emerging new information from laboratory animal and mechanistic studies in addition to epidemiology studies that identified potential concern for increased sensitivity and susceptibility for the young from neurodevelopmental effects." PID at 10. EPA stated that it was presenting two potential approaches: (i) application of a 10X FQPA safety factor because "the science addressing neurodevelopmental effects remains unresolved" despite years of study and "*[d]ue to this uncertainty*" and, alternatively, (ii) application of a 1X safety factor "to provide a fuller picture of the potential risk estimates and the evolving understanding of the potential for neurodevelopmental effects." *Id.* EPA also noted that it was awaiting feedback from a September 2020 SAP that assessed new methodologies for evaluating developmental neurotoxicity. *Id.*

IV. EPA's Possible Application of a 10X FQPA Safety Factor Would Not Be Supported by the Weight of the Evidence and Exceeds EPA's Statutory Authority; to the Contrary, an FQPA Safety Factor of 1X Is Fully Supported by Reliable Data, Allowing for Corn and Other Important Uses

Gharda supports EPA's continued use of 10% RBC AChE as a regulatory endpoint or point of departure for chlorpyrifos. This is a conservative and health-protective regulatory endpoint supported by decades of extensive scientific study and a complete toxicological database.

However, Gharda disagrees with EPA's possible application of a 10X safety factor due to alleged "uncertainties" in the epidemiology data.

Gharda appreciates that application of a 10X safety factor will allow for the retention of eleven specifically analyzed high-benefit and/or critical uses—alfalfa, apple, cherries, asparagus, citrus, cotton, peach, soybean, strawberry, sugar beet, and wheat—for chlorpyrifos in select regions. *See* PID at 64. Respectfully, however, EPA's proposed approach in applying a 10X safety factor is flawed because the scientific research purporting to show adverse neurodevelopmental effects at levels below the current regulatory standard is unreliable, and the FFDCA does not support application of a 10X safety factor in the absence of valid and reliable data. With a safety factor of 1X, with limited exceptions, "all labeled chlorpyrifos uses can be retained nationwide." PID at 41. Application of a 10X safety factor, in contrast, would eliminate key crop uses, including use on corn, almonds, grapes, peanuts, pecans, and walnuts. Corn is a particularly critical crop use. At least 677,000 acres per year of corn are treated with chlorpyrifos, at a benefit of $4.1 to $5.4 million annually. Revised Benefits at 55. Prohibiting use on corn would force growers to resort to more costly alternative products. *Id.*

Moreover, a more recent drinking water study submitted to EPA showing no adverse effects associated with exposure to chlorpyrifos oxon via drinking water should be taken into account in EPA's final decision. This critical study provides further support for application of a 1X FQPA safety factor, allowing additional important uses, including for corn.

A. Application of an FQPA Safety Factor Must Be Based on Valid, Reliable Data

The FFDCA, as amended by the FQPA, instructs EPA to make safety factor determinations based on "reliable data." This is made explicit in the statutory text—both the provision defining the "reasonable certainty of no harm" standard, FFDCA § 408(b)(2)(A)(ii), 21 U.S.C. § 346a(b)(2)(A)(ii), and the provision addressing an additional 10-fold margin of safety. *Id.* § 408(b)(2)(C)(ii), § 346a(b)(2)(C)(ii). Thus, EPA actions to revoke tolerances and/or to increase a safety factor in such a way that effectively results in revocation must, by statute, be based on valid, reliable data. *See id.*; *see also* DAS Response to Objections, Attach. A ("Seed Declaration") ¶ 14; FQPA Safety Factor Policy at 29, 31; EPA Progress Report at 18.

EPA's statement in the PID that the weight of the scientific evidence, in particular epidemiology and laboratory animal data, is "unresolved" and therefore creates enough "uncertainty" to warrant applying a 10X FQPA safety factor exceeds EPA's statutory authority. PID at 10. The FFDCA does not support the application of a precautionary 10X safety factor while the Agency conducts further study or awaits feedback from its SAP, in the absence of reliable data. This is especially true where the scientific studies under review have significant deficiencies and limitations, as detailed in numerous public comments and the SAP. Indeed, the former EPA official who co-authored the FQPA Safety Factor Policy has observed in comments that "the FQPA safety factor has been primarily used to account for incompleteness or uncertainties in the animal toxicology data base," and applying a 10X FQPA safety factor based on questionable epidemiology data would be contrary to EPA policy. Seed Declaration ¶¶ 16, 21–23.

Agencies have an obligation in fulfilling their statutory mandates to "examine the relevant data and articulate a satisfactory explanation for [their] action[s], including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). Under the Administrative Procedure Act, a rule is arbitrary and capricious if the agency has relied on factors that "Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, [or] offered an explanation for its decision that runs counter to the evidence before the agency . . . ." *Id.*

Although courts afford deference to agency expertise in scientific decision-making, this deference is not without limits. Courts routinely set aside agency decisions that are not rooted in sound, reliable scientific data or for which the agency has failed to provide sufficient justification. *See, e.g., W. Harlem Env't Action v. EPA*, 380 F. Supp. 2d 289, 294–96 (S.D.N.Y. 2005) (EPA's revocation of child safety requirement for rodenticides held arbitrary and capricious where agency failed to investigate methodology or request specific data underlying primary report on which it relied); *Safe Food & Fertilizer v. EPA*, 350 F.3d 1263, 1271 (D.C. Cir. 2003) (remanding for EPA to provide explanation supporting exemption level for chromium found in zinc fertilizers); *Love v. Thomas*, 858 F.2d 1347, 1358–59 (9th Cir. 1988) (reversing an EPA order suspending a pesticide registration based in part on agency's reliance on insufficient data); *Conner v. Burford*, 848 F.2d 1441, 1453 (9th Cir. 1988) (Fish and Wildlife Service acted arbitrarily and capriciously in failing to comply with statutory mandate to prepare biological opinion based on best scientific data available); *Greenpeace v. Nat'l Marine Fisheries Serv.*, 80 F. Supp. 2d 1137, 1150 (W.D. Wash. 2000) (NMFS acted arbitrarily and capriciously by relying on incomplete information, ignoring relevant data, and failing to undertake comprehensive analysis in assessing impact of Fishery Management Plan).

As outlined below, neither the epidemiology studies nor new lines of laboratory animal studies are "sufficiently sound such that OPP could routinely rely on [them] in taking regulatory action." FQPA Safety Factor Policy at A-6. As such, they do not constitute reliable data under the FFDCA and should not be used to support application of a 10X safety factor that would dramatically limit uses of an important crop protection tool.

B. The Epidemiology Data Do Not Support Application of a 10X Safety Factor

In proposing a possible FQPA safety factor of 10X, EPA relied in part on epidemiology studies with results suggesting associations between chlorpyrifos exposure and adverse neurodevelopmental effects. 2020 RHHRA at 19. In particular, EPA credited "uncertainty" from the Columbia Study. *See id*. at 84 (App. 2).

As EPA acknowledges in the 2020 RHRRA, EPA's 2016 SAP rejected EPA's proposal to use the Columbia Study to set a new point of departure for chlorpyrifos, finding the Study's key conclusions unsupported by the weight of the evidence. SAP Tr. at 645 ("[T]he Panel . . . concurs with EPA that the data generated from [the epidemiology] studies alone are not adequate enough to obtain a point of departure (POD) for the purpose of quantitative risk assessment."). Among other concerns, SAP members questioned the validity of the cord blood data. *Id.* at 89, 501, 768. The SAP was also skeptical that the extraordinarily low levels of chloropyrifos detected in the cord blood could produce the neurodevelopmental effects claimed, and

questioned the researchers' reliance on a single cord-blood sample to estimate long-term exposure. SAP Minutes at 42. Moreover, the SAP was troubled by apparent manipulations of the study data by Columbia researchers in statistical analyses (e.g., the exclusion of data points for subjects with the highest chloropyrifos measurements), as well as the absence of the raw data, which the Columbia researchers have continually refused to provide, notwithstanding EPA's assurances that no names, addresses, or other personal information of study participants were being requested. *See* https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos-epas-request-columbias-raw-data. Without the raw data, the Agency and other stakeholders are unable to verify the study's findings. SAP at 18, 41.

These concerns were echoed in numerous comments submitted to EPA by Dow AgroSciences, growers, USDA, and other stakeholders criticizing the Agency's reliance on the Columbia Study to inform major regulatory action. For example, comments submitted by President Obama's U.S. Department of Agriculture ("USDA") stated:

> [EPA's] latest risk assessment is still based on just the single, not replicated, and unconfirmed [Columbia] study. Many weaknesses inherent in the study have been identified by the SAP and others, which undermine its suitability for determining a point of departure. These weaknesses remain unaddressed in EPA's latest risk assessment. This cannot be the type of "sound, high quality science" the writers of EPA's Scientific Integrity Policy envisioned as the "backbone of the EPA's decision-making."

USDA Comments on 2016 RHHRA at 2; *see also* Seed Declaration ¶¶ 17–20. Other commenters have questioned the study investigators' arbitrary grouping of study subjects into two "high" and "low" exposure groups, after initial analyses found no indication of a linear or nonlinear dose-response relationship between chlorpyrifos levels and developmental outcomes. DAS Response to Objections, Attach. C ¶ 18. Concerns regarding the manipulation of the study data and lack of data transparency were also the subject of a recent third-party analysis of the Columbia Study conducted by Toxicology Excellence for Risk Assessment (TERA), submitted to EPA in comments prior to its publication in the scientific journal *Regulatory Toxicology and Pharmacology*. *See* https://www.sciencedirect.com/science/article/abs/pii/S0273230020300428.

Multiple other reviews in peer reviewed journals describe the Columbia Study and other epidemiology studies conducted by researchers at the University of California-Berkeley and Mt. Sinai School of Medicine as inadequate, inconsistent, and biologically implausible. *See* DAS Submission on Uncertainty and Safety Factors at 11–12. EPA itself has deemed the epidemiology data not sufficiently "valid, complete, and reliable . . . under the FFDCA." 84 Fed. Reg. at 35,557.

Nevertheless, despite these issues, EPA has continued to evaluate and pursue the epidemiology data, and continues to claim that it raises "uncertainty" concerns about the current regulatory standard for chlorpyrifos. 2020 RHHRA at 87 (App. 2). But further efforts by EPA to analyze the Columbia Study's findings since the 2016 SAP have only confirmed its unreliability for use in regulatory decision-making. Indeed, EPA states in the 2020 RHHRA that it "remains unable to verify the reported findings of the [Columbia] papers" without the raw data and has been

"unable to conduct alternative statistical analyses to evaluate the robustness and appropriateness" of the Columbia Study investigators' approaches due to their refusal to share analytical results. 2020 RHHRA at 89–90. Results of scientific studies EPA cannot verify and replicate should not be used to guide major regulatory decisions. This would not only be at odds with the FFDCA but contrary to EPA's policy of strengthening scientific transparency.

Moreover, the missing raw data and unverified statistical approaches are hardly the full scope of the limitations in the Columbia Study identified by the SAP and numerous commenters, many of which remain unaddressed in the Agency's latest assessment. In addition to issues with the study's biological plausibility and reliance on a one-in-time measurement of exposure, the SAP and others questioned the validity of the Columbia Study blood test results themselves, thereby casting doubt on the conclusions drawn from the test results in the published articles. Major regulatory decisions like setting a 10X FQPA safety factor that potentially limits uses of a vitally important agricultural tool should not be based even in part on data riddled with this many issues. *See, e.g.,* DAS Response to Objections at 21–36.

In sum, for chlorpyrifos, the Agency has a complete database of robust and reliable animal toxicology studies that address children's susceptibility, show no concern for pre- and postnatal toxicity, and support EPA's setting of an FQPA safety factor of 1X in its 2006 Cumulative Risk Assessment. *See, e.g., id.* at 42–43. It is clear from the FFDCA that EPA cannot raise the safety factor to 10X based on data that do not meet standards of reliability and validity when the Agency has already made a safety factor determination based on a complete, robust, and reliable set of animal data that account for children's susceptibility. *Id.*

C. New Laboratory Animal Studies Do Not Support Application of a 10X Safety Factor

In considering a 10X FQPA safety factor, EPA considered in addition to epidemiology studies "emerging new information from laboratory animal and mechanistic studies" that raised concern about "increased sensitivity and susceptibility for the young from neurodevelopmental effects." PID at 10; *see also* 2020 RHHRA at 84 (App. 2). In particular, EPA evaluated five studies relied upon by the California Department of Pesticide Regulation to designate chlorpyrifos as a "toxic air contaminant," Gómez-Giménez et al. 2017, 2018; Silva et al. 2017; Lee et al. 2015; Carr et al. 2017). *Id.* at 88. EPA determined that three of the studies were of unacceptable quality due to a number of deficiencies, and that one of the studies (Lee et al. 2015) was acceptable for use only qualitatively. EPA credited the Carr et al. 2017 study, which it determined supports "the conclusion that effects on the developing brain may occur below a dose eliciting 10% AChE inhibition." *Id.* EPA nevertheless concluded that, "[d]espite the strength of the new Carr paper," overall "these studies are not robust enough for deriving a POD." *Id.* at 89.

Gharda supports the Agency's decision not to rely on any of these studies for deriving a POD, none of which support the claim that adverse neurodevelopmental effects occur at levels below the current regulatory standard, as outlined in prior comments and other submissions to EPA. DAS Response to Objections, App'x A at 8 (observing that "in virtually all of the[] studies, the lowest dose employed was at or above levels known to result in 10% RBC [AChE], cholinesterase inhibition was not measured at all, findings were inconsistent, and/or there were

design flaws and methodological confounders undermining the validity of the study's findings"). Gharda agrees with EPA that the Gómez-Giménez et al. 2017, 2018, Silva et al. 2017, and Lee et al. 2015 studies have deficiencies that limit their utility.

Gharda disagrees with EPA's statement that the Carr et al. 2017 study shows that "effects on the developing brain may occur below a dose eliciting 10% AChE inhibition." 2020 RHHRA at 88. Carr et al. 2017 analyzed anxiety behavior in rat pups exposed to chlorpyrifos and claimed an association between chlorpyrifos exposure and a *decrease* in anxiety-like behavior (*i.e.*, faster emergence from a dark container into a highly illuminated novel open field). Notably, however, as with the other animal studies, the Carr study did not measure *RBC* AChE (which is more sensitive than brain AChE, *see* 2014 RHHRA at 24), EPA's current POD for determining permissible exposure levels to humans. *See* DAS Review of Recent Studies at 4, 14 ("In any study design that seeks to determine whether neurodevelopmental outcomes are occurring below the threshold for RBC inhibition, a range of dose levels along with concomitant measurement of RBC ChEI should be included . . . [A] failure to measure the degree of RBC [AChE] precludes any conclusion that observed effects can be attributed to doses lower than those that elicit the threshold of 10% RBC [AChE]."). Moreover, the Carr study found modest brain cholinesterase inhibition (not specific to red blood cell cholinesterase) and only at the highest dose (1.0 mkd); no effects were reported at lower doses (0.5 and 0.75 mkd). But 1.0 mkd is well above the threshold for 10% RBC AChE, as confirmed in two Good Laboratory Practice toxicological studies (Maurissen et al, 2000; Marty et al, 2012), along with the benchmark dose EPA determined in establishing the threshold for 10% RBC AChE as 0.06 mkd. *See id.* at 3–4. Thus, the Carr study does not support an inference that neurodevelopmental effects are occurring at levels below the threshold for 10% RBC AChE. Accordingly, Gharda respectfully submits that the Carr study does not support application of a 10X FQPA safety factor and does not constitute the type of "reliable data" contemplated by the FFDCA.

In sum,

> there is no compelling scientific (animal or human) evidence or a proposed, tested, and validated mode of action to support either the contention that chlorpyrifos is associated with neurodevelopmental effects in humans at levels of exposure below the current regulatory standard or that there is any scientific basis for an FQPA factor beyond 1X related to putative neurodevelopmental effects in either animals or humans, particularly below the threshold for cholinesterase inhibition.

DAS Submission on Uncertainty and Safety Factors at 14.

D. A Recent Drinking Water Study Should be Taken Into Account in EPA's Final Decision

The former primary registrant, Dow AgroSciences LLC now Corteva Agriscience, recently submitted to EPA a 21-day drinking water study of chlorpyrifos oxon (the chlorpyrifos residue of concern in drinking water). *See A Study of Cholinesterase Inhibition in Peripheral Tissues in Sprague Dawley Rats Following Exposure to Chlorpyrifos Oxon in Drinking Water for 21 Days*, MRID 51392601. The results of this study showed no statistically significant RBC AChE

observed throughout the entire range of drinking water dose groups, confirming the absence of risk from exposure to chlorpyrifos oxon in drinking water. Specifically, the study found that (i) there were no detectable effects from oxon with respect to food consumption, water intake, or body weight in adult female rats across multiple concentrations, and (ii) measured TCP levels (which reflect exposure to TCP, chlorpyrifos, and chlorpyrifos oxon) were well below EPA's conservative modeling projections of oxon levels in drinking water. *See* Corteva Comments on PID at § D.

This study was submitted on December 4, 2020, after the Agency completed its 2020 drinking water assessment, which informed the Agency's PID. Before EPA reaches a final decision with respect to chlorpyrifos, this important study should be taken into account. This study not only confirms the strength of the current 10% RBC AChE regulatory standard but provides further support for an FQPA safety factor of 1X. Moreover, this study should allow for additional uses in additional regions, including corn. Corn is a critical crop use for chlorpyrifos that provides significant economic benefits. Corn is predominantly grown in the Midwestern Corn Belt region. To the extent there are specific geographic areas within this region that raise potential drinking water issues, Gharda would support labeling and other mitigation measures necessary to allow continued use on corn.

E. A Recent Report of the SAP Does Not Support Altering the Current Regulatory Standard for Chlorpyrifos or a 10X FQPA Safety Factor

EPA's SAP convened in September 2020 to assess new methodologies the Agency is considering for evaluating developmental neurotoxicity. PID at 10. The SAP's recent report of its findings indicated that those methodologies require further study. SAP Report at 26–27. However, "the organophosphate NAM data presented at the SAP did not show effects on neurodevelopmental endpoints at lower administered equivalent doses than those associated with cholinesterase inhibition thus further confirming RBC cholinesterase inhibition as the definitive and health-protective POD." Corteva Comments on PID § C. Accordingly, the SAP's report does not support altering the current regulatory standard for chlorpyrifos or moving the FQPA safety factor from 1X to 10X.

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Gharda appreciates the opportunity to provide these comments on EPA's PID, 2020 RHHRA, and drinking water assessment. Should EPA have any questions or wish to discuss these issues further, please do not hesitate to contact us.

Thank you for your consideration of these comments.

Respectfully submitted,

Ram Seethapathi

Ram Seethapathi
President, Gharda Chemicals International, Inc.