

October 27, 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:

AFBF is the nation's largest general farm organization. We represent farmers and ranchers in all 50 states and Puerto Rico, and they are engaged in every conceivable facet of agricultural production, including farmers who utilize chlorpyrifos to mitigate insect pressures on their crops. Considering this, AFBF is concerned with EPA's final rule issued on August 30, 2021, to revoke all tolerances for the insecticide chlorpyrifos. Pursuant to the Federal Food, Drug, and Cosmetic Act (FD&C Act) section 408(g) (21 USC 346a), AFBF writes to file formal objections regarding this action. AFBF urges EPA to rescind the final rule revoking tolerances and consider continued uses of chlorpyrifos following the Agency's registration review process. AFBF has also joined over 80 other agricultural stakeholders in a joint objection filed on October 19, 2021, and would like to reiterate our organization's support for the arguments made in the coalition objection. AFBF also supports the requests in the group objection to rescind the final rule revoking tolerances and to delay the implementation of the rule until EPA can respond to the objections.

EPA's decision to revoke tolerances for chlorpyrifos takes away critically needed crop protection for which there is no equal replacement. Chlorpyrifos has more than 50 registered agricultural uses on numerous crops, many of which are high-benefit uses to protect against economically significant pests. EPA's action leaves thousands of growers across the country defenseless against devastating pests. The loss of chlorpyrifos also negatively impacts the environment. Without access to pesticide products like chlorpyrifos that provide targeted treatment, farmers will have to use greater quantities of less-effective products, contributing to resistance issues among insects. Considering the significant economic and environmental impact of this decision, AFBF urges EPA to reexamine this decision and allow farmers to maintain access to this chemistry.

EPA's decision does not account for applications of chlorpyrifos when an actual food crop is not present, such as to tree trunks before the fruit has developed, on dormant fields, or to crops subject to further processing in which residues would not be detected. AFBF objects to the discontinuation of these uses.

AFBF also takes issue with the manner in which EPA came to this decision, as chlorpyrifos was currently under registration review. Many stakeholders, including AFBF, provided comments throughout the registration process and noted that the Agency described many high-benefit, safe uses of chlorpyrifos in EPA's own documentation. This revocation decision also discourages

further study and scrutiny of data used to establish the 10X FQPA safety factor, which contributed to the revocation decision.

As EPA plans to implement this disappointing decision, there is confusion throughout the food supply chain regarding how food products with previously legal residues of chlorpyrifos will be handled. Chlorpyrifos applications between now and February 28, 2022 are now subject to special record-keeping requirements. However, chlorpyrifos applications prior to EPA's final rule announcement were not subject to these record-keeping requirements, and many of these food products have long shelf lives. AFBF is concerned that these products will be considered adulterated should chlorpyrifos levels be detected due to the lack of record-keeping to demonstrate that the presence of chlorpyrifos is from a legal application. Should EPA not be responsive to the objections raised by agricultural stakeholders, AFBF is concerned about the lack of information in EPA's plan to manage existing stocks of chlorpyrifos. Without further intervention, farmers and retailers will bear the financial and logistical burden of determining how to dispose of leftover products.

In conclusion, the decision to revoke tolerances of chlorpyrifos will negatively impact farmers, the environment and food production in a multitude of ways, and for these reasons AFBF objects to the final rule ordering the revocation of tolerances for chlorpyrifos. AFBF joins many other agricultural stakeholders in requesting the agency rescind this rule and return to making pesticide decisions based on the best available science through the regular registration review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Kieffer". The signature is stylized with a large, sweeping "S" and "K".

Sam Kieffer

Vice President, Public Affairs