

CHERRY MARKETING INSTITUTE



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 be 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
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