

CHERRY MARKETING INSTITUTE



October 18, 2021

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

RE: Formal Objection to Chlorpyrifos Tolerance Revocation (EPA-HQ-OPP-2021-0523)

To Whom It May Concern,

Cherry Marketing Institute (CMI) would like to take this opportunity to formally object to the Environmental Protection Agency's (EPA) revocation of tolerances for Chlorpyrifos. CMI is a national organization that represents the interest of the U.S. tart cherry industry and the Michigan sweet cherry industry. Not only do we believe that EPA is wrong in its final decision to revoke tolerances, but we believe that EPA took an inappropriate approach to doing so. Furthermore, revoking the tolerances of Chlorpyrifos, the only effective chemistry the cherry industry has to protect from trunk borers, would leave our industry open to substantial loss of trees, causing significant and irreparable harm. Due to the injury this rule would inflict, we urge the EPA to stay its implementation until the agency can formally review, consider, and respond to stakeholder objections.

Michigan, the number one state for growing tart cherries, grows roughly 75% of the total U.S. production of tart cherries and 20% of the total sweet cherries. Together, with Wisconsin, another major tart cherry producing state, both would be at great risk of losing vast quantities of cherry trees without the use of Chlorpyrifos to combat trunk borers. Currently, the industry uses this chemistry to control the American plum borer, peachtree borer, and lesser peachtree borer in both tart cherry and sweet cherry trees¹. It is important to understand that our industry is 90% mechanically harvested with serious potential that the shakers will cause damage to the bark around the tree trunks (Rothwell, personal communication). As well, the climate in both states plays a role as well. In the early spring, temperatures can get above 32 degrees in the day and below 32 degrees at night. The constant contraction and expansion of the tree trunks can cause the trunks to crack. In both situations, damage to the trunks invite the trunk borers to burrow into the trees, ultimately leading to their death. It is worth noting that MSU researcher tested mating disruption of peachtree borers and lesser peachtree borers from 2007-2010. It was found that this method of control was not effective (Rothwell, unpublished data).

¹ Wise, J., A. Schilder, B. Zandstra, E. Hanson, L. Gut, R. Isaacs and G. Sundin. 2021 Michigan Fruit Management Guide. MSU E-154. Annually 2008-2020.

Economist from Michigan State University (MSU) estimate that it would cost growers \$180 to replace a tree. Furthermore, we must factor in the loss of production from that newly replanted tree. The average tart cherry tree can produce upwards of 150 pounds of cherries a year. Factoring in the 10-year average price per pound of cherries being \$0.28, that equates to \$42 per tree, per year in lost income. Moreover, it takes as much as seven years in the ground before a cherry tree is viable for harvest, meaning that every tree that dies from trunk borers cost a grower roughly \$294. According to a 2018-2019 survey completed by the United States Department of Agriculture's National Agriculture Statistics Service (USDA NASS), Michigan alone has approximately 3.7 million tart cherry trees and an additional 1 million sweet cherry trees, for a combined total of 4.7 million cherry trees that would be susceptible to trunk borers without the use of Chlorpyrifos. The economic impact of this would also extend far beyond the cherry growers, themselves. Considering the untold harm that would occur to the processing facilities and the communities they are located in, not having a sufficient supply of cherries could lead to massive layoff and the closing of food processing plants. The direct and indirect economic damages due to a loss of cherries trees that cannot be protected without Chlorpyrifos would be massive.

Furthermore, CMI is concerned with the way EPA has gone about revoking the tolerances for Chlorpyrifos. As general procedure is to cancel the label and allow the USDA to provide insight on the subject, giving growers time to use existing stocks of a chemistry prior to eliminating tolerances, we feel that EPA's detour from this normal process in immediately jumping to eliminating the tolerances is inconsistent with past behavior. This avenue taken by EPA did not allow USDA or other stakeholders to provide any comments on the final decision, nor does it allow our growers to use existing stocks or procure any meaningful alternatives to protect future crops.

Lastly, in EPA's Proposed Interim Registration Review Decision (Docket Number EPA-HQ-OPP-2008-0850) pertaining to Chlorpyrifos, it is stated "...the total annual economic benefit of chlorpyrifos to crop production is estimated to be \$19-\$130 million. These estimates are based on the additional costs of alternative pest control strategies likely to be used in the absence of chlorpyrifos or **reduced revenue for some crops that do not have effective alternatives to chlorpyrifos for some pests. In some cases, effective alternatives could not be found;...**" (p.39). Here, we see that EPA acknowledges that the lack of Chlorpyrifos could be devastating to industries that have no effective alternative, like the cherry industry against trunk borers. We believe that use on cherries is one of these "no effective alternatives" scenarios for the reasons described above, and damages are likely to be much higher than EPA assumes in the PID.

The PID goes on to say in Sec. 5(a)(1), "Table 10 provides a list of the **high-benefit agricultural uses that the agency has determined will not pose potential risk of concerns...**" (p.40). Table 10 includes the Michigan tart cherry industry as a high-benefit area. Based on that assessment, we are further confused and frustrated by EPA's decision to revoke the tolerance for cherries if it is both high-benefit and will not pose a potential risk of concern.

In summary, CMI believes that the revocation of tolerances for Chlorpyrifos on cherry trees will be detrimental to our industry, community, and economy. The absence of this chemistry would leave our industry needlessly defenseless against trunk borers, causing irreparable damage. Furthermore, even by EPA's own admission, the cherry industry receives "high-benefit" from this product that does not "pose potential risk of concern". We believe this action, in conjunction with EPA's highly

unusual regulatory approach to this rule, shows significant disregard for the science and the well-being of farmers, their livelihoods, and our rural communities.

Again, we formally oppose the revocation of tolerances for Chlorpyrifos on cherry trees; requesting that EPA modify its rule to continue to permit this safe, high-benefit product for continued use. Furthermore, we urge EPA to stay implementation of this harmful rule until it can consider and respond to stakeholder objections.

If you wish to discuss this issue further, please feel free to contact me at (517) 669-4264.

Respectfully,



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