



March 9, 2007

Joy Schnackenberg
Document Processing Desk (7504P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Re: **“Risks of Atrazine Use to Eight Federally Listed Endangered Freshwater Mussels: Pink Mucket Pearly (*Lampsilis abrupta*), Rough Pigtoe (*Pleurobema plenum*), Shiny Pigtoe Pearly (*Fusconaia edgariana*), Fine-rayed Pigtoe (*Fusconaia cuneolus*), Heavy Pigtoe (*Pleurobema taitianum*), Ovate Clubshell (*Pleurobema perovatum*), Southern Clubshell (*Pleurobema decisum*), and Stirrup Shell (*Quadrula stapes*) Pesticide Effects Determination”** conducted by U.S. Environmental Protection Agency.

Dear Ms. Schnackenberg:

CropLife America (CLA) is the national trade organization representing the nation’s developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the U.S. In general we do not comment on product-specific regulatory actions and processes taken by federal and state agencies. However, on occasion such actions have implications for broader policies. Hence we are offering these comments on the subject Pesticide Effects Determination.

CLA is concerned about the scientific process used by the Environmental Protection Agency’s (EPA’s) Office of Pesticide Programs (OPP) in the study cited above. In its rush to meet litigation settlement deadlines, EPA has not utilized the best available scientific data and methodology to arrive at its effects determination for atrazine on eight species of mussels, which are listed as threatened or endangered by the Endangered Species Act (ESA).

EPA clearly states that “if atrazine use may affect” the listed mussels, and /or cause adverse modification to designated critical habitat, the best available additional information is considered to refine the potential for exposure and effects, and distinguish actions that are “not likely to adversely affect” (NLAA) from those that are “likely to adversely affect” (LAA).” EPA has not consistently followed this procedure nor the Agency’s “Overview Document”¹ and therefore has neglected to substantiate

¹ *Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, US Environmental Protection Agency, Endangered and Threatened Species Effects Determinations.*

scientifically some of its assertions and assumptions in its effects determination. For example:

- EPA has not conducted its effects determination in accordance with the Agency's Overview Document because EPA failed to utilize species location data, which the Agency has required of FIFRA registrants through PR Notice 2000-2. Without the use of best available species location data, the action area and potential effects on species are greatly overstated.
- EPA has not sufficiently applied sound science in its problem formulation process, particularly regarding indirect effects.
- In developing a theory asserting that atrazine causes indirect effects to the mussel by affecting its food sources and river sedimentation, EPA did not address the likelihood of such effects; therefore, the Agency has not met the statutory standards required by ESA for such assessments.
- EPA did not follow procedures described in the Agency's "Overview Document;" by having concluded the effects determination with results from screening level models, assumptions of extremely high uncertainty, and incomplete data sets and not consistently refining the assessment to incorporate best available data. This is clearly evident in EPA's assessment of indirect effects from impacts on herbaceous riparian areas.
- EPA has asserted that a product recommended by USDA and utilized by growers in soil stabilization and conservation programs is instead destroying soil stability and causing erosion. EPA's erroneous assertion, to which substantial science shows the opposite and was not considered, could adversely impact the implementation of soil conservation practices and be detrimental to the very species the Agency must protect. CLA encourages the Agency to support conservation programs in the context of ESA.

We encourage the Agency to revise the Effects Determination, taking into account the circumstances and information that have been overlooked.

Sincerely,



Isi Siddiqui, Ph.D.
Vice President, Science and Regulatory Affairs
CropLife America