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

AUG 2 7 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

CERTIFIED MAIL

Dr. Kerry Kriger
Executive Director, Save the Frogs
303 Potrero Street #51
Santa Cruz, CA 95060

Re: Response to Save the Frogs May 6, 2011 Petition Requesting a Federal Ban on the Use and Production of Atrazine

Dear Dr. Kriger:

The Environmental Protection Agency (EPA or the Agency) Office of Pesticide Programs (OPP) received Save the Frogs' May 6, 2011 petition requesting "a federal ban on the use and production of Atrazine." The petition included over 10,000 signatures; several statements from members of the public; and two brief summaries of published literature, one by Dr. Jason Rohr and one by Dr. Tyrone Hayes that is co-authored by 39 other scientists. In conjunction with the petition, EPA received nearly 50,000 emails from supporters of the Center for Biological Diversity and the Natural Resources Defense Council requesting that EPA immediately take steps to phase out atrazine use in the United States, and asserting that atrazine poses an unreasonable risk to the environment. The emails expressed concern for impacts on amphibians and other aquatic species as well as concern for potential risks to human health.

On September 14, 2011, EPA announced receipt of the Save the Frogs' atrazine petition in the Federal Register (76 FR 56745) and posted the petition in the public docket (EPA-HQ-OPP-2011-0586) for a 60-day public comment period during which interested stakeholders could review and comment on the petition. During the comment period, EPA received approximately 1,300 comments from a wide range of stakeholders including members of the public, pesticide industry groups, farmers, environmental non-profit groups, and farm growers associations, representing those both supporting and opposed to the requested atrazine ban. The Agency has conducted a preliminary review of the public comments to identify any new information or points of view.

Save the Frogs' atrazine petition is not sufficient to support the requested relief under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136 *et seq*. Regarding the request that EPA ban use of atrazine, EPA reviewed your petition as a request for EPA to cancel and suspend atrazine's registrations.

In order to cancel a pesticide's registration for risk reasons, EPA must make a determination that use of the pesticide "generally causes unreasonable adverse effects on the environment." [FIFRA § 6(b)]. The statute provides that "unreasonable adverse effects on the environment" means "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." [FIFRA § 2(bb)(1)].[1] FIFRA also provides authority for EPA to suspend the registration of a pesticide if it determines that "action is necessary to prevent an imminent hazard during the time required for cancellation" proceedings [FIFRA § 6(c)]. The statutory definition of "imminent hazard" is "a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered or threatened." [FIFRA § 2(l)]. This standard incorporates FIFRA's risk-benefit "unreasonable adverse effects" standard.

EPA reviews all pesticides periodically against this standard and continually updates regulatory assessments based on new scientific data or other information. Under the FIFRA reregistration program, EPA completed a detailed examination of whether use of atrazine products causes unreasonable adverse effects on the environment. In 2003 EPA issued an Interim Reregistration Eligibility Decision (IRED) finding that atrazine products could meet the risk-benefit standard of FIFRA provided certain changes were made to the terms and conditions of registration.[2] Since 2007, EPA has held nine FIFRA Scientific Advisory Panel (SAP) meetings for atrazine as the state of the science has continued to evolve and new data have become available. The most recent SAP meeting was held from June 12 – 15, 2012. In general, the 2012 SAP recommended that EPA further analyze existing data; the SAP also provided more specific recommendations including additional refinements to the methodology, and alternative approaches for EPA to consider when interpreting uncertainty in atrazine water monitoring data.

EPA recently began the registration review process for atrazine. Registration review is EPA's periodic re-evaluation program pursuant to Section 3(g) of FIFRA 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 on the environment. The registration review process for atrazine started on June 26, 2013 with the opening of the docket for a 60-day public comment period on the Agency's Preliminary Work Plan (PWP). The PWP describes how EPA intends to update the human health and ecological risk assessments for atrazine. The PWP and its supporting scientific documents explain what EPA knows about atrazine, highlighting anticipated data and assessment needs, identifying the types of information that would be especially useful to the Agency in conducting the review, and providing an estimated timeline for completion of the atrazine registration review. The Final Work Plan for

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[1] The definition of the term in FIFRA section 2(bb)(2) also includes "a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of Title 21" (section 408 of the Federal Food, Drug, and Cosmetic Act). However, your petition did not include any assertions regarding a human dietary risk from atrazine residues in or on food.

[2] The 2003 IRED addressed risks associated with the chemical other than potential cumulative dietary risk from exposure to all triazine pesticides. In 2006, EPA completed a cumulative dietary risk assessment for all triazine chemicals and determined that dietary exposure to the triazines meets the safety standard in section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA).

Registration Review, expected around November 2013, will address public comments received on the PWP. The procedures for registration review provide multiple opportunities for public participation, ensuring that all regulatory decisions related to atrazine will be developed in a transparent manner. EPA will also take the recommendations from the SAPs into account as it updates the state of the science during the registration review of atrazine.

In summary, the 2003 IRED determined that atrazine products could meet the risk-benefit standard of FIFRA, and the 2006 cumulative assessment determined that dietary risks posed by atrazine meet the safety standard in section 408 of the FFDCA. Petitioners do not point to any asserted deficiency in any of the assessments that supported the Agency's 2003 and 2006 determinations; they do not assert why the regulatory determinations were incorrect in light of the underlying assessments; and they do not identify any new information or circumstances that could warrant a different regulatory determination. Under such circumstances, the petition fails to demonstrate that immediate regulatory action is either necessary or appropriate. Therefore, EPA finds that the atrazine registration review process is the most appropriate mechanism for EPA to fully evaluate whether atrazine pesticide products continue to meet the FIFRA standard for registration or whether regulatory action is called for, and hereby denies Save the Frogs' petition.

Please contact Monica Wait at (703) 347-8019 or wait.monica@epa.gov if you have any questions regarding this response.

Sincerely,

Steven P. Bradbury, Ph.D., Director
Office of Pesticide Programs