DAILY NEWS

Industry Urges Release Of Pesticide Data, Faulting EPA Efficacy Analysis

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An industry consultant is urging EPA to release data supporting its recent finding that neonicotinoid-treated seeds provide negligible benefits for soybean farmers, arguing the Oct. 15 efficacy study violates the Data Quality Act (DQA), but environmentalists say the agency's conclusions about the treated seeds back the case for a ban on neonicotinoids.

In December comments, The Center for Regulatory Effectiveness (CRE), which consults for industry groups, says EPA's conclusions that neonicotinoid-treated seeds provide negligible benefits for soybean yields and are commonly used when pests are not present, are based on inappropriately manipulated or unpublished data and defy economic principles.

In the comments, styled as an alert under the DQA, CRE urges EPA to release methods used in its Oct. 15 study, as well as data on a state-specific basis, and to harmonize future analyses with Canada's Pest Management Regulatory Agency, which is currently conducting similar studies of the efficacy of treated seeds.

"By not disclosing the data underlying its aggregated results and by using unpublished 'proprietary' EPA data of unknown quality and unpublished proprietary federally-sponsored data of unknown quality, EPA has disseminated a study that is biased against American farmers and common sense," CRE says. "EPA needs to make public the complete dataset on which it is basing its conclusions."

The DQA generally requires agencies to ensure that scientific and other data used to develop policy stances are objective, reproducible and peer-reviewed. While the law requires agencies to accept and respond to petitions to correct allegedly flawed data used in rulemakings and other decisions, key federal courts have so far held that agency responses to DQA petitions are not judicially reviewable, eliminating an enforcement mechanism for private parties to pursue challenges if agencies deny their petitions.

CRE says if EPA does not release data and revise the efficacy study, the group will file a request for correction under the DQA.

EPA, in a Dec. 24 *Federal Register* notice, extended the deadline for public comment on the agency's Oct. 15 analysis until Jan. 24, saying it has received requests for more time. But CRE, as well as a coalition of environmental groups had already submitted comments in advance of the prior Dec. 22 deadline.

CRE's comments add to significant opposition pesticide producers have levied against EPA's efficacy analysis. A pesticide producers group has called the Oct. 15 study a "preliminary" analysis that fails to quantify the full range of benefits from neonicotinoid-treated seeds, which include time reductions for farmers and reduced spraying of older, more harmful pesticides, as well as increased soybean yields.

In contrast, a coalition of more than a dozen environmental groups says EPA's efficacy analysis bolsters their calls for the agency to ban or restrict use of neonicotinoid treated seeds. The groups have urged both a new federal pollinator health task force charged with implementing President Obama's June 20 memo on pollinator protection and EPA, which is currently assessing neonicotinoids as part of its years-long process for reviewing products registered under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), to limit the use of such seeds.

Pollinator Declines

Obama's June 20 memo on pollinator protection seeks to stem massive pollinator declines seen since 2006 by improving their habitat, assessing how pesticides and other stressors contribute to their declines and acting where appropriate.

Advocates have argued that neither EPA nor the federal task force is moving quickly enough to protect pollinators. In Dec. 22 comments on the efficacy study, a coalition of environmental groups argue the efficacy analysis shows the agency has long doubted the efficacy of treated seeds in soybean production, and so EPA should restrict the products without further delay.

EPA conducted the Oct. 15 study as part of its FIFRA registration review of neonicotinoids, which could lead to a ban or restrictions on the substances, but which is expected to take several years. The analysis concludes that neonicotinoid

seed treatments, which are applied across millions of acres in the Midwest, provide negligible yield benefits for soybean production because "the target pest was typically not present at the time of planting or shortly thereafter."

Although the study addresses the results of neonicotinoid pesticide use in soybean production, it does not assess other crop production such as corn.

In the December comments, CRE argues the study's conclusions rely on the use of proprietary data, and says inconsistencies between U.S. Department of Agriculture (USDA) data, cited in the efficacy study, and EPA's own estimates show EPA has "performed unstated manipulation on the underlying USDA statistics."

CRE also says EPA's yield estimates are "demonstrably wrong."

CRE says disseminating a study based on flawed use of federal statistics violates the DQA and White Office of Management and Budget guidelines on information quality. The group faults the objectivity and integrity of the efficacy study and says it lacks utility because the data supporting its conclusions are not publicly available.

The critical comments are the second time the group has defended neonicotinoids against allegations they are harming pollinators. In a Sept. 24 memo to EPA and USDA, the group argued the varroa mite, not pesticides, is primarily responsible for bee declines, and that scientific evidence that neonicotinoids harm bees through sub-lethal adverse effects comes from poorly-designed studies that rely on unrealistic doses and exposure scenarios.

Neonicotinoid Restrictions

A University of Tennessee Extension official, in Oct. 28 comments on the efficacy study, backs assertions that broad restrictions on neonicotinoids are not supported by science. Entomology and Plant Pathology Professor Scott Stewart acknowledges that data backing soybean efficacy in the Mid South are relatively rare, but says information showing neonicotinoid-treated seeds harm pollinators is even weaker.

"What concerns me most is we are suggesting to ban the use of an insecticide primarily as a result of political pressure stemming from concerns over pollinator health," Stewart says. "The EPA may have assessed that insecticide seed treatments in soybean have debatable value, but the evidence that these same treatments are significantly affecting pollinator health is truly absent."

To address the inconsistent efficacy of treated seeds in soybean production, Stewart says EPA could consider regional limitations on neonicotinoid use in areas where efficacy has not been shown, though he says stakeholder education would be a more appropriate way to address that problem.

The Chemical Industry Council of Illinois, in Oct. 31 comments, says neonicotinoids are critical for agriculture and reiterates recent pesticide producers' arguments that the Oct. 15 efficacy analysis is based on limited data and undervalues the benefits that seed treatments offer soybean farmers and the economy.

Environmentalists' Comments

Meanwhile, the coalition of environmental groups, in Dec. 22 comments, call EPA's efficacy analysis well-documented and reliable, but also say the study is long overdue. The groups note language in the study indicating EPA has long had evidence of negligible efficacy, and reiterate calls for EPA to move quickly to restrict use of the treated seeds. The coalition includes the Center for Food Safety, the Pesticide Action Network and the American Bird Conservancy.

The groups also argue that pesticide producers have failed to provide efficacy data to support the FIFRA registration of their products, and say recent studies industry groups have put forward in response to EPA's efficacy analysis are unreliable and do not meet FIFRA requirements.

Environmentalists also say EPA's analysis understates the science showing treated seeds fail to improve crop yields, and urge the agency to conduct similar analysis for treated seeds used in the production of corn and other agricultural products. Citing risks to honey bees, the groups say, "The economic costs of these products to the nation sharply exceed their marginal or non-existent benefits." -- *Dave Reynolds (dreynolds@iwpnews.com)*

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