



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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

JUN 23 2015

CERTIFIED MAIL

Ms. Margaret Hsieh
Natural Resources Defense Council
40 W. 20th Street
New York, NY 10011

Ms. Sylvia Fallon
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005

Re: Response to Natural Resources Defense Council's (NRDC) February 24, 2014 Petition
Requesting Interim Administrative review for Glyphosate

Dear Ms. Hsieh and Ms. Fallon:

This letter responds to the Natural Resources Defense Council's (NRDC) February 24, 2014 petition to EPA to conduct an interim administrative review, hereafter referred to as "Special Review,"¹ for the pesticide glyphosate and to restrict glyphosate's uses and/or impose mitigation measures to prevent unreasonable adverse effects to the monarch butterfly (*Danaus plexippus*).

In its petition, NRDC noted the association between the increased use of glyphosate and the decline in monarch butterfly population as well as the decline in presence of milkweed. NRDC pointed out that following the reregistration of glyphosate in 1993, glyphosate use has increased significantly, and that this increased use is concurrent with the development and marketing of genetically modified, glyphosate-resistant crops such as corn, soybean, and others. NRDC argued that the increased use of glyphosate in agricultural settings has led to the reduced availability of milkweed and thereby has adversely affected the population of monarch butterflies. NRDC concluded that EPA's 1993 decision to reregister glyphosate was supported by information that is now outdated (i.e., it does not take into account glyphosate's expanding use pattern) and did not assess potential risk to monarch butterflies.

NRDC asked EPA to gather information on non-agricultural uses of glyphosate such as use for weed management on roadsides and rights-of-way. The petition offered mitigation measures that EPA should consider after completing its review and suggested that when EPA approves new

¹ While NRDC's petition did not call the interim administrative review they requested Special Review, their February 27, 2015 complaint in the Southern District of New York made clear that it was a Special Review pursuant to 40 CFR Part 154 that NRDC sought.

herbicide uses on new herbicide-resistant crops, it should impose comparable mitigation measures to avoid unreasonable adverse effects to monarch butterflies.

NRDC's goal to protect the monarch butterfly and its resources is consistent with priorities identified by the US government, evidenced by the efforts of the Canadian/Mexican/US Trilateral Committee for Wildlife and Ecosystem Conservation and Management, and by the recent Presidential Memorandum on health of honey bees and other pollinators. EPA will be a partner in these national and international efforts to protect the monarch butterfly and believes that points raised by NRDC in its petition have helped to inform EPA's initial steps to contribute to these efforts.

Specifically addressing some of NRDC's concerns, EPA agrees with NRDC that, with respect to the monarch butterfly and herbicides, any actions taken to protect the monarch butterfly and its resources should not be focused on just glyphosate. The primary concern for monarch butterflies is the reduced availability of milkweed which is necessary for their life-cycle. Therefore focusing on glyphosate may only result in intensified use of other herbicides that may be just as detrimental to monarch butterflies or pose other human health or ecological risks. Rather, in protecting the monarch butterfly from potential risks of herbicides, the agency will adopt a broad perspective and consider the costs and benefits related to both weed management needs and monarch butterfly protection needs. The agency also agrees with NRDC's suggestion that it collect relevant information to better inform EPA of the risks and benefits associated with herbicide uses that may affect monarch butterflies. To this end, the agency will issue a Federal Register Notice to seek information and public input on the overlap in pesticide use for weed management, including use in agricultural and non-agricultural areas, and the areas where the monarch butterfly and its resources are present. Through the submission of comments and/or information the EPA will be better informed when assessing the impact of herbicides on the monarch butterfly and when collaborating with various partners and stakeholders in developing best management practices for protecting the monarch butterfly. Lastly, the agency also agrees with NRDC's suggestion to incorporate into its considerations information not just from commercial agricultural settings, but from non-agricultural settings as well.

The agency intends to engage a variety of stakeholders in developing actions that balance weed management needs and monarch butterfly conservation. As you probably know, EPA is working collaboratively with the Department of the Interior in helping to develop the Tri-National Framework for the Conservation of the Monarch Butterfly. Furthermore, agency staff have also been participating in efforts being coordinated through the Keystone Policy Center to explore creative solutions and conservation initiatives to benefit monarch butterflies. The upcoming Federal Register notice will be another opportunity for the agency to seek public input on actions that the EPA could take to improve butterfly habitat. The agency will continue to identify additional opportunities to engage stakeholders on this issue, consistent with the public comment periods that are provided as part of the registration and registration review programs.

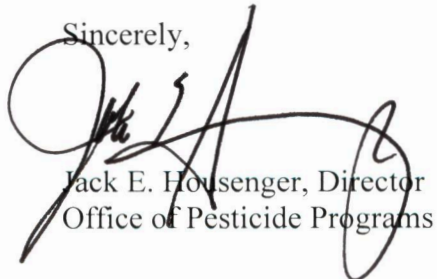
In light of these far-reaching and longer-term efforts to protect monarch butterflies, EPA has concluded that initiating a Special Review on glyphosate to address concerns for monarch butterflies would be an inefficient use of resources at this time. Initiating a Special Review when registration review is already underway would require the agency to run dual processes aimed at

the same goal. EPA believes that the concerns NRDC raises can be adequately addressed through the registration review process required by section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to review registered pesticides every 15 years or through less formal means after more information is gathered as described above. As NRDC is aware, the registration review process for glyphosate is already underway. The agency has nearly completed its preliminary glyphosate risk assessment for registration review and anticipates publishing it for public comment later this year.

EPA notes, however, that if at any time EPA determines there are urgent human health risks and/or environmental risks from pesticide exposures that require prompt attention, the agency will take appropriate regulatory action, regardless of the status of the pesticide registration review in process. The agency at this time has not determined that glyphosate causes unreasonable adverse effects to the monarch butterfly. Therefore, with this letter, EPA denies NRDC's petition to conduct a Special Review for the pesticide glyphosate addressing these concerns. The agency, nevertheless, is in agreement with NRDC on several points and as noted above, is shaping its response to this issue in part due to points raised by NRDC.

Please do not hesitate to contact Khue Nguyen at (703) 347-0248 or nguyen.khue@epa.gov, if you have any questions or concerns regarding this response.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Housenger', is written over the typed name and title.

Jack E. Housenger, Director
Office of Pesticide Programs