

March 2, 2020

Office of Pesticide Programs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

RE: EPA's Proposed Interim Registration Review Decision for Atrazine  
Docket ID: EPA-HQ-OPP-2013-0266

To Whom It May Concern:

We respectfully submit these comments on the U.S. Environmental Protection Agency's (EPA) Proposed Interim Registration Review Decision (PID) for Atrazine on behalf of the farmer members of the Kansas Corn Growers Association. We represent approximately 1,200 members in Kansas and are affiliated with the National Corn Growers Association.

The Kansas Corn Growers Association became involved in EPA's regulatory processes for atrazine in the mid-1990s when the Special Review of the Triazine Herbicides was initiated. At that time, KCGA was instrumental in the formation of an informal coalition of grower organizations across the nation. Over the years, our priority has been to ensure that decisions on atrazine and other triazine herbicides are grounded in credible science, and to ensure the benefits of these herbicides are also considered. Over the past 25 years, it has been easy to show and prove the economic, agronomic and environmental benefits of atrazine. However, it has been a more difficult task to ensure the use of credible scientific evidence in agency decisions about atrazine. While a 15 parts per billion ecological level of concern in the PID may be positive, we remain concerned about the low-quality science that remains in the PID.

### **Ecological Level of Concern**

We support the agency's more reasonable ecological level of concern of 15 parts per billion over 60-day rolling average. This corrects the ultra-low LOC recommended in the 2016 Ecological Risk assessment, which would have basically banned the use of atrazine on most corn acres. However, we have concerns that the language surrounding the LOC provides could leave it open for interpretation. EPA's October 2019 Regulatory Update indicated a community-equivalent LOC (CE-LOC) range of 1.9 to 26 ppb. This could be interpreted to only address specific watersheds in the reregistration. This range provides far too much room for interpretation and creates far too much uncertainty for farmers by making future restrictive measures a possibility. The CE-LOC range should be dismissed, and EPA must ensure 15 ppb means 15 ppb.

### **Scientific Evidence: Quality Science Must Be Used**

KCGA remains concerned that poor science remains in the ecological risk assessment while higher quality scientific studies remain excluded. In EPA's August letter to the National Corn Growers Association and its October letter to the Triazine Network, the agency said it would address the issues of inclusion and exclusion of studies, and scoring research based on quality. In the October letter to the Triazine Network, EPA committed to using the best available science, especially going forward in the biological evaluation for the Endangered Species Act (ESA) review, stating, "For the biological evaluation, EPA will be considering options for a quantitative analysis to establish an endpoint for birds, fish and amphibians and weight of evidence approaches presented both in the public comment period and any recent guidance from EPA. We commit to using the best available data regarding quality and relevance for future analysis." We appreciate these commitments and EPA must hold true to them.

### **Data Transparency**

We are deeply concerned that some studies included in the ecological risk assessment of atrazine fail to comply with the "Strengthening Transparency in Regulatory Science Rule" (83 FR 18768). Chief among these are the Hayes amphibian studies. These studies violate this rule because the author did not provide the agency with the raw data used to calculate the study results, which undermines the ability of the agency and the public to validate the purported outcomes of the studies. EPA



should remove the Hayes studies from consideration in the weight of evidence approach being used in the 2016 ecological risk assessment for atrazine. These studies should not be considered in the upcoming atrazine biological evaluation. Additionally, EPA has neither included nor explained why newer, higher-quality studies are being excluded from the PID. This also poses several transparency concerns.

Credible science must win, especially as we move toward the ESA review where benefits are not considered. EPA must find an effective way to address the flawed studies, so they are not relied upon or perpetuated by EPA or others in the future. And EPA must find a way to fully acknowledge and incorporate recent high-quality studies into the biological evaluation during the ESA review.

#### **Atrazine's Benefits**

Through the past 25 years of EPA regulatory actions on atrazine, tens of thousands of farmers have submitted comments explaining the importance and need for atrazine. Atrazine continues to provide needed and affordable weed control to farmers. Economic margins in farming are as tight as they have ever been, and our growers can't afford to lose effective and affordable atrazine. Atrazine's benefits are even more important today than they were 25 years ago as atrazine plays an important role in evolving conservation tillage practices that provide many environmental advantages. No viable alternatives to atrazine exist for corn farmers today, especially in management of no-till and other conservation tillage practices. In fact, over 75 percent of corn acres use conservation tillage or no-till practice which reduce soil erosion and nutrient runoff. Without atrazine, in many cases, conservation tillage is not viable. Therefore, it is apparent that atrazine is important to our farmers on economic, agronomic and environmental levels.

Please consider these comments as the registration review draws to a close, and in your preparation of the Endangered Species Act Biological Evaluation.

We also would like to state our strong support for the comments of the National Corn Growers Association and the technical comments of the Triazine Network.

Sincerely,

A handwritten signature in blue ink that reads "Gregory P. Krissek". The signature is written in a cursive, flowing style.

Greg Krissek, CEO  
Kansas Corn Growers Association