

Congress of the United States

Washington, DC 20515

July 11, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Administrator Regan and Secretary Vilsack:

We write to request the immediate rescission of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Agriculture's (USDA) August 18, 2021, final rule to cancel all food uses of chlorpyrifos, a critical crop protection tool, for the 2022 growing season. At a time when farmers across the country are already faced with record inflation, increased input costs, and an unsteady supply chain, the administration should be working with Congress to ensure the integrity of the industry, not undermining it by eliminating a cost-effective, widely used crop protection tool.

Since 1965, chlorpyrifos has been used nationally to treat pests on over 80 different crops. In Missouri, chlorpyrifos has historically been used on soybeans to mitigate bean leaf beetle, soybean aphid, caterpillars, grasshoppers, leafhoppers, and other pests. It has also been used on Missouri alfalfa, cotton, and wheat. Chlorpyrifos has prevented up to 40 percent yield losses for soybeans in the Midwest, among other crop losses, and has few cost-effective alternatives.

On April 29, 2021, the U.S. Court of Appeals for the Ninth Circuit [ordered](#) the EPA to make a decision on chlorpyrifos via final regulation, giving the EPA the option to either *revoke or modify* food tolerance uses for this critical crop protection tool. While EPA and USDA career scientists, utilizing the EPA's [scientific review from 2020](#), supported a modification of the tolerances to allow for 11 continued food uses, EPA leaders and the Biden administration instead opted to cancel all food tolerances of chlorpyrifos under the *Federal Food, Drug and Cosmetic Act* on August 18, 2021 via [final rule](#).

This decision will put our great agricultural industry and those that depend on it in peril, especially in Missouri. For example, [according to the Missouri Department of Agriculture](#), Missouri maintains a \$93.7 billion agricultural industry, employs nearly 460,000 Missourians, and is home to 95,000 farms. It is the sixth greatest state producer of soybeans and cotton, producing a respective 290.5 million bushels and 684 thousand bales annually. [According to the Office of the U.S. Trade Representative](#), Missouri exported as much as \$1.4 billion in soybeans alone in recent years.

Missouri soybean, alfalfa, wheat, and cotton farmers feel stranded by the EPA and USDA's political decision to revoke their access to chlorpyrifos. Given the Biden administration appears to be scrambling for new policies to reduce input and gas prices, your agencies should reinstate

farmers' access to fundamental inputs, like chlorpyrifos, to improve the vitality and security of our food supply.

As such, we urge your administration to rescind the August 18, 2021, final rule and retain access to the 11 aforementioned uses for the 2022 growing season and beyond. We also request both agencies provide separate answers to the following questions by July 25, 2022:

1. Did scientists at the USDA's Office of Pest Management Policy agree with EPA's decision to cancel all food tolerances of chlorpyrifos in 2021 under the *Federal Food, Drug and Cosmetic Act*?
2. What was USDA's level of involvement in this decision?
3. Was USDA briefed by the Department of Justice (DOJ) and EPA regarding EPA's final rule canceling all food tolerances for chlorpyrifos, of which was the administration's response to the April 29, 2021, directive by the U.S. Court of Appeals for the Ninth Circuit?
4. EPA recently requested voluntary cancellations under the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA) from the registrants of chlorpyrifos. Voluntary cancellations occurred for all except the 11 uses that EPA deemed safe in its December 2020 Preliminary Interim Decision for Chlorpyrifos, including Missouri soybeans, alfalfa and wheat. The registrant has requested EPA work with on sublabels for said 11 continued uses.
 - Are your agencies working to approve these 11 sublabels?
 - If so, what is the expected timeline for approval?
5. Will you prioritize a way for chlorpyrifos use this growing season, given the chemistry has few viable and cost-effective alternatives?

We look forward to receiving responses from both agencies by July 25, 2022, and the restoration of scientific integrity in the pesticide registration process, including for chlorpyrifos, to enable its continued use.

Sincerely,



VICKY HARTZLER
Member of Congress



ROY BLUNT
United States Senator



JOSH HAWLEY
United States Senator



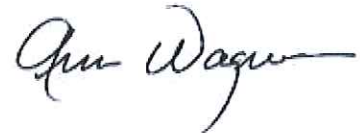
SAM GRAVES
Member of Congress



BLAINE LUETKEMEYER
Member of Congress



JASON SMITH
Member of Congress



ANN WAGNER
Member of Congress



BILLY LONG
Member of Congress