

COMMISSIONER
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**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**

STATE CAPITOL
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February 23, 2022

Ed Messina
Director
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20460-001

RE: Tolerance revocation and potential disposal of chlorpyrifos product with food uses – Pesticide Re-Evaluation Division Director Mary Elissa Reaves' letter, dated February 18, 2022

Dear Director Messina,

This letter is in reference to Director Reeve's recent February 18, 2022 message. Please be advised that the North Dakota pesticide disposal program, Project Safe-Send, will not accept chlorpyrifos. EPA remains responsible for disposal of existing stocks of unusable chlorpyrifos products.

In her recent letter, Director Reaves explained that "EPA anticipates chlorpyrifos users may begin contacting state lead agencies with questions about disposing of chlorpyrifos products." Director Reaves further said that EPA is "advising chlorpyrifos users to search The Pesticide Stewardship Alliance website at: <https://tpsalliance.org/resources/state-disposal-map/> for contact information for their state's disposal program manager."

This is unacceptable. EPA only permitted six months from the date of its revocation announcement until the food tolerances would expire. This decision consequently rendered vast stocks of chlorpyrifos product existing in the supply chain unusable.

The short-sighted timing of this chlorpyrifos revocation did not pragmatically take into consideration numerous factors. EPA ill-advisably announced its chlorpyrifos revocation in August of 2021, immediately prior to fall and winter, when the growing season was coming to an end for most commodities in our state.

EPA's short six-month chlorpyrifos phase out announcement – made in early fall at the time when the vast majority of chlorpyrifos applications were already completed – did not permit chlorpyrifos users a reasonable amount of time to exhaust product still existing in the current channels of trade.

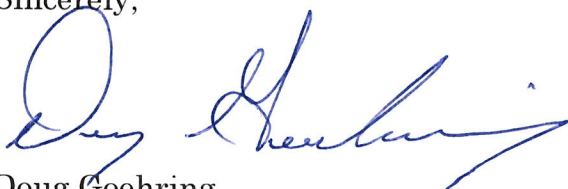
EPA is now directing North Dakota chlorpyrifos users and distributors to the North Dakota pesticide disposal program for disposal of on-hand chlorpyrifos. Yet, before doing so, EPA did not meaningfully consult with North Dakota, nor did EPA diligently consider the vast amounts of chlorpyrifos product that currently exists or the limited capacity of North Dakota's state-funded pesticide disposal program.

The North Dakota pesticide disposal program does not have the resources or funding, to accept the large quantities of chlorpyrifos for disposal, nor does it have the authority to charge chlorpyrifos users and distributors for the disposal of said product. Accordingly, the North Dakota pesticide disposal program will not accept chlorpyrifos during our pesticide disposal collection.

I request that EPA immediately cease directing North Dakota chlorpyrifos users and distributors to the North Dakota pesticide disposal program for disposal of on-hand chlorpyrifos product. EPA chlorpyrifos disposal guidance must clearly note that North Dakota will not accept any chlorpyrifos in our pesticide disposal program.

Please let me know if I may provide you any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Goehring". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Doug Goehring
Agriculture Commissioner

cc:

The Honorable John Hoeven, U.S. Senator for North Dakota
The Honorable Kevin Cramer, U.S. Senator for North Dakota
The Honorable Kelly Armstrong, U.S. Representative for North Dakota
Kathleen (KC) Becker, Region 8 Regional Director