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November 14, 2011

Office of Pesticide Programs
Regulatory Public Docket (7502P)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001

**Re: Petition Requesting Ban on Use and Production of Atrazine; Notice of Availability
[Docket No. EPA-HQ-OPP-2011-0586]**

I. Introduction

The Northwest Environmental Defense Center (NEDC) submits the following comments in support of Save the Frogs' petition to the EPA requesting a ban on the use and production of atrazine. The EPA must give consideration to this petition, and in this case the adverse effects of atrazine are sufficient to create an imminent hazard, warranting an immediate suspension of the registration of atrazine. In the alternative, NEDC requests that the EPA immediately initiate cancellation proceedings for atrazine.

NEDC is a non-profit, public interest organization dedicated to preserving, protecting, and improving the natural environment in the Pacific Northwest. NEDC is based in Portland, Oregon, and has been working since 1969 to protect the environment and natural resources of the Pacific Northwest by providing legal support to individuals and grassroots organizations with environmental concerns, and engaging in litigation independently or in conjunction with other environmental groups. NEDC's membership consists of a Board of practicing attorneys and law students along with local citizens interested in the shared goal of protecting the environment through legal means. The members of NEDC derive educational, scientific, aesthetic, recreational, spiritual, and other benefits from the protection of our nation's biodiversity.

II. The EPA Must Consider Save the Frogs' Petition and the EPA Has the Authority to Grant Save the Frogs' Request to Immediately Suspend the Registration of Atrazine.

Under the Administrative Procedure Act, the EPA must consider this petition and respond to it promptly. 5 U.S.C. 555(e). Should the EPA decide to deny this petition, it must provide notice of the grounds for denial which adequately explain the facts and policy concerns it relied on. *Id.*; *Arkansas Power & Light v. ICC*, 725 F.2d 716, 723 (DC Cir 1984). The EPA Administrator has the legal authority to grant this petition's request. The EPA Administrator may begin the Special Review of a pesticide "at the suggestion of any interested person." 40 C.F.R. § 154.10. When a

pesticide is found to cause “unreasonable adverse effects on the environment,” the EPA Administrator may initiate registration cancellation proceedings under 7 U.S.C. § 136d(b)(1). “Unreasonable adverse effects on the environment” are defined broadly to mean “any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.” 7 U.S.C. § 136 (bb).

The EPA Administrator may also immediately suspend the registration of a pesticide, upon determination that continued use throughout the cancellation proceedings presents an imminent hazard. 7 U.S.C. § 136d(c)(1). The concept of an “imminent hazard” is not synonymous with crisis. A “substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative process,” may satisfy the requisite for suspension. *EDF, Inc. v. EPA*, 548 F.2d 998, 1005 (D.C. Cir. 1976).

III. Given the Extensive Evidence of the Risks of Atrazine to Man and the Environment, the EPA Should Immediately Suspend the Registration of Atrazine. In the Alternative, the EPA Should Initiate Cancellation Proceedings for the Registration of Atrazine.

It is clear from the Petition’s scientific summaries, and the published papers cited therein, that the scientific community has established that atrazine causes harm to amphibians, fish, reptiles, and mammals. *See Petition*. In addition, there is evidence that atrazine exposure is linked with impaired fertility, and breast and prostate cancer in humans, which is supported by experimental observations of rats. *See Petition*. Taken together, this information shows that atrazine is an “unreasonable risk” to both man and the environment. The economic benefits from the use of atrazine are far outweighed by its economic, social, and environmental costs. Given the likelihood that atrazine contributes to fertility problems and cancers in humans, the social costs and the economic costs, in terms of health care, are great. The negative effects of atrazine on a large range of wildlife species indicates that the environmental costs of atrazine are also extremely high, potentially resulting in the additional economic costs of recovering threatened and endangered species affected by atrazine. Although atrazine has some benefits, especially for agricultural uses, the fact that there are alternatives to atrazine means that its benefits should be reduced in the EPA’s balancing of costs and benefits. Even when “taking into account the economic, social, and environmental costs and benefits of the use of [atrazine],” it is clear that atrazine poses an “unreasonable risk to man” and an “unreasonable risk to the environment,” warranting cancellation. Atrazine’s “unreasonable adverse effects on the environment” are so dangerous, and atrazine so widespread, as to warrant an immediate suspension of its registration, because allowing its continued use during cancellation proceedings constitutes an “imminent hazard” given what is known about the adverse effects of atrazine.

In addition to the evidence provided in the petition, the U.S. Fish and Wildlife Service has acknowledged that atrazine negatively affects northern leopard frogs, both acutely and via sublethal symptoms. 76 Fed. Reg. 61924-25 (Oct. 5, 2011). The Service also found that “exposure to pesticides has likely contributed to northern leopard frog population extirpations throughout their Range.” *Id.* Although the Service found that listing under the Endangered Species Act is not currently warranted, continued exposure of northern leopard frogs to threats like atrazine will continue to contribute to the decline of this species, which could lead to a future listing under the ESA. In addition, other amphibian species suffer from similar negative effects from atrazine, and many of these species are also experiencing population declines.

Many other government bodies currently recognize atrazine's potential for harm and limit or ban its use. For example, the European Union banned atrazine in 2003 because of its ubiquitous groundwater contamination. In addition, in the state of Wisconsin, atrazine use is restricted beyond the EPA's requirements and its use is banned in designated counties based on its detections in well water. ATCP 30.30-30.38.

IV. Conclusion

Given the inordinate risk of atrazine use to both human and environmental health, NEDC strongly supports Save the Frogs' request that the EPA immediately suspend the registration of atrazine, because of the "imminent hazard" of allowing for its continued use. Should the EPA find that the "hazard" caused by atrazine is not "imminent" enough to warrant immediate suspension of its registration, there is sufficient evidence to show that atrazine causes "unreasonable adverse effects on the environment," sufficient to warrant an initiation of cancellation proceedings by the EPA Administrator.

Sincerely,

Tessa Bee, member

Emi Kondo, member

Jennifer Loda, member