

February 5, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

On behalf of our millions of members and supporters, the undersigned organizations would like to applaud your recognition of the importance of protecting pollinators through the Presidential Memorandum adopted on June 2014, which directed federal agencies to establish a Pollinator Health Task Force and develop a strategy to protect pollinators. We would also like to praise the recent guidelines adopted by the Council on Environmental Quality to promote pollinator friendly lands. One of the most obvious ways to protect pollinators is to prevent harmful exposures to bee-toxic pesticides. Here we identify specific actions that the Environmental Protection Agency and other federal Agencies can take to reduce or eliminate the threat to bees and other pollinators from the widespread use of bee-toxic pesticides.

Bees and other pollinators are essential to our nation's food supply, farming system, economy, and environment, but they are in great peril and populations are dwindling worldwide. A growing body of scientific evidence points to the widespread and indiscriminate use of a class of neurotoxic pesticides called neonicotinoids ('neonics') as a key factor in bee die-offs. These pesticides are used on 140 crops and in gardens and landscapes.¹ Neonicotinoids are now the most widely used class of insecticides in the world. Acute exposure to these pesticides can directly kill bees – some of the neonics are 5,000-10,000 times more acutely toxic to bees than DDT - while chronic exposure has been shown in laboratory studies to impair bee health, making it more difficult for the colony to breed, to fight of disease and pathogens, and to survive winter.² What makes neonics so harmful to bees is that they are systemic – meaning they poison the whole treated plant including the nectar and pollen that bees eat – and they are persistent, lasting months or even years in the plant, soil, and waterways. Traditional best management practices for bee protection, such as not spraying during the day or on bloom, doesn't work for neonics.

Over a dozen retailers, institutions, federal agencies and city and state governments recognize it is imperative to act quickly to protect pollinators from bee-toxic pesticides. The U.S. Fish and Wildlife Service will phase out use of neonicotinoids on all national wildlife refuge lands by 2016. In the past year, the European Union as well as the states of Minnesota and Oregon and cities including Spokane, WA, Seattle, WA, Eugene, OR, Shorewood, MN and the province of Ontario, Canada have all passed measures to address the use of neonicotinoids. The Council on Environmental Quality recently released guidance for protecting bees on federal facilities and lands. This guidance outlines a number of recommendations

¹ Mullin CA, Frazier M, Frazier JL, Ashcraft S, Simonds R, vanEngelsdorp D, et al. 2010. High Levels of Miticides and Agrochemicals in North American Apiaries: Implications for Honey Bee Health. *F. Marion-Polled. PLoS ONE* 5:e9754; doi:10.1371/journal.pone.0009754.

Brown, Timothy, Kegley, Susan, Archer, Lisa, Finck-Haynes, Tiffany, Olivastrri, Beatrice. 2014. Gardeners Beware 2014: Bee-Toxic Pesticides Found in "Bee-Friendly" Plants sold at Garden Centers Across the U.S. and Canada. http://libcloud.s3.amazonaws.com/93/3a/3/4738/GardenersBewareReport_2014.pdf

² Williamson SM, Wright GA. 2013. Exposure to multiple cholinergic pesticides impairs olfactory learning and memory in honeybees. *Journal of Experimental Biology* 216: 1799–1807; doi:10.1242/jeb.083931

Henry M, Beguin M, Requier F, Rollin O, Odoux J-F, Aupinel P, et al. 2012. A Common Pesticide Decreases Foraging Success and Survival in Honey Bees. *Science* 336: 348–350; doi:10.1126/science.1215039

Whitehorn PR, O'Connor S, Wackers FL, Goulson D. 2012. Neonicotinoid Pesticide Reduces Bumble Bee Colony Growth and Queen Production. *Science* 336: 351–352; doi:10.1126/science.1215025

Pettis JS, Lichtenberg EM, Andree M, Stitzinger J, Rose R, vanEngelsdorp D. 2013. Crop Pollination Exposes Honey Bees to Pesticides Which Alters Their Susceptibility to the Gut Pathogen *Nosema ceranae*. *PLoS ONE* 8:e70182; doi:10.1371/journal.pone.0070182.

including that federal lands acquire seeds and plants from nurseries that do not treat these items with systemic insecticides and that chemical controls not be used in established pollinator habitats.³

Various stakeholders are taking steps to restrict the use of neonicotinoids, because the science is clear that pesticides are a leading driver of bee declines and are harming many other important and beneficial organisms, including birds, bats, butterflies, dragonflies, lacewings, ladybugs, earthworms, small mammals, amphibians, aquatic insects and soil microbes — putting food production and the environment in jeopardy.⁴ Earlier this year, a global body of twenty-nine independent scientists - the Task Force on Systemic Pesticides- reviewed more than 800 peer-reviewed studies published in the last five years, including industry-sponsored studies, and called for immediate regulatory action to restrict neonicotinoids.⁵

EPA has allowed millions of acres of crop seeds treated with neonicotinoids to be treated annually with no registration of the pesticide-treated seeds and no enforcement against them in cases of misuse. EPA allowed this to occur by interpreting its 1988 “treated article” exemption, at 40 CFR § 152.25(a), to apply to neonicotinoid-coated seeds.⁶ EPA’s application of this exemption to neonicotinoid-coated seeds has enabled their distribution, sale and use for many years, without any scrutiny of whether the seed treatment causes “unreasonable adverse effects on the environment,”⁷ U.S.C. § 136a(a).

As part of your memorandum, you charged EPA with assessing the effects of pesticides, including neonicotinoids, on bees and other pollinators within 180 days, but in October EPA announced it will not release a regulatory decision on neonicotinoids before 2016. Meanwhile, EPA recently released an analysis finding that neonicotinoid seed treatments offer little or no increase in economic benefit to U.S. soybean production, making their use not only unsafe but unnecessary. Further, EPA has acknowledged its own program deficiencies and inadequacies in the following areas: enforcement guidance for neonicotinoids, a reporting system for bee kills, and labels on neonicotinoid products.

If current rates of bee die-offs continue (an average of more than 30 percent per year), it is unlikely that the beekeeping industry will survive EPA’s delayed timeline, putting our agriculture industry and our food supply at serious risk. Based on EPA’s own analysis of their agency program deficiencies and

³ Guidance for Federal Agencies on Sustainable Practices for Designed Landscapes. The White House Council on Environmental Quality. www.whitehouse.gov/administration/eop/ceq/sustainability/landscaping-guidance. www.WhiteHouse.gov

⁴ Mullin CA, Frazier M, Frazier JL, Ashcraft S, Simonds R, vanEngelsdorp D, et al. 2010. High Levels of Miticides and Agrochemicals in North American Apiaries: Implications for Honey Bee Health. *F. Marion-Polled. PLoS ONE 5:e9754*; doi:10.1371/journal.pone.0009754.

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Krischik, V. A., A. Landmark, and G. Heimpel. 2007. Soil-applied imidacloprid is translocated to nectar and kills nectar-feeding *Anagyrus pseudo cocci* (Girault) (Hymenoptera: Encyrtidae). *Environ. Entomol.* 36(5): 1238-1245.

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⁵ Gibbons D, Morrissey C, Mineau P. 2014. A review of the direct and indirect effects of neonicotinoids and fipronil on vertebrate wildlife. Springer Berlin Heidelberg. doi: 10.1007/s11356-014-3180-5

⁶ 40 CFR § 152.25(a) provides: Exemptions for pesticides of a character not requiring FIFRA regulation. The pesticides or classes of pesticides listed in this section have been determined to be of a character not requiring regulation under FIFRA, and are therefore exempt from all provisions of FIFRA when intended for use, and used, only in the manner specified. (a) Treated articles or substances. An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, or wood products treated to protect the wood against insect or fungus infestation), if the pesticide is registered for such use.

inability to properly regulate insecticides impacting bees and other pollinators, we collectively urge you to take the following steps:

- Cancel the registrations of neonicotinoids for all uses that pose a risk to pollinators, beginning with unnecessary uses (such as seed treatments and cosmetic applications) and uses for which safer alternatives exist. At the same time, initiate a broader review of the impact of neonicotinoids.
- Close EPA's "conditional registration" loophole, which allows pesticides, including neonicotinoids to enter the market before adequate toxicity testing is completed.
- Expedite the current review of neonicotinoids and other systemic insecticides using independent, peer-reviewed research on the acute and chronic effects of these insecticides on pollinators.
- Expedite the development and implementation of valid test guidelines for sublethal effects of pesticides on pollinators and require data from these studies for all currently registered and new pesticides.
- Ensure that your Administration's assessment and all future EPA assessments fully value the broad array of ecosystem services threatened by systemic insecticides including, but not limited to, economic value, natural pest control, and soil enhancement.
- Immediately change EPA's interpretation of the "treated article" exemption loophole so as to require registrations under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) for neonicotinoid-coated crop seeds.
- Commit EPA to consulting on proposed registrations of all outdoor-use neonicotinoid products with the Fish and Wildlife Service and the National Marine Fisheries Service under Section 7(a)(2) of the ESA.
- Require agencies to ensure that all federal lands and any new pollinator habitat is free of systemic insecticides and that all pollinator friendly flowers planted have not been pre-treated with these insecticides.

Thank you in advance for your attention to this urgent matter. We hope that you will prioritize action on this issue of vital importance to our food system, economy and environment and make saving bees a key piece of your legacy as president.

Sincerely,

Trip Van Noppen
President
Earthjustice

Peter Lehner
Executive Director
Natural Resources Defense Council

Erich Pica
President
Friends of the Earth

Jeremy Hayes
Executive Director
Green for All

Annie Leonard
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Sierra Club

Jamie Rappaport Clark
President & CEO
Defenders of Wildlife

cc:

Gina McCarthy, EPA Administrator
Senate Majority Leader Mitch McConnell
Senate Minority Leader Harry Reid
Speaker of the House John Boehner
House Minority Leader Nancy Pelosi