



7/2/19

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Re: Demand for Correction under Information Quality Act: “EPA Celebrates National Pollinators Week”

Assistant Administrator Dunn, Director Keigwin, Information Quality Officer, EPA OIG,

The Center for Biological Diversity (“CBD”) and the Center for Food Safety (“CFS”) hereby submit this Request for Correction under the Information Quality Act (“IQA”) of 2000,¹ the Office of Management and Budget (“OMB”) *Guidelines for Ensuring and Maximizing the Quality, Utility, and Integrity of Information disseminated by Federal Agencies*, and the Environmental Protection Agency’s (“EPA”) *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*.

On or about June 20, 2019, in a post made on “The EPA Blog,” Alexandra Dapolito Dunn, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, made the following statement regarding the EPA’s alleged work on pollinator protection: “The Washington Post has also recently reported on some of our efforts, saying that ‘the Trump administration’s action [to protect pollinators] was welcome news to some environmentalists,’ which demonstrates how united Americans are on this important issue.”² This quote is taken

¹ Section 515 of the FY 2001 Treasury and General Government Appropriations Act, Pub. L. No. 106-554.

² <https://blog.epa.gov/2019/06/20/epa-celebrates-national-pollinators-week/>

entirely out of context, in what appears to be an attempt by EPA to show that it has taken affirmative and independent action as part of a pollinator protection effort. By omitting necessary context, and stating that action taken pursuant to litigation is a demonstration of “how united Americans are on this important issue,” the statement fails to comply with the IQA’s requirement that all federal agencies provide public information that is objective, of adequate quality, utility, and high integrity.

EPA’s selective quoting of the Washington Post ignores the subject matter of the article and the action at hand in an attempt to substantiate the statement of “how united Americans are on this important issue.” As correctly noted by the Washington Post in its full article, “the agency announced Monday it has canceled the registrations of 12 pest-killing products with compounds belonging to a class of chemicals known as neonicotinoids, *as part of a legal settlement.*”³ Additional context is that the article quotes George Kimbrell, legal director of the nonprofit advocacy organization, Center for Food Safety, whose lawsuit prompted EPA’s action, “[c]ertainly we have a ways to go, [b]ut it’s an important first step in acknowledging the harm they cause.”⁴ EPA took no action on its own accord.

Further in the blog post, EPA states “[t]hese are just a few of the steps that EPA has taken to protect pollinators, and we remain committed to protecting pollinators this week and every week!” This statement fails to capture the impetus for EPA’s cancellation of the pesticide products, which was that an environmental non-profit had to sue EPA in order for the agency to cancel the registrations of pesticide products containing neonicotinoids that are known to be a leading cause of pollinator declines. What exasperates EPA’s omission of fact and mischaracterization that this was an unprompted affirmative action is that it took five years of litigation brought by environmentalists against EPA before the agency would agree to make the necessary pesticide cancellations.

Indeed, the EPA’s callous disregard for pollinator health is continuing to drive pollinator declines. While other nations are banning neonicotinoids, EPA has refused to do so and instead makes minor label adjustments. And all the while, it continues to grant emergency exemptions for sulfoxaflor, a neonicotinoid subclass. EPA has concluded that sulfoxaflor is very highly toxic to bees, but the same week it issued the blog post containing the statement at issue, it also released its list of emergency exemptions granted in 2019, which included an astounding 14 million acres of crops, cotton and sorghum, which are attractive to bees.⁵ 5.8 million of those acres are in Texas, home to 800 species of native bees, including eight species of bumblebees and monarch butterflies known to exist in counties where cotton and sorghum are grown.

EPA’s statements on its website show a disregard for integrity as is required by the IQA as EPA attempts to use an out of context quote from a respected news outlet to paint a picture for the

³ https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2019/05/22/the-energy-202-epa-blocks-a-dozen-products-containing-pesticides-thought-harmful-to-bees/5ce46c34a7a0a46b92a3fd6a/?noredirect=on&utm_term=.6fe00d527cd6. Emphasis added.

⁴ *Id.*

⁵ https://www.federalregister.gov/documents/2019/06/17/2019-12745/pesticide-emergency-exemptions-agency-decisions-and-state-and-federal-agency-crisis-declarations?utm_source=federalregister.gov&utm_medium=email&utm_campaign=subscription+mailing+list

public that the agency is taking action to protect pollinators when in fact it had to be sued in order to take the necessary action of canceling *some* pesticide products that endanger pollinators.

EPA states in the blog post that it remains committed to protecting pollinators this week and every week, however, as referenced in the Washington Post article EPA that was keen on referencing before, the Natural Resources Defense Council is quoted as saying that “the reality is there are hundreds of pesticide products on the market. So, this is important . . . but it does not get rid of the danger.” Therefore, if EPA wishes to convey “adequate quality, utility, and integrity” of the information it disseminates, it will be working hard to cancel the registration of other pesticide products proven to be dangerous to pollinators and do so without fighting against environmentalists in litigation that took half a decade to culminate in a settlement.

The information EPA posted on its blog lacks the high integrity that Congress requires of an agency; therefore, CBD and CFS request that this blog post be removed immediately or, in the alternative, replaced with an accurate account of the timeline that led to the cancellation of the 12 registrations to correctly reflect that litigation catalyzed EPA’s action. CBD and CFS additionally hope that the post will be referred to the Inspector General for further review.

Thank you,

A handwritten signature in black ink that reads "Lori Ann Burd". The signature is written in a cursive, flowing style.

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