



August 30, 2021

Representative Rick Hansen
407 State Office Building
St. Paul, Minnesota 55155

Representative Hansen,

Thank you for your attention to the U.S. Environmental Protection Agency's (EPA) recent [prepublication of a final rule](#) released on August 18, 2020, announcing the intent to revoke all chlorpyrifos tolerances on food and feed crops. The [final rule](#) was published in the Federal Register this morning. Revoking of tolerances will stop chlorpyrifos use on all food and feed, taking effect February 28, 2022. Additionally, the EPA announced they intend to issue a notice to cancel registered food uses of chlorpyrifos associated with the revoked tolerances. Non-food and feed uses are unaffected by the final tolerance rule.

Examples of non-food and feed chlorpyrifos use include on golf course turf, industrial sites, greenhouse and nursery production, sod farms, wood products. Most chlorpyrifos products registered for residential use were voluntarily cancelled or phased out by the registrants between 1997 and 2001. The remaining residential use of chlorpyrifos is limited to roach bait products and ant mound treatments.

In the prepublication, the EPA stated their reason for revoking tolerances was because they "cannot determine that there is a reasonable certainty that no harm will result from aggregate exposure to residues, including all anticipated dietary (food and drinking water) exposures and all other exposures for which there is reliable information."

Because residential exposure may occur, EPA also assessed residential risk in isolation from dietary and drinking water risks. They concluded that residential handler exposures are unlikely, and all non-occupational residential post-application risk estimates for the registered uses of chlorpyrifos were below the EPA's level of concern.

The Minnesota Department of Agriculture (MDA) registers/renews pesticide products on an annual basis. The MDA does not plan to renew registration of chlorpyrifos products on food and feed for 2022. We anticipate that EPA will cancel registered uses of chlorpyrifos on food and feed before the 2022 renewal.

The EPA is currently conducting a re-registration review of chlorpyrifos as is mandated to occur at least every 15 years, which includes non-food uses. This review is anticipated to be completed by Oct 2022. The MDA began a Minnesota-specific Special Registration Review of chlorpyrifos in February 2020. The MDA's review has been paused due to 1) the EPA's announcement about the revocation of food and feed tolerances for chlorpyrifos, 2) the risk of non-food uses to humans being below the EPA's level of concern, and 3) the limited use of chlorpyrifos in non-food settings in Minnesota, based on estimates from MDA's sales data.

In response to your request that the MDA immediately suspend the registration and use of chlorpyrifos products in Minnesota, we have two considerations. Prior to MDA taking any potential state-level action, it will be important to understand the final process requirements and any terms or conditions that the EPA uses to cancel products. Understanding the EPA's final decisions and rationales will help determine if state-specific action is necessary and allow for potential state-level action to align with the requirements in the EPA's final decision. Second, based on crop stages and pest activity in Minnesota, we anticipate very limited use of chlorpyrifos on food or feed crops for the remainder of the 2021 growing season.

As chlorpyrifos will no longer be available for food and feed applications in the future, we agree with the need to find alternative, safe, and healthy ways to grow our food supply. We worked with the University of Minnesota Extension to promptly publish [an article about the EPA's announcement and alternative pest management options](#) and will continue working to provide information to Minnesota growers.

We thank you for your concern, and please contact me with any questions.

Sincerely,



Thom Petersen
Commissioner

CC:

Representative Kelly Morrison
Representative Mike Sundin
Representative Samantha Vang
Representative Ami Wazlawik
Representative Tina Liebling
Representative Jennifer Schultz
Representative Liz Bolden
Representative Sydney Jordan
Representative Jamie Becker-Finn
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