August 28, 2015

Re: Comments of AmericanHort, Society of American Florists, and Northwest Nursery Improvement Institute Regarding EPA’s “Proposal to Mitigate the Exposure to Bees from Acutely Toxic Pesticide Products.” [Docket ID: EPA-HQ-OPP-2014-0818]

AmericanHort, the Society of American Florists (SAF), and the Northwest Nursery Improvement Institute (NNII) appreciate the opportunity to comment on the U.S. Environmental Protection Agency (EPA) proposal regarding bees and strategies for mitigating the risks for their interaction with pesticides identified as acutely toxic.

AmericanHort was formed in 2014, with the consolidation of the American Nursery & Landscape Association (ANLA) and OFA—The Association of Horticultural Professionals. AmericanHort represents nearly 16,000 active members and affiliates including plant breeders, nursery and greenhouse growers, garden retailers and distributors, landscape design and installation professionals, and suppliers to the industry. A number of firms are engaged in more than one of these operations.

SAF represents some 10,000 small floriculture businesses, including growers, wholesalers, retailers, importers and related organizations, located in communities nationwide and abroad. NNII is an organization of professional nursery men and women who assist in tree fruit nursery product development. Its members produce most of the trees that growers use to establish this country’s cherry, apple, and pear orchards.

The floriculture and nursery industry represents a vibrant and economically significant part of American agriculture. Floriculture and nursery crops are the third-largest domestic U.S. crop in value, ahead of wheat, tobacco and cotton, and outranked only by corn and soybeans. Nursery and floriculture crops represent about 15 percent of total U.S. crop receipts, and comprise nearley $17 billion of the U.S. farmgate economy.

While we have a general appreciation for the agency’s attempt to positively impact honeybee health by addressing one of the factors believed to have some role in their health challenges, we believe this proposal misses the mark. The ideas proposed by the EPA, in some cases, appear to reflect a general misunderstanding of agricultural crops, pollination services, and associated practices.

The aspects of this proposal that would most likely impact the horticulture industry, if implemented as proposed, would be contained within the managed pollinator protection plans
In the production of many nursery crops, and especially in the case of fruit tree planting stock, pollinators are not needed to produce these young trees. However, nurseries are often interspersed among the multitude annual and permanent crops cultured in areas such as the Pacific Northwest. Most of these crops require pollinator services at varying times throughout

(MP3s), as our crops do not use pollinator services. However, the activist pressure against crop protection tools continues to expand, often without credible evidence and typically with misrepresented data. For these reasons we feel compelled to provide our perspective on all aspects of the proposal.

**General Concerns**
In our estimation, the EPA has broken from its historic norms of sound scientific practices with this recent proposal. The agency has called for the prohibition of 76 active ingredients (approximately 3600 products) from use by a grower when under pollination contract services. Altering the access to this many products for thousands of growers is a dramatic shift with far-reaching impacts. However, this might be considered a reasonable approach if the agency concluded that the risk was sufficient following a risk assessment, benefits analysis, and consideration of mitigation measures. However, none of this was done. No benefits analysis, no consideration of mitigations and only the most rudimentary step (step 1 of 4) of the risk assessment, which was the hazard identification. The other components of the risk assessment (dose-response assessment, exposure assessment, and risk characterization) were entirely neglected. Furthermore, according the State-FIFRA Issues Research and Evaluation Group (SFIREG) the agency was inaccurate in characterizing the hazard identification of at least four active ingredients (amitraz, bensulide, diuron, and metaflumizone) – one of the compounds is actually an EPA-approved pesticide for treating varroa mites in beehives.

**Under Contract Pollination Services**
The Agency’s decision to place strict product prohibitions when contract pollination services are in place is confounding. This approach would likely result in shorter contracts for beekeepers, as growers would not want them there beyond the period of greatest pollination efficiency. In addition, growers would suffer from reduced yield with a shortened pollination contract and potential losses from the restrictions placed on crop protection tools while under contract. The EPA recognized as much, in the proposal when they wrote on page 9, “the likely outcomes are counter-productive for both the beekeeper (loss of honey bee stock) and the grower (diminished pollination services).”

We have heard through multiple stakeholder engagement opportunities with the EPA that the Agency considers, ‘communication in itself a mitigation.’ This kind of communication can be accomplished through encouraging of more robust contracts or through the Managed Pollinator Protection Plans (MP3s, discussed below). However, the draconian approach identified by EPA when under contract situations would prevent further communication between the grower and beekeeper and discourage collaboration to deal with challenges. Additionally, the prohibition would likely lead many growers and beekeepers to make their own arrangements that would then be outside of the new label requirements causing many of the relationships that have functioned collaboratively for decades to be functionally illegal.

In the production of many nursery crops, and especially in the case of fruit tree planting stock, pollinators are not needed to produce these young trees. However, nurseries are often interspersed among the multitude annual and permanent crops cultured in areas such as the Pacific Northwest. Most of these crops require pollinator services at varying times throughout
each growing season. Thus, bees are often present in the area despite not being required for nursery tree production. Because bees are working on many properties at any one time, communication between neighboring growers and beekeepers is more important to bee safety than a contract between a particular grower and his beekeeper.

If the agency does move forward with the prohibitions when under pollination contract services – despite our objections – the agency must not make label changes based on plant taxa. Nearly all taxa used in fruit production (e.g., Apple, Pear, Cherry) are also grown for ornamental purposes and for young tree development that will eventually make their way into orchards. The term “contract” would have to be the operative word that would trigger the prohibitions on the label.

**Not Under Contract Pollination Services and MP3s**

We are supportive of the idea of enhanced communication between growers and beekeepers and the spirit of what is described under the voluntary Managed Pollinator Protection Plans (MP3s). We agree with the Agency that communication is in itself risk mitigation and that metrics should be used to identify success. However, these metrics should be based on the amount and regularity of the communication (e.g., meetings, emails, website visits, flyers). The idea that MP3s will have a direct and measurable impact on honeybee colony numbers or overwintering losses, as has been suggested by some, would be absurd. As has been stated in countless reports, peer reviewed publications, and congressional hearings, honeybees have a broad range of challenges that include pests, pathogens, loss of habitat and forage, the stress of transporting hives to far-off locations, lack of genetic diversity and others, including pesticides. To think that taking action on one factor while not isolating it from the other factors and then somehow expecting to witness an associated measurable difference is unrealistic.

Another aspect of concern regarding the MP3s is the overt focus on the grower responsibilities. The beekeeping community must be responsible for their own property and the risks associated with their industry. Under non-contract situations, the grower has not asked for the managed honeybees (*Apis mellifera*; a non-native species) to be present on his farm. Beekeepers benefit from the fact that their bees are allowed to forage from lands that they do not own or lease. No other form of animal husbandry has that privilege. The burden of the individual foraging bee should not be placed solely on the farmer who has not asked for or may be unaware of nearby honeybee hives. However, we are very much willing and interested in being collaborative, to increase awareness, and help support the honey production endeavors of the beekeeping community.

**Uncertainties**

The questions highlighted by EPA regarding non-acutely toxic insecticides, insect growth regulators, tank mixes, and systemic insecticides are difficult to address because more research is needed. We are supportive of additional research and the Horticultural Research Institute, AmericanHort’s research affiliate, is currently funding work that will address some of these areas. However, absent new actionable data, decisions on how to move forward should not be made. There are real plant production and economic impacts with every decision and they must be made with the full weight of risk-benefit consideration.
We believe that the challenges of indeterminate bloom should be addressed through agreements made by the beekeeper and grower. While placed under the “uncertainties” section, suggesting that they will be dealt with at a later date, many of these crops would be captured under the pollination contract services prohibitions proposed. Crops such as cucurbits (e.g., watermelons, cantaloupe), alfalfa seed, caneberries (e.g., raspberry, blackberry) are typically indeterminate blooming crops that are frequently under contract pollination services. The prohibitions described would have a significant impact on production by either the impact on fruit set and development due to pest pressures or reduced pollination (shortened contracts).

**Conclusions**

Honeybees and the beekeepers that manage them are facing challenges but that is also true for many other agricultural commodities. New pests, pathogens, and weather extremes regularly threaten growers of all crops. Agriculture is a risky business and we must make decisions that identify the appropriate balance of risk-benefit and include mitigation strategies when calculating risk.

The concerns facing honeybees are surmountable and improvements have already been seen. Overwintering losses have declined two years in a row (2015 Bee Informed Partnership report) and the numbers of managed honeybee colonies is at a 20 year high (2015 NASS Honey Report). We pledge to continue our industry’s efforts to improve the circumstances impacting honeybee health and we look forward to further engaging with the broader agriculture community and beekeepers to find synergistic solutions.

Thank you for your time and consideration of our comments. We hope to have the opportunity to further engage with the Agency on this topic and move forward in a collaborative fashion that focuses on science and is data driven rather than reactive to public and political pressure.

Sincerely,

Craig Regelbrugge
Senior Vice President, Industry Advocacy and Research
AmericanHort

Lin Schmale
Senior Director, Government Affairs
Society of American Florists

Bill Howell
Managing Director
Northwest Nursery Improvement Institute