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Gregg Regimbal
Minnesota Department of Agriculture
Pesticide and Fertilizer Management Division
625 Robert Street North
St. Paul, MN 55155-2538

Re: Minnesota Department of Agriculture's (MDA's) "Scoping an Interagency Review of Atrazine Use, Impacts, and Registration in Minnesota"

Dear Mr. Regimbal,

Syngenta Crop Protection, the primary registrant of atrazine containing products, would like to take this opportunity to comment on the MDA's "Scoping an Interagency Review of Atrazine Use, Impacts, and Registration in Minnesota" document (Scoping document).

The Executive Summary of the MDA's Scoping document outlines the purpose for completing this review as well as some specific objectives and key measures which are summarized as follows:

1. The MDA has initiated a process to review a select number of pesticides each year in response to a recommendation from the Office of the Legislative Auditor.
2. The MDA has selected atrazine as the first candidate for review, however "This process is not intended to be redundant of analyses and decisions reached by the U.S. Environmental Protection Agency (USEPA)"
3. The goal of the review is to identify any "unreasonable adverse effects on human health or the environment" in Minnesota that might need to be addressed.

The MDA's proposed review of atrazine would follow the recent and thorough review completed by the U.S. Environmental Protection Agency (US EPA) and published in a 2006 US EPA Reregistration Eligibility Decision (RED). The RED states "the Agency has found that there is a reasonable certainty that no harm will result to the general U.S. population, infants, children, or other major identifiable subgroups of consumers from aggregate exposure (from food, drinking water, and non-occupational sources) to cumulative residues of atrazine and the other chlorinated triazine pesticides." Furthermore, the MDA has implemented generic and atrazine specific best management practices (BMPs) that, by virtually every measure, have been proven successful in the protection of Minnesota ground and surface waters. Extensive monitoring data have consistently demonstrated that atrazine concentrations in groundwater and surface water have declined significantly over time and concentrations are well below established water quality standards. In fact, atrazine detections in groundwater have declined to the point where maximum concentrations are generally less than 0.2 ppb. Current label requirements for atrazine containing products are protective of human health and the environment and there is no scientific justification for any additional registration changes or product specific regulation in the state of Minnesota beyond those currently in place.

The Minnesota Groundwater Protection Act, the MN Pesticide Control Law and the MN Pesticide Management Plan clearly outline circumstances in which the MDA would be expected to consider specific pesticide regulations, "Water Resource Protection Requirements (WRPRs)" or other specific conditions of registration.

Minn. Stat. § 103H.275, subd. 1. states that:
(a) If groundwater pollution is detected, a state agency or political subdivision that regulates an activity causing or potentially causing a contribution to the pollution identified shall promote implementation of best management practices to prevent or minimize the source of pollution to the extent practicable.

BMPs are defined in Minn. Stat. § 103H.005, subd. 4.:
Best management practices means practicable voluntary practices that are capable of preventing and minimizing degradation of groundwater, considering economic factors, availability, technical feasibility, implementability, effectiveness, and environmental effects. Best management practices apply to schedules of activities; design and operation standards; restrictions of practices; maintenance procedures; management plans; practices to prevent site releases; spillage; or leaks; application and use of chemicals; drainage from raw material storage; operating procedures; treatment requirements; and other activities causing groundwater degradation.

Minn. Stat. § 103H.275, subd. 1. further states:
(b) The Pollution Control Agency, or for agricultural chemicals and practices, the commissioner of agriculture may adopt water source protection requirements under subdivision 2 that are consistent with the goal of section 103H.001 and are commensurate with the groundwater pollution if the implementation of best management practices has proven to be ineffective.

Minnesota Statutes 103H clearly encourages the adoption of voluntary BMPs and requires that these BMPs be proven ineffective prior to the need for adoption of WRPRs. Furthermore;

Pesticide Control Law as stated in Minn. Stat. § 18B.26, subd. 5.,
(b) The commissioner shall review each application and may approve, deny or cancel the registration of any pesticide. The commissioner may impose state use and distribution restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

MDA has effectively responded to historical detections of atrazine through the development, implementation and promotion of voluntary Best Management Practices to protect both groundwater and surface water following the strategies outlined in MN Pesticide Management Plan, Groundwater Protection Act and MN Pesticide Control Law. Monitoring data have continued to demonstrate the effectiveness of these voluntary BMPs. Concentration trends have continued to decline and are at levels well below established water quality criteria. There are clearly “No Unreasonable Adverse Effects on Human Heath or the Environment” from the continued use of atrazine in the state of Minnesota. This is a testament to the success of MDA prevention efforts and the voluntary BMP education that has been promoted by the MN Dept of Agriculture, University of Minnesota Extension, the atrazine registrants and the entire agricultural industry. Groundwater and surface water monitoring data from Minnesota collected by federal, state and local agencies have confirmed the effectiveness of voluntary BMPs and verified that no additional regulation or atrazine specific label amendments are necessary or justified. The current voluntary BMPs have proven effective and should continue to be targeted toward potentially vulnerable resource areas.

Atrazine continues to be an extremely important tool to corn producers in Minnesota. In addition to significantly improving crop yields it remains a vital tool in minimum and no-till cropping systems. These systems help protect Minnesota’s farms from excessive soil erosion and Minnesota water resources from sedimentation concerns. Furthermore, atrazine has become an extremely important tool for managing

weed resistance to both selective and nonselective herbicides such as glyphosate. Weed resistance management has become a significant issue throughout Minnesota and atrazine has continued to demonstrate its importance as a critical component in effective resistance management programs.

In general terms, Syngenta wishes to express our concern with some statements within the Scoping document which are not consistent with current science or with decisions recently reached by the US EPA. It appears that some of these same areas contemplate additional review that would in fact be "redundant of analyses and decisions reached by the US EPA". In 2006 US EPA completed and published their Reregistration Eligibility Decision for atrazine which represents the most comprehensive review of a pesticide in history. This decision and the science determinations made as part of this unprecedented review have been the subject of five expert EPA Science Advisory Panel reviews. The process also included the development of draft surface water aquatic life criteria (CASM) and human health Drinking Water Levels of Comparison for atrazine based on the most up to date science, data reviews and risk assessments. These reviews and published conclusions demonstrate that current federal and state water quality standards are conservative and more than sufficient to protect human health and the environment. This should provide MDA and its interagency partners with the confidence necessary to validate the importance of the continued safe use of atrazine, utilizing the current label requirements and precautions and the current voluntary Best Management Practices which have been proven effective in Minnesota. Once again, further changes are not necessary or justified.

Attached please find additional comments that Syngenta would like to offer on specific topics and review areas outlined in the Scoping document. We will also be providing MDA with additional information as an attachment or by reference in a separate email and would offer them in support of our comments and the conclusions reached by US EPA in the RED.

Syngenta would like to thank the MDA for this opportunity to comment. If there are any questions about our comments or any of the referenced documents or attachments please do not hesitate to call. Furthermore, we would also be available to meet with MDA to discuss our comments if necessary.

Sincerely,

David Flakne
State Government Relations
Syngenta Crop Protection

CC: Gene Hugoson, Commissioner, MDA
Greg Buzicky, MDA
MN Ag Coalition