

# United States Senate

WASHINGTON, DC 20510-0609

June 2, 2022

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Biden:

We write today with serious concerns regarding the direction your Administration has taken with respect to crop protection tools. Your Administration has taken an interagency, blanket posture of denying or limiting access to critical crop protection tools, even during times of record inflation, rising food prices, and global food insecurity.

The latest example of this occurred as recently as May 10, 2022, when the U.S. Solicitor General (USG) reversed a long-held view on federal preemption, siding with the Plaintiffs Bar on the impending glyphosate litigation and recommending the Supreme Court of the United States not hear the case about the safe use of glyphosate - a product American farmers use on roughly 40% of acreage that enables more than \$50B of US crop production annually. The U.S. Environmental Protection Agency (EPA) even maintains the science on glyphosate remains unchanged. Therefore we are left to wonder if this decision to allow states to utilize unscientific, anti-pesticide scare tactics on labeling is solely a political decision in order to appease progressive activist groups who are not concerned about where their food comes from or how much it costs. **As such, we ask that you direct the Department of Justice (DOJ) to reverse its recommendation and defend the product, as consistent with the Federal Insecticide, Fungicide and Rodenticide Act requirements on misbranding.**

It should be noted, DOJ's recommendation undermines the science and responsible use of this pesticide. For more than 40 years, leading health and safety regulators around the world, including the EPA under both parties, have repeatedly concluded glyphosate is not carcinogenic. In fact, the DOJ brief makes multiple references to EPA's safety conclusions regarding the tool.

Your administration, specifically the EPA, pledged to uphold scientific integrity. However now, EPA only chooses to invoke science when convenient, and uses the courts as a shield to not appear to be at odds with the agricultural industry on pesticide policies. For instance, Administrator Regan keeps pointing to the 9<sup>th</sup> Circuit Court of Appeals with respect to its decision to revoke all food tolerances for Chlorpyrifos in August of 2021. However, the court clearly gave EPA an option to retain 11 safe uses of the product— a point the Administrator himself is either unaware of or likes to ignore when talking to farmers about this issue.

Recently, EPA also announced a new additional step in the process for evaluating and registering new active ingredients (AIs) through the Endangered Species Act (ESA). EPA will now evaluate

the potential effects of the AI and initiate an ESA consultation with the U.S Fish and Wildlife Service, as appropriate, before registration. A calculation which will add months to the already tedious pesticide registration process. EPA claims this is in efforts to mitigate legal risks, yet it will inevitably have a detrimental impact to U.S. food prices.

On the same day as this announcement, the EPA announced the renewal of registrations for Enlist One and Enlist Duo using this new process. Enlist is a critical crop protection tool that many producers rely on. At first blush, this was a welcome announcement. However, hidden in the fine print were county-wide prohibitions on the product that came after many farmers already invested in the seed and the product.

Dicamba is another major crop protection tool for U.S. soybean and cotton farmers. On December 21, 2021, EPA put out an unrequired, not mandated report tallying up the “increased number of drift complaints” of Dicamba from last growing season. This could only be interpreted as an attempt to build a record to justify abandoning or restricting the current label in future growing seasons.

These are several examples of political decisions your Administration is making to appease unelected activists instead of lowering food prices for Americans. It is a reoccurring theme attempting to placate both constituencies, and it needs to stop here. Access to safe, effective pesticides is vital for allowing farmers to continue to efficiently and sustainably feed, clothe, and fuel the world. Crop protection products like the ones listed above are the key to make no-till farming practical and efficient at a commercial level. They are the reason the government can discuss farmers sequestering the carbon produced by other industries in the U.S. If these tools are not available, farmers will be forced to revert to full tillage methods, which would ultimately set yields and conservation efforts back decades. The bottom line is, pesticides are necessary to continue an efficient, economical, and sustainable system of food, fiber, and biofuels production. Importantly for your administration, they are necessary to sequester the carbon released from other industries. To maintain good conservation practices and the benefits they offer, it is important growers can reasonably access and use pesticides.

Our farmers and ranchers are charged with delivering global food security under unprecedented circumstances. We ask that you direct all levels of your administration to work hand in glove with farmers as they work through supply chain challenges. This includes directing your DOJ, EPA, and the U.S. Department of Agriculture to ensure farmers have meaningful access to the tools they use to feed the world.

Sincerely,



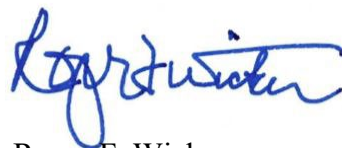
Roger Marshall, M.D.  
United States Senator



Cindy Hyde-Smith  
United States Senator

Handwritten signature of Thom Tillis in blue ink.

Thom Tillis  
United States Senator

Handwritten signature of Roger F. Wicker in blue ink.

Roger F. Wicker  
United States Senator

Handwritten signature of James Lankford in blue ink.

James Lankford  
United States Senator