



Bringing back the birds

Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

May 26, 2022

Dear Administrator Regan:

American Bird Conservancy and the undersigned coalition wish to bring your attention to a 2017 petition to EPA (EPA-HQ-OPP-2018-0805-0002) regarding the inclusion of seeds coated with systemic pesticides under the Treated Article Exemption (TAE) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 40 C.F.R. §152.25(a). The petition is attached for your consideration. We ask the Environmental Protection Agency to please promulgate a needed rule change to exclude seeds coated with systemic pesticides from coverage under the TAE.

Neonicotinoid systemic insecticides are the most widely used pesticides in the world, and the vast majority of their applications are as seed coatings.¹ Since we submitted our petition in 2017, more knowledge has accumulated showing both the overwhelming harm done by neonicotinoids to the environment and the negligible benefits to farmers.

North America has experienced an astonishing loss of 3 billion birds since 1970 – nearly 30% of all US birds.² The species hit hardest are grassland birds and insectivorous birds, both of which experience severely adverse effects from treated seeds (Li et al, 2019).³ The seeds are toxic when birds eat them,⁴ and, because 97% of the chemical leaves the seed and enters soil and water, they also kill important food sources for birds (Krupke & Tooker, 2020).⁵

Additionally, 40% of the insect species worldwide are threatened with extinction and are principally threatened by agrochemical pollutants (Sanchez-Bayo & Wyckhuys, 2019).⁶ The excessive use of neonicotinoids and other chemicals, mainly as seed treatments, are particularly dangerous to pollinators. Their pollen and nectar can be contaminated with neurotoxins, leading to behavioral disturbances, orientation difficulty, and impairment of social activities (Imran, 2018).⁷

The practically unavoidable contamination of water and soil by seed coatings is a significant threat to birds, bees, and other pollinators. Pollinators need clean pollen, clean nectar, and clean water in order to thrive and perform their important ecosystem services. However, when a single

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5533829/>

² <https://www.science.org/doi/10.1126/science.aaw1313>

³ <https://www.nature.com/articles/s41893-020-0582-x>

⁴ https://abcbirds.org/wp-content/uploads/2015/05/Neonic_FINAL.pdf

⁵ <https://www.frontiersin.org/articles/10.3389/fsufs.2020.595855/full>

⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0006320718313636>

⁷ <https://www.intechopen.com/chapters/70695>



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type of pesticide application (systemic insecticide seed coatings) simultaneously threatens all three of these important resources it must be ameliorated.

The referenced studies have all been published after 2017, strengthening the already stalwart basis for the petition. We urge EPA to end the delay, accept the petition, and recommend necessary changes, or provide reason for denying the petition.

Not acting upon the petition, or providing reason for its denial for five years, is a failure to comply with the Administrative Procedure Act which should be remedied immediately.

We the undersigned ask that EPA respond to the original requests in the petition and issue a rulemaking clarifying the TAE and excluding pesticide treated seeds.

Respectfully submitted,

American Bird Conservancy

American Honey Producers Association

Pollinator Stewardship Council

Bret Adee, Beekeeper

Chris Hiatt, Beekeeper

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**American Honey
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