



File Code: 2150

Date: May 21, 2007

Mr. Tony Tweedale  
The Alliance for the Wild Rockies  
Post Office Box 8731  
Missoula, MT 59807

Dear Mr. Tweedale:

This letter provides our determination in response to your Request for Correction filed under the United States Department of Agriculture (USDA) Information Quality Guidelines (IQG) and Data Quality Act (DQA) (Pub. L. No. 106-554- § 515). You sought correction of information in 1) Table 3.5.3, Comparison of Harmful Chronic Effects of Herbicides Proposed for Controlling Weeds on the Beaverhead-Deerlodge National Forest, which is in the Beaverhead-Deerlodge National Forest Noxious Weed Control Final Environmental Impact Statement of May 2002; 2) Table 4-7, Comparison of Herbicide Toxicity, which is in the Bitterroot National Forest Noxious Weed Treatment Project Final Environmental Impact Statement (March 2003); and 3) Table 4-5, Comparison of Harmful Chronic Effects of Herbicides Proposed for Controlling Weeds on the Salmon-Challis National Forest, which is in the Salmon-Challis National Forest Noxious Weed Management Program Final Environmental Impact Statement (September 2003).

In particular, you contend that the data in the cited charts does not meet the USDA Data Quality standards because the information relied upon does not meet the objectivity criterion. You contend that the information is not objective because 1) it relies only upon unpublished pesticide registration data submitted by pesticide manufacturers to the Environmental Protection Agency (EPA); 2) the registration data produced by pesticide manufacturers are biased; and 3) the information in the cited charts does not address the impact of the uncertainties associated with drift, mixtures, and low or infrequent exposure.

With respect to the first point, it is important to note that the process the Forest Service (FS) has used in generating its risk assessments has evolved over time. Specifically, prior to 2000, FS risk assessments were based *only* upon the open published literature. It is only since 2000, that FS has gained access to the toxicological and chemical data submitted to the EPA in support of registration and re-registration of pesticide active ingredients and formulated products including additive ingredients. These data are now included along with published data in our risk assessments, as appropriate for forest uses of the active ingredients and formulated products. The charts at issue, though published in 2002 and 2003, were compiled from risk assessments prepared prior to 2000, thus the data contained in the charts at issue predate FS access to EPA's pesticide database, and thus were drawn from published sources only.

The process that was used to generate the charts at issue is described in this paragraph. Between the years 1995 and 2000, the Forest Service contracted the production of health and ecological pesticide and other chemical risk assessments in support of its National Environmental Policy



Act (NEPA)-mandated activities to Syracuse Environmental Research Associates, Inc. (SERA). The assessments during this period relied primarily on the relevant, available data in the *open, peer-reviewed published literature*, as well as other open literature sources such as government reviews and reports (EPA, NIEHS, NIOSH, CDC, and the World Health Organization). These published studies were identified by a comprehensive literature search strategy that examined all major and relevant bibliographic databases addressing the chemistry and toxicology of pesticides and related substances, as well as numerous secondary sources. The retrieved abstracts and citations were and are extensively reviewed for relevance to the forestry use patterns of the subject chemical to be assessed. Additionally, FS risk assessments incorporate an extensive system of quality assurance and quality control (QA/QC). This includes strict adherence with risk assessment methodology recommended by the National Academy of Sciences, and assurance of product quality by a FS QA/QC team and external reviewers.

With respect to your second point, although the charts in question relied only on the open, published literature, and not on the EPA pesticide database which was not available to the FS when the questioned charts were prepared, we are taking this opportunity to address your concern that incorporation of these EPA data by the FS might raise concerns about bias and conflict of interest. Since 2000, the FS risk assessments conducted by SERA incorporate the toxicological and chemical data submitted to the EPA in support of registration and re-registration of pesticide active ingredients and formulated products including additive ingredients. This means that, as appropriate for forest uses of the active ingredients and formulated products that FS uses, SERA now uses this EPA database *in addition* to its comprehensive published literature search strategy.

We decided to incorporate EPA's unpublished database in our assessments when it became available to the FS in 2000 because EPA has an extensive in-house quality assurance program, with a multi-step review and a public comment process for the pesticide re-registration program and for the tolerance reassessment program. In fact, these "unpublished studies" are also subject to extensive peer review and quality control by the testing laboratories, and industry scientists assembling the registration packages prior to submittal to EPA for its own review. These assessments are also provided to the public for comment, and the EPA's independent review committee, the Science Advisory Panel, is often included in these reviews. This process, taken in conjunction with the federal penalties for data fraud, including both fines and imprisonment, has served to greatly diminish the occurrence of fraud and conflict of interest in this process observed in the 1970's. Furthermore, it is important to bear in mind that the EPA data are generated by manufacturers specifically to test product safety and adhere to strictly outlined study designs. In contrast, much of the open, published literature seeks to address questions of how and why a pesticide exerts a specific toxic effect. When both types of data are used together in a risk assessment, as in the FS assessments conducted after 2000, the quality of the information provided in the assessment is greatly enhanced.

Within the context of your request for correction, the National Toxicologist of the FS has compared the pesticide toxicity and risk information in question with the most recent FS risk assessments, which include both open-literature data and data submitted to EPA. He has found no basis to find that conclusions presented in the original Environmental Impact Statements in question require change, based on more recent data and assessment contained in subsequent new and updated FS risk assessments. In other words, the original conclusions in question are confirmed by review of the more recent FS assessments.

With respect to your third point, the National Toxicologist's review of these recent FS assessments also refutes the contention that the impact of uncertainties associated with drift, mixtures, and low or infrequent exposure are not addressed. In fact, potential off-site airborne drift of pesticide residues following applications has been routinely estimated for FS risk assessments since 1995 using the peer-reviewed, publicly available AgDRIFT model, developed by USDA, FS, EPA, and a private task force (see <http://www.AgDRIFT.com>). Further, risks presented by exposure to mixtures are directly considered for commonly used tank mixtures, and during FS reviews of toxicity of formulated pesticide products which may contain product inert ingredients (identity of which is generally held as proprietary information by manufacturers) and impurities. Finally, low exposures and risks are indeed assessed in FS documents, especially for maternal risks for reproductive/developmental effects, and infrequent exposure as a component of worker and general public (including sensitive subgroups) risks, as well as non-target environmental species where appropriate and data permits. In summary, these areas of potential uncertainty were addressed in the FS risk assessments cited as the source documents for the tables in question.

In conclusion, the information you provided was carefully considered. After full consideration and careful, thorough review, I conclude that no correction of information is necessary. The information you provided does not demonstrate that the challenged information is inconsistent with USDA Information Quality Guidelines. Much of the information you have referenced to document your request for correction has either been considered by the FS in preparing its risk assessments or has no bearing on FS programs.

You may submit a request for reconsideration if you are dissatisfied with this decision. Details on how to file a request for reconsideration can be found on the USDA website: [http://www.ocio.usda.gov/irm/qi\\_guide/index/html](http://www.ocio.usda.gov/irm/qi_guide/index/html). The request for reconsideration should reference this letter and follow the "Procedures for Requesting Reconsideration of USDA's Decision." Please submit written material to support your case for reconsideration, and a copy of the information originally submitted to support the request for correction, and a copy of this

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response. Requests for Reconsideration filed after the 45-day deadline may be denied as untimely. All requests for reconsideration must be submitted by overnight delivery service, letter, fax, or email (see: <http://www.fs.fed.us/qoi/requests>).

Sincerely,

A handwritten signature in black ink that reads "Robert D. Mangold". The signature is written in a cursive style with a large, prominent "R" and "M".

ROBERT D. MANGOLD

Director, Forest Health Protection, State and Private Forestry