

U.S. Senate Committee on Agriculture, Nutrition and Forestry
Oversight Hearing to Examine the Impact of EPA Regulation on Agriculture
Testimony of Jere White
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I am the executive director of the Kansas Corn Growers Association and Kansas Grain Sorghum Producers. Today I also appear as Chairman of the Triazine Network, which represents atrazine and related triazines that farmers use as herbicides in the growing of corn, citrus, tree fruit, sorghum, vegetables, grapes and sugar cane.

Our network came about when we joined agricultural producers in 1995 to work for a science-based outcome of the EPA Special Review of Triazine Herbicides. Our network is a national coalition of farmers and agricultural groups who raise more than thirty crops in forty states.

Atrazine is a herbicide that American farmers have used for weed control for more than fifty years. Atrazine has been found to be safe to use by the governments of Great Britain, Australia and many other countries including the US EPA. While activists will tell you it is “banned” by the EU—the reality is that atrazine is not used in Europe today because the manufacturer did not seek approval to continue its registration there. What activists won’t tell you is that the Europeans do perform weed control with another triazine that is very close in composition to atrazine. That product, terbuthylazine, is not registered for use in the United States.

Atrazine is one of the most studied molecules on Earth. Please consider the following recent highlights:

- A June, 2000, Scientific Advisory Panel (SAP) overseen by Clinton EPA Administrator Carol Browner found that atrazine is not likely to cause cancer in humans.
- A further review concluded in October, 2003, conducted principally under EPA Administrator Christine Todd Whitman, found a reasonable certainty of no harm.
- A cumulative risk assessment in June, 2006—drawing data from files that contain more than 6,000 studies—also found a reasonable certainty of no harm associated with the cumulative use of triazines, including atrazine, in accordance with EPA guidelines—both for human health and environmental effects.
- Regarding amphibians, a 2003 SAP focused on reports of atrazine’s effect on amphibian reproductive development and found the evidence insufficient. In 2007, after the conclusion of extensive research performed under EPA guidance and review, the Agency concluded that it was reasonable to reject the 2003 hypothesis that atrazine exposure can affect amphibian gonadal development. EPA also determined that there was no reason to pursue additional testing.

Last July EPA reported, “Based on the review of available scientific studies, EPA has determined that atrazine is not likely to cause cancer in humans,” the agency’s stock description of a substance that does not trigger concerns over cancer. This determination, the agency said, was based upon “the best scientifically available data,

and allowed preeminent independent scientists to ensure that the Agency was using the highest quality data” in its decision-making process.

Within weeks, something happened—something that undermined all this deliberation, all of this science.

Wealthy trial lawyers, seeing enormous class-action potential in demonizing atrazine, began to make claims years ago. Teamed up with environmental activists, they sought to regulate through the courts what science didn't support further regulation at EPA. By August of last year a raft of spurious “ecological epidemiology” studies began to appear, advanced by the environmental groups with anti agriculture agendas and well-heeled PR advisors, along with scare articles that ran in *The New York Times* and the Huffington Post.

This iron triangle of trial lawyers, activists and fear selling media prompted EPA to announce a new, comprehensive, scientific re-review of atrazine, with the break-neck pace of four SAPs between November 2009 and September 2010, and two more to quickly follow in 2011. Amazingly, EPA actually cited the media and activist reports for re-opening a scientific review process they'd just put to rest. EPA was not scheduled to review atrazine again until 2013, as part of the scheduled review of all pesticides.

In February, an SAP considered the very studies EPA referenced to initiate this rushed re-review of atrazine – many of the same studies the activists were touting. The scientists of the SAP concluded that “the overall quality of these studies was relatively low, thus limiting their applicability . . .”

Had the agency followed its own process of internal data evaluation prior to taking it to an SAP, it would have known that the studies were not useful in a regulatory

decision-making process. This is just one way in which the agency's rushed re-review does not align with processes that have, up until now, confirmed EPA's reliance on the best quality data available.

Given atrazine's half-century of safe use, what is the basis for this rush? Why were farmers and growers, now in the middle of harvest, given only 13 business days to react to a new 677-page EPA white paper? Why were we given so little time between the posting of questions on EPA's website and its SAP, and even less time than that to meet written comment submission requirements? Real transparency and stakeholder involvement requires sufficient time to respond.

What new fact, other than discredited and discarded studies, is forcing EPA to throw its processes, finely honed under FIFRA, to the wind? In fact, it has become confusing to track which process and authority the EPA claims to be under from one day to the next.

Growers and associations like ours that have provided comments and support for atrazine are now being targeted by the activist trial attorneys. We've been hit with subpoenas for massive, expensive and time-consuming production of records unrelated to any litigation. We are being harassed, even bullied, for daring to defend ourselves. The message is clear: If you stand up for atrazine, you'd best be prepared to pay a price.

I testified in support of atrazine at last week's SAP, sharing our concerns over trial attorney harassment of stakeholders. The very next day, activist attorneys sought and obtained subpoenas against Kansas Corn, Kansas Grain Sorghum, and me personally.

Meanwhile, in Washington, this re-review barrels on like a runaway train and farmers are left to conclude that what we are witnessing here is not science driven, but merely politics, in a manner I have not witnessed in sixteen years of bird dogging this issue for my members. For the farmer, however, atrazine is not a matter of politics. It is a matter of staying in business in what is still a rough economy.

Most farmers live next to their fields. They raise their children in these environments. They live in the same communities that the trial lawyers are targeting. If there were any real harm in atrazine, the American farmer would have been the first to notice, and the first to care. They value atrazine because it is effective and it is safe. That's why well over half of all U.S. corn acres, two-thirds of U.S. sorghum acreage and about 90 percent of sugarcane is protected from weeds by the use of atrazine.

EPA estimated in 2006 that atrazine can save corn growers as much as \$28 an acre. More recently, University of Chicago economist Don Coursey came up with a higher number than that—and found that the loss of atrazine, either by being banned by EPA or by EPA giving trial lawyers an excuse to force it off the market—would destroy almost 50,000 jobs and cost the U.S. economy as much as \$5 billion.

And that cost is just related to corn production. Add to that the effect on sorghum and sugar cane growers in the United States and the number would be much higher.

Grain and sugar growers aren't the only ones who will feel the pain. The damage will radiate out through the American rural economy. Consider the multiplier effects on local tax revenues, hurting impacting social and other services in rural communities, as well as the gamut of small businesses in town who serve farm families.

While environmental activists demonize atrazine, farmers know better. Farmers know that atrazine enables an enormously productive benefit for the environment called conservation, or no-till, agriculture. In 2008, 64 percent of atrazine used in corn supported no-till or conservation agriculture—practices that help sequester carbon, reduce fuel usage and improve a farm's overall carbon footprint.

I know that members of this distinguished deliberative body have many important issues before you. The treatment of atrazine by activists and trial lawyers may not sound like one of them, hopefully the treatment by US EPA is. It is a matter of great importance to the farm economy.

We are a non-partisan organization that is grateful to leaders of both parties for leadership on agricultural issues. Farmers know the lay of the land and can distinguish natural disasters from man-made disasters. The scenario unfolding today very well could turn into one of the worst man-made disasters in American agriculture. If fifty years of safe use and sound science cannot allow atrazine to prevail, which technology can? Other less studied herbicides? Why would anyone believe that?

EPA, at the highest levels, needs to provide guidance to ensure that years of scientific review conducted under both Republican and Democratic Administrations is not undermined.

In addition, I believe our elected agricultural leaders must help EPA to understand the implications of their failure to do so.

Thank you.

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