

Syngenta Criticizes NMFS' Revised Draft BiOp for Chlorothalonil

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“[T]he threshold concentrations proposed for chlorothalonil are scientifically unsupportable and economically infeasible, and were derived from a misinterpretation of inherently flawed toxicity data. NMFS established acute and chronic threshold concentrations for chlorothalonil under Element 6 of the Specific Elements of the Reasonable and Prudent Alternative section (BiOp page 791) that are derived from a methodology based on misinterpretation of a lowest observable effect concentration (LOEC) from a flawed toxicity assay (Coenen et al., 1990) that does not meet EPA acceptability criteria. The 10x assessment factor was established by the Canadian Council of Ministers of the Environment (CCME) and applied by NMFS to the lowest possible LC₅₀ value for rainbow trout to establish the acute maximum concentration. Consequently, neither the acute nor chronic concentration thresholds for chlorothalonil are based on best available scientific data, as required under the Endangered Species Act (“ESA”). Moreover, the immunotoxicity studies pertaining to chlorothalonil provide conflicting and contradictory results. If any sub-lethal endpoint resulted in biologically consequential effects at the physiological level, or implications for reproduction, they would have manifested in the fish full life-cycle assay, which established a definitive NOEC of 3 ppb.

With respect to primary constituent elements of critical habitat, the best available data indicate that labelled uses of chlorothalonil are unlikely to result in impacts to aquatic plants (representing cover and shelter components of critical habitat). Based on a species sensitivity distribution (SSD) and appropriate effect levels, even worst-case measured environmental exposures would not impact aquatic plant species. Correspondingly, the most sensitive EC₅₀ (14 µg/L; *Navicula pelliculosa*) is protective of >95% of aquatic plant species. Furthermore, given that exposure profiles are transient and plants have the capacity to recovery, unacceptable impacts are unlikely based on the best available data. Chlorothalonil will therefore not adversely modify critical habitat in any of the ESU's.

Environmental fate characterization using best available data from EPA guideline studies supports the fact that chlorothalonil is not persistent under approved use patterns. Chlorothalonil exposure in aquatic environments should include terrestrial as well as aquatic dissipation pathways. Previous work (Brain et al., 2011) has shown that aquatic exposure has been well characterized using numerical modeling to integrate 1) application frequency, rate, and timing, 2) environmental parameters such as: rainfall, soil properties, crop growth, etc. and 3) chlorothalonil physical and chemical properties and environmental fate characteristics.

Restricting chlorothalonil use in effected ESUs will have a large negative economic impact, potentially increasing grower costs by up to 164% based on comparison to alternative products within use restriction acreages.”

Click here to access Syngenta’s entire comments:

<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2008-0654-0393>