



August 24, 2022

Commissioner Martin Suuberg, as Chair of the Glyphosate Commission
Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108

Subject: Issues for the Glyphosate Commission's Consideration

Dear Commissioner Suuberg:

On June 6, 2022, Eastern Research Group, Inc. (ERG) submitted a draft Phase One report for the Glyphosate Scientific Review project. During its meeting on June 17, 2022, the Glyphosate Commission agreed to accept public input on the draft Phase One report; and the public comment deadline was June 30, 2022. On July 6, 2022, a compilation of all public input was posted to the Glyphosate Commission website.

ERG appreciates receiving the thoughtful and constructive input, which we have already reviewed and will further consider when conducting the Phase Two work. This letter identifies issues for which ERG seeks the Glyphosate Commission's direction before we submit the final Phase One report.

- 1) Public input and comment. This project's scope of work required the Phase One report to include "a list of key stakeholders to be consulted." Section 4 of the draft Phase One report presented that list. However, the public comments suggested that ERG add more names to the list, that all stakeholders have the opportunity to provide input on this project, and that all stakeholders be allowed to comment on draft work products. After considering this input, ERG recommends that the Glyphosate Commission adopt a public input and comment process that is open to all stakeholders. We seek the Commission's input on our recommendations:
 - a. Allow for stakeholders to provide input at the beginning of Phase Two. This would occur by having the Commission announce the stakeholder input opportunity, list topics of interest, and provide a deadline for responses. This will ensure that all stakeholders (not just a few) have the same opportunity to provide input.

- b. Keep the list of stakeholders in Section 4 of the draft Phase One report, and add stakeholders identified in the public comments. The updated version of Section 4 will explain that ERG, on a case-by-case basis, might ask questions of clarification of selected stakeholders regarding the information they provide via the public input process (described above). However, ERG will not necessarily contact every stakeholder listed in the Phase One report.
 - c. Invite the public to comment on the draft Phase Two report. Our recommended approach is for the Commission to make the draft report available for comment; and for ERG to revise the Phase Two report to correct any errors identified in the comments. ERG will also prepare a companion file (or appendix to the Phase Two report) that presents all public comments, exactly as received. By this approach, ERG will consider all input provided in the comments, but will not incorporate all suggested changes in the report, as the comments might express a range of opinions and interpretations, including conflicting ones. By this approach, the public comments will improve the Phase Two report, and the Commission will have access to all public input provided. The current budget should be able to accommodate this option. (Note: Other options, such as ERG preparing a response to comment document that describes how every comment was considered and addressed, will likely be cost-prohibitive).
- 2) Pesticide applicator annual usage data. The draft Phase One report notes that licensed applicators must submit annual reports on pesticide applications to the Massachusetts Department of Agriculture Resources (MDAR), and ERG theoretically could derive glyphosate usage quantities from these reports. However, the applicators' annual reports are only available in paper form, and ERG would have to review each individual hard copy form to estimate statewide usages. Some public comments recommended that we do exactly that. While ERG sees the benefit of mining the applicator data, our scope of work does not include the time or budget to review these forms. We recommend that the Commission ask an MDAR representative to comment on what meaningful and timely insights, if any, the paper forms might offer to this project's Phase Two efforts. One option to consider is to proceed with Phase Two without reviewing the hard copy applicator reports.

Note: Appendix 1-4 of EPA's 2021 *Biological Evaluation for Glyphosate* presents detailed glyphosate usage information, including breakdowns by states and regions. The usage information is based on the Kynetec database (referenced in one of the public comments) and other resources. It also includes breakdowns by various agricultural and non-agricultural uses. If summary data from the Massachusetts applicators' annual reports are not readily available, ERG would rely on the EPA data and other resources to characterize glyphosate usage.

- 3) Use of precedential judicial decisions. This project's scope of work directed ERG to consider multiple information sources, including "precedential judicial decisions." A commenter questioned the inclusion of these decisions in this project, noting (among other things) that "plaintiffs are allowed to present lay juries with unreliable science" and "the most reliable indicator of the safety of glyphosate are not juries, but expert regulators across the world (juries of scientists)." We seek the Commission's clarification on whether ERG is to review precedential judicial decisions; and if so, what type of information the Commission seeks from an ERG review of these decisions.
- 4) Consideration of "inert" ingredients and impurities. Multiple comments recommended that the project not only evaluate effects from glyphosate, but also evaluate effects from "inert" ingredients (many of which are not disclosed on product labels because they are protected as confidential business information) and impurities. The original scope of work only requests evaluation of human health and environmental impacts of glyphosate. ERG recommends that the scope of work for this project continue to focus on glyphosate, but we offer to summarize readily available information on "inert" ingredients and their toxicities as part of our literature search in Phase Two. We seek the Commission's confirmation of this approach.
- 5) Completing Phase One. This project's scope of work did not specify closeout activities for Phase One. ERG's assumption is that, after the Commission addresses the issues listed above during its September meeting, ERG will submit a final Phase One report that considers the clarifications and recommendations outlined in the public comments—but does not include a "response-to-comment" attachment. We seek the Commission's confirmation of this assumption.

We look forward to hearing the Glyphosate Commission's input on these topics during the September 15 meeting. Thank you in advance for your consideration.

Sincerely,



John Wilhelmi
Vice President, Environmental and Occupational Health