



News Release

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Appeals Board Allows Growers to Use Existing Stocks of Belt While Siding with EPA on Cancellation

Mixed decision affirms benefits of permitting exhaustion of existing stocks of Belt, but upholds EPA decision to cancel.

RESEARCH TRIANGLE PARK, N.C. (July 29, 2016) – The U.S. Environmental Protection Agency's Environmental Appeals Board (EAB) has upheld an earlier EPA decision to cancel registration for Bayer's insecticide flubendiamide, marketed in the U.S. as Belt[®], but is allowing sales of existing stocks to growers.

The EAB overruled EPA's proposed existing stocks determination and will permit distributors and retailers to distribute and sell remaining flubendiamide inventories, and permit growers to continue using product consistent with label use directions.

While Bayer intends to comply with the order, it will fully review the EAB's decision and evaluate its options going forward.

Today's ruling follows an earlier appeal to the EPA's Administrative Law Judge, who ruled in favor of the Agency after excluding any documentary evidence and testimony regarding the scientific issues raised by EPA's actions on flubendiamide.

Quotes

From Dana Sargent, Bayer's Vice President of Regulatory Affairs:

"Bayer maintains the EPA's actions on flubendiamide are unlawful and inconsistent with sound regulatory risk assessment practices. The science supporting the registration of flubendiamide may be complex, but it is solid, and it's unfortunate that we were denied the opportunity to argue the scientific merits of our case. You cannot use the regulatory process as a shield to avoid engaging in meaningful dialogue, but that is exactly what the EPA has done."

"Since we first learned of the EPA's actions on flubendiamide a few months ago, we have tried our best to argue on behalf of our industry and the many growers who depend on these products for sustainable pest control. In the end it is they who will be most impacted by this decision."

“The ruling was narrowly focused on process issues around the registration. It is notable that it did not weigh in on the lawfulness of EPA’s cancellation nor did it consider the fundamental science underpinning Bayer’s argument.”

Growers, retailers and distributors with questions about this issue, should contact their local Bayer Field Sales Representative, or call 1-866-99-BAYER (1-866-992-2937).

Bayer is committed to bringing new technology and solutions for agriculture and non-agricultural uses. For questions concerning the availability and use of products, contact a local Bayer representative, or visit Crop Science, a division of Bayer, online at www.cropscience.bayer.us.

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Bayer is a global enterprise with core competencies in the Life Science fields of health care and agriculture. Its products and services are designed to benefit people and improve their quality of life. At the same time, the Group aims to create value through innovation, growth and high earning power. Bayer is committed to the principles of sustainable development and to its social and ethical responsibilities as a corporate citizen. In fiscal 2015, the Group employed around 117,000 people and had sales of EUR 46.3 billion. Capital expenditures amounted to EUR 2.6 billion, R&D expenses to EUR 4.3 billion. These figures include those for the high-tech polymers business, which was floated on the stock market as an independent company named Covestro on October 6, 2015. For more information, go to www.bayer.com.

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