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Certified Mail; Return Receipt Requested

April 21, 2010

Steve Owens
Assistant Administrator
U.S. Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
MC 7101M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Subject: Docket Nos. OPP-2005-0174 and OPP-2003-0373;
Objections to Final Rules Establishing Tolerances for Residues of Sulfuryl
Fluoride and Fluoride Anion; Notice and Demand

Dear Assistant Administrator Owens:

On behalf of the Objectors in this matter, I am providing you with (1) Notice of the Objectors' withdrawal from, and termination of, our formal Alternative Dispute Resolution (ADR) discussions and negotiations with the Environmental Protection Agency (EPA) in this matter, and (2) Demand that a decision be made within sixty (60) days on the Objectors' (a) Amended Objections to Final Rules Establishing Tolerances for Residues of Sulfuryl Fluoride and Fluoride Anion, (b) Motion for Stay and (c) Motion for Hearing.

The ADR Proceedings

In addition to numerous previous negotiations and settlement discussions between the Objectors and EPA staff on this matter, the Objectors agreed in 2008 to enter into formal Alternative Dispute Resolution (ADR) discussions and negotiations with EPA. Essentially, those ADR proceedings have been fruitless, and their effect has been only to delay the Objectors' efforts to protect the public from the serious health threats posed by sulfuryl fluoride and fluoride anion.

It must be added that the Objectors proceeded in good faith and with a sincere desire to achieve positive outcomes from the single facilitated session and the associated interactions with the Neutrals hired by EPA to manage the ADR proceedings. This fact is noteworthy because, apparently, at some point during the spring or summer of 2009, EPA's consulting contract with the Neutrals ended. During this time, the Objectors were never notified that, in effect, there were no ongoing activities relative to the ADR proceedings. They therefore were patiently awaiting further discussions and negotiations. The Objectors only discovered these facts in a call requesting a status report from one of the Neutrals. Since that time, the Objectors have heard nothing from EPA.

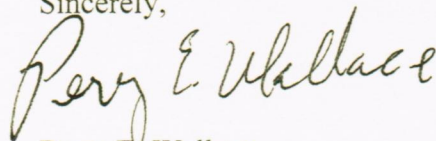
Accordingly, the Objectors note the clear failure of the ADR proceedings to produce any substantive benefits by way of protection of public health from the harms posed by sulfur dioxide and sulfate ion. Additionally, they note the patent flaws in the very ADR process calculated to provide those benefits. The Objectors find these developments particularly frustrating because of the great loss of time this failed process has entailed. During this time, they note, the danger and the actual harm to the public and the environment have only been amplified. Indeed, Objector Fluoride Action Network began its communications with EPA about the dangers of sulfur dioxide and sulfate ion as early as 2001, and all Objectors have long provided forceful and informed commentary on this subject. Given this unfortunate void of both substance and procedure, the Objectors hereby formally withdraw from that process.

The Objections and the Motions for a Hearing and for a Stay

With the ADR process ended, the Objectors are now demanding that EPA act on their Objections, their Motion for a Hearing and their Motion for a Stay. The Objectors have engaged with EPA over many years, seeking only to achieve the public health protections that EPA is mandated by law to provide. Sadly, the only products of these efforts have been repeated and frustrating delays and greater peril to the health and safety of the American public.

Therefore, the Objectors demand that EPA take action on the Amended Objections and the Motion for a Stay and Motion for a Hearing within sixty (60) days from receipt of this letter. Failure on the part of EPA to take action as requested herein will result in Objectors' resort to a federal court for relief.

Sincerely,

A handwritten signature in cursive script that reads "Perry E. Wallace". The signature is written in black ink and is positioned above the printed name.

Perry E. Wallace

Counsel for Objectors

EPA Assistant Administrator

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cc: Jonathan J. Fleuchaus
Office of General Counsel

Fluoride Action Network

Environmental Working Group

Beyond Pesticides

Public Information and Records Integrity Branch
Information Resources and Services Division