



1700 K STREET N.W. - SUITE 655
WASHINGTON, D.C. 20006
202-498-2457 MAIN 866-794-2651 FAX

PERRY E WALLACE
pwallace@zelle.com
(301) 675-5969

**Certified Mail, Return
Receipt Requested**

November 15, 2010

James J. Jones
Deputy Assistant Administrator
Office Of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 7101M
Washington, DC 20460

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

Dear Mr. Jones:

This letter is in response to our conversation by telephone on November 4, 2010 and your follow-up letter dated November 5th concerning the above-cited matters.

November 4th was the date by which Assistant Administrator Stephen A. Owens promised, in a letter dated September 23, 2010, that your agency would sign a Federal Register notice "responding to [our] objections and stay and hearing requests." But on that date, as confirmed in your November 5th letter, you advised that "EPA will not meet the promised date." Instead, you noted that EPA is "continuing to work diligently on a response and believe that we will be finished shortly." Your letter further asserted that "the issues surrounding the risks from sulfuryl fluoride and fluoride are receiving the highest priority at EPA."

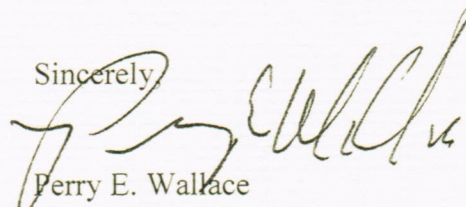
My clients have considered your response, and they have advised me to register their strong objections to EPA's failure to keep its own promise to render a final decision. Unfortunately, we have received similar assurances in the past, and the result has been continuing delay with precious little to show for it.

James J. Jones
Deputy Assistant Administrator
EPA
Page 2

I note that the November 4th date itself was promised in response to our "Second Demand Letter," dated August 18, 2010. (Demand Letter II) Assistant Administrator Owens' September 23rd response assured that EPA would respond by that date to our demand for "definite and concrete" action. I note further that our original "Demand Letter" was dated April 21, 2010. (Demand Letter I) That letter (1) presented our withdrawal from a formal Alternative Dispute Resolution (ADR) process in which we participated at EPA's request and (2) made a demand for agency action. It recounted the many, many years during which my clients have formally registered their concerns with EPA's registrations of sulfuryl fluoride and fluoride anion and the constantly growing body of science confirming the grave threats they pose to human health and the environment. Demand Letter I concluded that "the only products of these efforts have been repeated and frustrating delays and greater peril to the health and safety of the American public." As Appendix A of our consolidated objections sets forth, our expressions of concern to EPA about these substances actually date back to 2001. We first submitted our formal objections to the matters at issue here in 2004. These objections were followed by subsequent objections submitted in 2005 in response to yet another EPA approval of a petition to establish tolerances

Based on this unfortunate history, my clients' patience has come to an end. They have directed me to present EPA with this final demand that the agency render a final decision on our objections and our motions for a stay and a hearing within thirty (30) days from receipt of this letter. EPA's failure to make such a decision will result in our seeking relief in federal court.

Sincerely



Perry E. Wallace
Counsel for Objectors

cc: Leslye Fraser, Associate General Counsel

Jonathan J. Fleuchaus, Office of General Counsel

Fluoride Action Network

Environmental Working Group

Beyond Pesticides