



Arizona Farm Bureau Federation

325 S. Higley Rd, Suite 210
Gilbert, AZ 85296

February 14, 2023

Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Docket No. EPA-HQ-OPP-2022-0908; Appendix to the ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions

To Whom It May Concern:

The Arizona Farm Bureau Federation represents farmers and ranchers from across Arizona. Our members produce an array of crops and livestock that contribute over \$23.3 billion of economic impact to the state. Many of our members rely on pesticides to protect their crops, land, equipment, and infrastructure. Our comments are in response to the Environmental Protection Agency's (EPA) Appendix to the Endangered Species Act (ESA) Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions (Workplan Update).

EPA's Workplan Update describes their strategies to reduce pesticide exposure to nontarget organisms, including threatened and endangered species, during the registration review process. We urge EPA as they add new requirements and mitigation measures to address ESA obligation that the agency recognizes the complexity of agriculture and that a tailored approach may be necessary in many cases to ensure that differences in geography and farming methods are taken into account.

We support the technical comments submitted by the Arizona Pest Management Center (APMC) to this docket. APMC is part of the University of Arizona and is staffed by scientists including Ph. D.s in the areas of entomology, weed science, and plant pathology. Their research and work in these areas focus on the use of pesticides within Integrated Pest Management (IPM) programs. The staff at APMC regularly submits federal comments on pest management issues that impact growers and other stakeholders.

Our comments below highlight several of APMC's recommendations specific to the Workplan Update sections relating to Bulletins Live! Two and Interim Ecological Mitigation.

Bulletins Live! Two (BLT)

EPA notes that they expect to regularly propose language for pesticide labels instructing the product's users to access the "Bulletins Live! Two" website. Pesticide users will be required to check the website's database within 6 months of a planned application when directed by the product label, and to follow any mitigation measures specified in a Bulletin for the application area. The Bulletins are considered extensions of the product label and are legally enforceable. As a new requirement for pesticide users, EPA must ensure the label language directing users to the BLT website is clear and that accessing the information is as direct and simplified as possible. For example, EPA should make certain the website information takes users directly to the BLT page where a bulletin can be generated, as well as consider including a QR code to allow users to access the link quickly and directly with a mobile device. Furthermore, as the requirement to access BLTs will be new to many pesticide users, registrant companies should be encouraged to highlight through labeling and other means available to them as to which products the BLT requirement applies.

Ultimately, the process for identifying and obtaining the Bulletins should be as straightforward and seamless as possible. Doing so will minimize the time and cost imposed by this new requirement, as well as assist with compliance.

Interim Ecological Mitigation

To reduce pesticide exposure to nontarget species, when deemed necessary through the pesticide registration review process, EPA has developed a menu (pick list) of mitigation practices to reduce spray drift, surface water runoff, and pesticide transport through erosion. Having a menu of items to select from provides growers with flexibility. However, a concern regarding the current list of mitigation measures is that not enough of them may be broadly applicable to Arizona growers. APMC conducted a survey with growers and Pest Control Advisors (PCAs) to determine the relevance of EPA's proposed pick list practices. The survey results showed that only 4 practices were selected by more than 25% of respondents as relevant and 8 out of 14 practices received only 1 or zero responses. Additionally, two respondents indicated that none of the practices on the list were relevant to Arizona. As APMC notes, individuals in different cropping systems in different parts of the state are likely to have different experiences and views on which practices should be relevant.

Given the overall low relevance results provided by the survey, we urge EPA to consider the additional measures proposed by APMC that are commonly used in Arizona agriculture which reduce the potential for runoff and erosion. These practices include laser leveled fields, use of drip irrigation and/or sub-surface drip, overhead irrigation (i.e., sprinklers, lateral move, and center pivot systems), and sump systems used to capture irrigation run-off. Providing a sufficient number of relevant practices that address runoff and erosion concerns is critical to ensure the continued availability of key pesticide products.


EPA is also proposing rainfall statements related to surface water protection. There are concerns with the second statement which states, "Do not apply when a storm event likely to produce runoff from the treated is forecast by (NOAA/National Weather Service, or other similar forecasting services) to occur within 48 hours following application." APMC provides a number of practical considerations, questions, and recommendations regarding this statement. We urge EPA to fully review and consider the information provided, in particular the recommendation that given the difficulty of accurate rain predictions, label language should be advisory, providing guidance on best management practices, and should not be considered enforceable or punitive.

Conclusion

Farming practices and cropping systems across the U.S. and even throughout a state or region are diverse due to factors such as geography and weather. It is imperative that as EPA moves forward in updating its ESA Workplan that it avoids taking a “one-size fits all” approach to meeting its ESA obligations. Furthermore, as EPA continues its work in conducting pesticide registration review and incorporating ESA mitigation measures where applicable, we urge the agency to take into consideration comments and feedback provided by stakeholders to ensure proposed mitigation practices are relevant to the regions or areas that are most impacted and do not severely limit the use of products critical to ensuring our nation’s supply of food and fiber.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Stefanie A. Smallhouse". The ink is dark and the signature is fluid.

Stefanie Smallhouse, President
Arizona Farm Bureau Federation