April 13, 2018

Ms. Yu-Ting Guilaran
Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 7508P
Washington, DC 20460

Request for Extension of Public Comment Period for: National Marine Fisheries Service's (NMFS's) Biological Opinion (BiOp) for the pesticides chlorpyrifos, diazinon, and malathion (Docket Number: EPA-HQ-OPP-2018-0141)

Dear Ms. Guilaran:

As organizations representing tens of thousands of American farmers and users of pest control products, we respectfully request that EPA extend by 90 days the current comment period for the National Marines Fisheries Service's (NMFS's) Biological Opinion (BiOp) for the pesticides chlorpyrifos, diazinon, and malathion. The current 60-day comment period, announced by EPA on March 23, 2018, is not adequate time to review and respond with the necessary information requested by the Agency. A 90-day extension of the public comment period would enable us to file comments through August 20, 2018.

We are asking for this extension for the reasons presented here.

Implementation of the Endangered Species Act in the regulation of tools critical to agriculture is one of the most significant issues facing the American farmer and users of pest control products today. The significance of this BiOp extends far beyond these three active ingredients; indeed, it has important implications for the future regulation – and availability to farmers and other users -- of all pesticides. Therefore it is critical that stakeholders have adequate time to fully evaluate the BiOp and comment.

In EPA's Office of Pesticide Programs news release on March 23, 2018, the Agency notes:

> "This request for input is necessary because, as a result of the U.S. District Court Western District of Washington's failure to extend NMFS's court-ordered deadline, NMFS had to issue the final BiOp in December 2017 without having received input from the public and applicants (pesticide registrants). **This was at odds with EPA's 2013 public stakeholder process for ESA consultations – an open and transparent process supported by the Services, EPA, and USDA"** (emphasis added)

Because stakeholders have not been engaged in the development of the BiOp or consulted on the practicality or ramifications of the proposed Reasonable and Prudent Measures (RPMs) and Reasonable and Prudent Alternatives (RPA's), which will have direct impact on the way we farm, stakeholders now need to be given sufficient time to fully consider this complex document (over 3,700 pages) and provide comment in order for EPA and the Services to achieve a more open and transparent process.

Also, from a practical standpoint, the current comment period coincides with the start of the growing season for much of the country. Farmers, growers, and others who use these pesticides throughout the United States face significant restrictions if the current BiOp is implemented and yet we are currently focused on preparing our fields and sites for this season. To enable stakeholders to focus on the BiOp and comment, the comment period should be extended.

Given the significance of this comment period and the potential impact on not only the use of these three active ingredients, but all pesticides going forward, we encourage the Agency to grant our extension request.

Sincerely,

Agricultural Retailers Association
Almond Alliance of California
American Farm Bureau Federation
American Soybean Association
American Sugarbeet Growers Association
Beet Sugar Development Foundation
California Alfalfa & Forage Association
California Citrus Mutual
California Citrus Quality Council
California Cotton Ginners & Growers Association
California Dried Plum Board
California Fresh Fruit Association
California Specialty Crops Council
California Strawberry Commission
California Walnut Commission
Cherry Marketing Institute Inc.
Cranberry Institute
CropLife America
Florida Fruit & Vegetable Association
Golf Course Superintendents Association of America
Minor Crop Farmer Alliance
National Agricultural Aviation Association
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Onion Association
National Potato Council
National Sorghum Producers
North American Blueberry Council
Oregonians for Food & Shelter
United Fresh Produce Association
USApple Association
USA Dry Pea and Lentil Association
Washington Friends of Farms & Forests
Western Agricultural Processors Association
Western Growers
Western Plant Health Association

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