National Association of State Departments of Agriculture
4350 North Fairfax Drive
Suite 910
Arlington, VA 22203
Tel: 202-296-9680 | Fax: 703-880-0509
www.nasda.org

October 16, 2020

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Re: Agriculture Relies on Crop Protection Tools (*Dicamba Formulations for Use on Dicamba-Tolerant Cotton and Soybean*)

The National Association of State Departments of Agriculture (NASDA) and the Association of American Pesticide Control Officials (AAPCO) submits the following comments on the U.S. Environmental Protection Agency's (EPA) registration review for new uses on herbicide-tolerant cotton and soybeans.

I. About NASDA

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. State departments of agriculture are responsible for a wide range of programs including food safety, combating the spread of disease, and fostering the economic vitality of our rural communities. Conservation and environmental protection are also among our chief responsibilities.

In forty-three states, the state department of agriculture is a co-regulator with EPA and responsible for administering, implementing and enforcing the production, labeling, distribution, sale, use and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

II. About AAPCO

The Association of American Pesticide Control Officials (AAPCO) was formed in 1947, the same year that Congress enacted the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). AAPCO is a professional association comprised of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada. The Environmental Protection Agency (EPA) and States are co-regulators in the implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Our mission is to represent state pesticide control officials in the

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development, implementation, and communication of sound public policies and programs related to the sale, application, transport, and disposal of pesticides.

III. General Comments

Crop protection tools are an important component within many agricultural crop production systems. NASDA and AAPCO are intimately familiar with EPA's rigorous, scientific evaluation and review process for all crop protection tools under FIFRA. NASDA and AAPCO support the development, scientific review, and approval of new technologies and uses, such as products for dicamba-tolerant crops, to enable growers to combat growing weed-resistance challenges and produce our nation's food, fiber, and fuel.

Importance of Crop Protection to Agriculture. Our members work closely with farmers and we know that dicamba is a critical crop protection tool widely used in agriculture for controlling broadleaf weeds in various integrated weed management strategies. For example, in 2019 it was reported that there were about 58.5 M acres of dicamba-tolerant soybeans and cotton, and about 60% of those acres (35 M) were treated with dicamba at least once. Producers rely on these technologies in their future planning decisions. Given the recent legal actions surrounding these technologies farmers are in need of continuity and certainty that their upcoming seed purchases will have corresponding technologies available.

Importance of a Rigorous Registration Process. Notwithstanding the successful use of these products, our members appreciate the rigor and validity of EPA's FIFRA and science-based registration review process. We appreciate that EPA will have a decision regarding extension of registration of these products by late this year. NASDA and AAPCO also support that EPA will continue to coordinate with us to clarify label interpretations and regulatory oversight for dicamba applications in the future.

As co-regulators with EPA, this coordination and state flexibility is critical for the successful use of any crop protection product. States need the continued ability to implement possible requirements and restrictions under FIFRA Section 24(c) registrations. These registrations allow states to address geographic and local conditions needed for the successful use of certain products, while also providing the best selection of crop protection tools for growers. NASDA and AAPCO believe that providing a wide range of crop protection options to American farmers and ranchers is essential to their economic viability.

Our growers face constant pressures ranging from weather conditions, pest stressors, herbicide resistance issues, and a myriad of other challenges. All crop protection tools must continue to be available in the farmer's toolbox, following EPA-registration and a determination of safe when used according to the label. It is essential to American agriculture that EPA execute its authorities and responsibilities in a timely manner

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consistent with the Agency's robust science-based registration and review process to ensure farmers have access to a broad range of new technologies and modern crop protection tools to continue to produce our nation's food, fiber, and fuel.

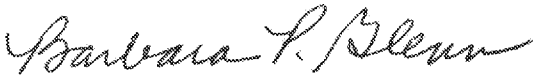
IV. Conclusion

NASDA and AAPCO appreciate the opportunity to comment on this important issue. We support EPA's registration review of these dicamba formulations, which are used in combination with dicamba-tolerant cotton and soybeans, consistent with the Agency's well-established registration review process under FIFRA.

As regulatory partners with EPA, we stand ready to assist EPA in ensuring our growers have access to a broad range of technologies and crop protection tools, reviewed and approved in a scientifically sound and transparent manner, needed to continue to produce our nation's food, fiber, and fuel.

Please contact (barb.glenn@nasda.org) or (Reedla@purdue.edu) if you have any questions or would like any additional information.

Sincerely,



Barbara P. Glenn, Ph.D.
Chief Executive Officer

Leo A. Reed
AAPCO, President