April 4, 2019

Rick P. Keigwin
Director of Office of Pesticide Programs
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Keigwin,

This letter is in response to the notification posted on the Guidance on FIFRA 24(c) Registrations on 03/19/19, under: Important Information on Requests Under FIFRA 24(c). According to the notification, EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests.

EPA stamps and accepts federal labels from registrants with one-size-fits-all mitigation measures. These mitigation measures do not take into account possible unique or special local conditions, which may increase risks. The most recent example of the need for a Section 24(c) registration is the use of dicamba for over-the-top applications to genetically modified soybeans and cotton. In order to maintain the technology to control herbicide resistant weeds, it has been necessary for states with unique or special local conditions to have the option to grant Sec. 24(c) registrations. These registrations allow for adequate weed control to occur, but also mitigate potential risks. State Lead Agencies (SLAs) are responding appropriately by granting Sec. 24(c) registrations. They are attempting to reduce risk and damage to non-target plants and the environment, while at the same time promoting co-existence.

AAPCO received a question, "Why don't these SLAs change the laws in their respective states, instead of utilizing the Sec. 24(c) process?" There are numerous reasons.

- It can take several years for a state to enact or adopt a law. In the meantime, unacceptable non-target damage could occur, and the technology option could be lost.
- SLAs have determined that, by requiring certain mitigation measures, they can maintain a technology which controls a pest.
- Using dicamba as an example, SLAs are continuing to learn about what may influence primary and secondary drift, and the training needs of applicators. With labels changing annually and a short two-year registration period of the dicamba containing products, SLAs have not been able to consistently identify the mitigation measures needed beyond the Section 3 label. **Utilizing the Sec. 24(c) process allows SLAs to be nimble, timely, practical and appropriately responsive.**

- The Sec. 24(c) process has been very successful, as it identifies needed mitigation measures each year. For example, since 2017, the dicamba federal product labels have gone through many edits as a result of states' Sec. 24(c) registrations. The additional requirements provided on Sec. 24(c) labels include: a wind speed restriction of less than 10 mph, the need for training, completing records within 72 hours, the introduction of cut-off dates, and many others that have been successful in reducing adverse effects and mitigating risks. If states had not used the Sec. 24(c) process, SLAs would still be in the initial stages of identifying individual mitigation measures.

Historically, SLAs have granted a wide variety of Sec. 24(c) registrations. The EPA policy of not disapproving more restrictive Sec. 24(c) registrations has been in place for nearly 30 years. The current process has allowed SLAs to continue the use of various pesticides, within their individual jurisdictions, with additional safeguards.

AAPCO takes this issue very seriously, and strongly supports a state's right to grant a Section 24(c) pesticide registration to reduce risk. We look forward to working with the USEPA, and the continued dialog.

This letter is being provided to the US EPA by the AAPCO Board of Directors, on behalf of the members of AAPCO. Should you need additional information, please do not hesitate to contact me or any of the members of the AAPCO Board.

Sincerely,

Rose Kachadoorian
AAPCO President
Pesticides Program Manager,
Registration, Licensing and Certification
Natural Resource Policy Area
Oregon Department of Agriculture
635 Capitol Street NE, Salem, Oregon 97301
Phone: (503) 986-4651
Email: rkachadoorian@oda.state.or.us

and

Leo A. Reed
AAPCO President-Elect
Manager, Certification and Licensing
Office of Indiana State Chemist
175 S. University
West Lafayette, IN 47907
Phone: 765-494-1588
reedla@purdue.edu

cc: AAPCO Board of Directors
SFIREG Chair
NASDA