Congress of the United States
House of Representatives
Washington, DC 20515

December 9, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dear Administrator Regan,

We are writing to share our serious concerns about potential new registration restrictions for several significant herbicides currently being considered by the EPA ahead of the 2022 growing season and the impact these restrictions could have on supply chains and growers in our districts. During this period of economic uncertainty caused by the ongoing COVID-19 pandemic, taking steps to restrict the number of herbicides that farmers can utilize could seriously exacerbate existing strains on supply chains, leading to shortages, increased demand for already supply-constrained alternatives, price hikes, and significant losses directly to farmers who have already purchased herbicide and seed for the upcoming 2022 growing season. In addition, these restrictions could force farmers to reduce their use of conservation practices such as no-till agriculture that have been instrumental in reaching regional water quality goals, increasing soil carbon sequestration, improving soil quality, and reducing run-off.

In light of these concerns, we strongly urge the EPA to reconsider any new herbicide registration restrictions at this time. In addition, we urge the EPA to provide sufficiently advanced notification of any expected future registration revisions so that farmers, suppliers, herbicide manufacturers, and seed producers have adequate time to plan for new use conditions.

As you may know, farmers and producers generally place orders for seed, companion herbicides, and other inputs beginning in late summer. Given the magnitude of the agricultural sector in the United States, even in normal economic conditions, orders for inputs must be made months in advance to allow suppliers to meet the demand. Since the beginning of the COVID-19 pandemic, this timeline has been further shifted forward due to unprecedented supply chain disruptions. As such, many farmers in our district have already purchased herbicide and specialized herbicide-resistant seeds for the 2022 growing season. We are deeply concerned that any changes to herbicide registrations for the 2022 growing season will result in significant financial losses for farmers unable to utilize inputs already purchased or ordered.

In addition, we are concerned that there are already significant shortages of other herbicides this year due to drops in production abroad. Three of the major alternative herbicides used over-the-top in row crops – glyphosate, glufosinate, and 2,4-D – have experienced significant price increases this year. According to price benchmarks reported in September 2021, prices are up 130% for glyphosate, 80% for glufosinate, and up 60% for 2,4-D. These price increases are in

addition to the increased costs associated with shipping these materials to U.S. farmers and the rise in prices for other essential inputs such as fertilizer.

Likewise, farmers would not be able to readily acquire enough seeds to accommodate a transition from the existing herbicides in question to alternative companion herbicides before the start of the 2022 growing season. This is especially concerning given the volume of crops that new restrictions could impact. For example, in 2020, there were approximately 64 million acres of dicamba-tolerant soybeans and cotton grown nationwide, akin to an area more than twice the size of the Commonwealth of Virginia. A transition of an area of this size would require significant advanced notice under normal conditions, to say nothing of existing stressed supply chains. Seed producers and suppliers typically need at least an entire growing season to produce enough seed to meet a surge in demand for alternative seed types of this immense size.

Finally, while we appreciate the environmental considerations made by EPA in the regulatory process surrounding herbicide use, we are deeply concerned that changes to these rules so close to the growing season could lead to a significant decrease in certain conservation practices, such as no-till, among impacted growers. No-till farming is a conservation practice that has tremendous benefits to the environment and climate, including improved water and soil quality, reduced tractor fuel use, and increased soil carbon sequestration. If the EPA were to take action that results in herbicide shortages, many farmers would likely be forced to till ahead of planting to reduce weed pressures. This reduction in these conservation practices would be a significant setback for our national climate goals and the water quality goals of many watersheds, including the Chesapeake Bay.

Now is not the time to add additional costs to U.S. farmers that will not only harm agricultural communities but could drive up the cost of food at a time when families are already facing significant increases in the price of essential goods. As such, we urge the EPA to reconsider imposing any additional restrictions to herbicide registrations at this time.

We appreciate your attention to this critical matter.

Sincerely,

Abigail D. Spanberger

Member of Congress

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Member of Congress

Cc: The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture
The Honorable Michal Freedhoff, Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency