

August 9, 2024

Mr. Jake Li
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Submitted electronically via Federal eRulemaking Portal

RE: Draft Insecticide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Insecticides (EPA-HQ-OPP-2024-0299)

Dear Deputy Assistant Administrator Li,

As organizations representing farmers, retailers, manufacturers, co-ops, academics, state regulators, and others, we write to urge EPA to extend the public comment period for the Draft Insecticide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Insecticides (EPA-HQ-OPP-2024-0299) (hereafter “draft Insecticide Strategy” or “draft IS”). While we desire to offer thoughtful, quality feedback to EPA on this proposal, we are concerned there are several factors that will significantly impede our ability to do so during the short 60-day comment period EPA has afforded. To that end, we request that EPA offer an additional 90 days for public comment on the draft Insecticide Strategy.

Insecticides are vital to the continued productivity and sustainability of our activities, which we use to protect our nation’s food, fuel, and fiber supplies; maintain important conservation practices; defend infrastructure; sustain public health initiatives; among other critical uses. Based on our initial assessment in the two weeks since its public availability, we expect this lengthy, complex proposal—which, in addition to its supporting documents, totals more than 700 pages—would profoundly and fundamentally alter our continued ability to access and use insecticides. A proposal of this significance warrants our thoughtful consideration and ability to prepare meaningful feedback for EPA, which is simply not possible in the short 60-day comment period offered by the Agency.

Moreover, there are several other circumstances that further complicate our ability to comment and justify an extension to the draft IS public comment period, which include:

- **EPA-USDA Draft IS Webinar:** USDA plans to host a public webinar with EPA regarding the draft IS, which is currently expected to be held in September. EPA and USDA have offered similar webinars on other complex Endangered Species Act (ESA) proposals, such as the draft Herbicide Strategy, to help stakeholders better understand the proposal and how it might be implemented. If stakeholders must wait until September to hear EPA’s and USDA’s explanation of the draft IS or offer clarifications, stakeholders will have less than a month remaining to consider the information presented and prepare comments, which is insufficient given the significance of this proposal.
- **Interactions with Other ESA Proposals:** The ESA Workplan is complex and the proposed policies overlap each other in creating a framework for future registration decisions; thus, the draft IS must be put in context with other proposals. Stakeholders must understand their interactions and desire alignment between the proposals. EPA has also offered its draft Herbicide Strategy, Vulnerable Species Pilot Project, and FIFRA Interim Ecological Mitigations, in

addition to several chemical-specific proposals containing ESA provisions. Our initial assessment is that these proposals do not neatly align, but there are meaningful differences between them that may create implementation challenges. Stakeholders not only must consider the draft IS in this short 60-day comment period, but also seek to understand and incorporate input on the ways in which these several proposals interact and how that interaction may impact future pesticide access and use. These complications warrant additional time for consideration.

- **Numerous Other Concurrent Comment Periods:** EPA is also asking stakeholders to engage on numerous other open dockets during the 60 days in which the draft IS comment period is open. Currently, EPA's pesticide program alone has open substantive public comment periods on proposed interim decisions for malathion (EPA-HQ-OPP-2009-0317), mancozeb (EPA-HQ-OPP-2015-0291), dicrotophos (EPA-HQ-OPP-2008-0440), dimethoate (EPA-HQ-OPP-2009-0059), and tetrachlorvinphos (EPA-HQ-OPP-2008-0316); revised risk assessments on clothianidin (EPA-HQ-OPP-2011-0865), imidacloprid (EPA-HQ-OPP-2008-0844), saflufenacil (EPA-HQ-OPP-2019-0524), and thiamethoxam (EPA-HQ-OPP-2011-0581); a draft biological opinion on methomyl (EPA-HQ-OPP-2024-0290); an application for a new use of dicamba and s-metolachlor (EPA-HQ-OPP-2024-0154); and a proposed framework to assess potential resistance risks of antibacterial or antifungal pesticides (EPA-HQ-OPP-2023-0445). All these comment periods close during or shortly after the current comment period for the draft IS. Furthermore, EPA just closed three other comment periods which also overlapped with the draft IS strategy comment period, including proposed interim decisions for acephate (EPA-HQ-OPP-2008-0915), captan (EPA-HQ-OPP-2013-0296), and thiram (EPA-HQ-OPP-2015-0433).

Many of these proposals also impact our organizations and other stakeholders who are interested in commenting on the draft IS. Yet, by only allowing 60 days for public comment on the draft IS, a window which overlaps with so many other EPA pesticide proposals, the Agency is creating barriers for many in the public who would like to offer feedback and likely diminishing the quality of comments from those who are able to comment. By extending the public comment period, EPA will not only receive more diverse perspectives on the proposal, but also more meaningful feedback in comments received.

We understand EPA has offered a shorter comment period to stay on track to meet its settlement timelines for finalizing the Insecticide Strategy. However, we believe a shorter comment period may have the opposite effect and make the Agency's objective more difficult. By collecting quality, well-informed feedback, it will likely enable EPA to more quickly consider stakeholder perspectives than if public input is rushed and based in misunderstanding of this complex proposal.

We are eager to engage with EPA on the draft Insecticide Strategy to help the Agency meet its ESA and other legal obligations in a way that will allow for meaningful, continued use of insecticides. However, to provide EPA with the quality feedback on the proposal necessary to accomplish that goal, more time will be needed than has currently been provided. To that end, we urge EPA to extend the public comment period for the draft Insecticide Strategy by an additional 90 days. We thank you for your consideration of our request and look forward to what we hope is a careful, thoughtful engagement with EPA on this proposal in the weeks ahead.

Sincerely,

African American Farmers of California
Agribusiness Council of Indiana
Agricultural Council of Arkansas
Agricultural Retailers Association

Alabama Farmers Federation
Alaska Farm Bureau
Almond Alliance
American Cotton Producers
American Farm Bureau Federation
American Mosquito Control Association
American Mushroom Institute
American Pistachio Growers
American Pulse Association
American Soybean Association
American Sugar Alliance
American Sugarbeet Growers Association
AmericanHort
Aquatic Ecosystem Restoration Foundation
Aquatic Plant Management Society
Arizona Cotton Growers Association
Arizona Crop Protection Association
Arizona Farm Bureau Federation
Arkansas Certified Crop Advisers
Arkansas Crop Protection Association
Arkansas Farm Bureau Federation
Arkansas Rice Federation
Arkansas Rice Growers Association
Arkansas Soybean Association
Associated Oregon Hazelnut Industries
Association of Equipment Manufacturers
Beet Sugar Development Foundation
Big Horn Basin Beet Growers Association
Big Horn County Sugar Beet Growers Association
California Alfalfa and Forage Association
California Association of Wheat Growers
California Association of Winegrape Growers
California Cherry Growers and Industry Association
California Citrus Mutual
California Citrus Quality Council
California Cotton Alliance
California Cotton Ginners and Growers Associations
California Fresh Fruit Association
California Grain and Feed Association
California Pear Growers Association
California Safflower Growers Association
California Seed Association
California Specialty Crops Council
California State Floral Association
California Sweetpotato Council
California Walnut Commission
California Warehouse Association
Cherry Marketing Institute, Inc.
Colorado Association of Wheat Growers
Colorado Farm Bureau
Colorado Fruit And Vegetable Growers Association
Colorado Nursery and Greenhouse Association

Colorado Sorghum Growers
Colorado Sugarbeet Growers Association
Council of Producers and Distributors of Agrotechnology
Delta Council
Empire State Potato Growers
Far West Agribusiness Association
Florida Citrus Mutual
Florida Farm Bureau Federation
Florida Fertilizer & Agrichemical Association
Florida Nursery, Growers & Landscape Association
Georgia Agribusiness Council
Georgia Cotton Commission
Georgia Farm Bureau Federation
Georgia Fruit & Vegetable Growers Association
Georgia Green Industry Association, Inc.
Georgia Urban Ag Council
Georgia-Florida Soybean Association
Grower-Shipper Association of Central California
Idaho Eastern Oregon Seed Association
Idaho Farm Bureau Federation
Idaho Grain Producers Association
Idaho Hop Growers Association
Idaho Mint Growers Association
Idaho Potato Commission
Illinois Corn Growers Association
Illinois Farm Bureau
Illinois Fertilizer and Chemical Association
Illinois Soybean Growers
Indiana Corn Growers Association
Indiana Farm Bureau
Indiana Soybean Alliance
International Fresh Produce Association
Iowa Corn Growers Association
Iowa Soybean Association
Kansas Association of Wheat Growers
Kansas Cotton Association
Kansas Farm Bureau
Kansas Sorghum Producers
Kansas Soybean Association
Kentucky Soybean Association
Louisiana Agricultural Consultants Association
Louisiana Farm Bureau Federation
Maine Potato Board
Maryland Farm Bureau
Michigan Agri-Business Association
Michigan Apple Association
Michigan Asparagus Association
Michigan Nursery & Landscape Association
Michigan Soybean Association
Michigan State Horticultural Society
Mid Atlantic Soybean Association
Midwest Council on Agriculture

Minnesota AgriGrowth Council
Minnesota Agri-Women
Minnesota Corn Growers Association
Minnesota Crop Production Retailers
Minnesota Farm Bureau Federation
Minor Crop Farmer Alliance
Mint Industry Research Council
Mississippi Farm Bureau Federation
Mississippi Soybean Association
Missouri Agribusiness Association
Missouri Farm Bureau
Missouri Rice Council
Missouri Soybean Association
Montana Agricultural Business Association
Montana Grain Growers Association
National Agricultural Aviation Association
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Barley Growers Association
National Christmas Tree Association
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Milk Producers Federation
National Onion Association
National Potato Council
National Sorghum Producers
National Sunflower Association
NEBCO Beet Growers Association
Nebraska Agri-Business Association
Nebraska Farm Bureau Federation
Nebraska Soybean Association
Nebraska Sugarbeet Growers Association
Nevada Farm Bureau Federation
New Jersey Nursery & Landscape Association
New Mexico Farm & Livestock Bureau
New York Corn & Soybean Growers Association
New York State Agribusiness Association
Nisei Farmers League
North American Blueberry Council
North Carolina Cotton Producers Association
North Carolina Egg Association
North Carolina Grange
North Carolina Nursery & Landscape Association
North Carolina Potato Association
North Carolina Soybean Producers Association
North Central Weed Science Society
North Dakota Corn Growers Association
North Dakota Grain Growers Association
North Dakota Soybean Growers Association
Northeastern Weed Science Society
Northern Canola Growers Association

Northern Pulse Growers Association
Ohio AgriBusiness
Ohio Corn & Wheat Growers Association
Ohio Farm Bureau
Ohio Soybean Association
Oklahoma Farm Bureau
Oklahoma Soybean Board
Oregon Association of Nurseries
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Oregon Farm Bureau
Oregon Seed Council
Oregon Wheat Growers League
Oregon Women for Agriculture
Oregonians for Food & Shelter
Pacific Northwest Canola Association
Pacific Seed Association
PennAg Industries Association
Pennsylvania Cooperative Potato Growers
Pennsylvania Corn Growers Association
Pennsylvania Farm Bureau
Plains Cotton Growers, Inc.
Potato Growers of Michigan, Inc
Red River Valley Sugarbeet Growers Association
Snake River Sugarbeet Growers Association
Society of American Florists
South Carolina Corn and Soybean Association
South Carolina Farm Bureau Federation
South Dakota Agri-Business Association
South Dakota Corn Growers Association
South Dakota Soybean Association
South Texas Cotton & Grain Association
Southern Crop Production Association
Southern Kansas Cotton Growers Coop
Southern Montana Sugarbeet Growers Association
Southern Rolling Plains Cotton Growers Association
Southern Weed Science Society
Sports Field Management Association
Stanislaus County Farm Bureau
Synergistic Hawaii Agriculture Council
Tennessee Corn Growers Association
Tennessee Farm Bureau Federation
Tennessee Nursery & Landscape Association
Tennessee Soybean Association
Texas Citrus Mutual
Texas Corn Producers Association
Texas Farm Bureau
Texas Soybean Association
Texas Vegetable Association
Texas Wheat Producers Association
U.S. Apple Association
U.S. Beet Sugar Association

U.S. Canola Association
U.S. Pea & Lentil Trade Association
US Rice Producers Association
USA Dry Pea & Lentil Council
USA Rice
Virginia Agribusiness Council
Virginia Cattlemen's Association
Virginia Farm Bureau
Virginia Soybean Association
Washington Association of Wheat Growers
Washington Mint Growers Association
Washington State Potato Commission
Washington Turfgrass Seed Association
Weed Science Society of America
Wester Alfalfa Seed Growers Association
Western Agricultural Processors Association
Western Growers
Western Plant Health Association
Western Pulse Growers Association
Western Society of Weed Science
Western Sugar Cooperative
Wheatland Beet Growers Association
Wisconsin Corn Growers Association
Wisconsin Potato & Vegetable Growers Association
Wisconsin Soybean Association
Wyoming Ag Business Association
Wyoming Crop Improvement Association
Wyoming Farm Bureau Federation

CC: The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture

CC: The Honorable Debbie Stabenow, Chairwoman, U.S. Senate Committee on Agriculture, Nutrition, & Forestry

CC: The Honorable John Boozman, Ranking Member, U.S. Senate Committee on Agriculture, Nutrition, & Forestry

CC: The Honorable Glenn "GT" Thompson, Chairman, U.S. House Committee on Agriculture

CC: The Honorable David Scott, Ranking Member, U.S. House Committee on Agriculture