



Illinois Fertilizer & Chemical Association

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October 16, 2023

Jan Matuszko, Director
Environmental Fate and Effects Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Washington, DC 20460

RE: Docket No. EPA-HQ-OPP-2023-0365; Draft Herbicide Strategy Framework to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Herbicides

Dear Director Matuszko:

The Illinois Fertilizer and Chemical Association (IFCA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) proposed herbicide strategy framework. IFCA's membership consists of owners, managers and employees of agrichemical retail facilities located in Illinois, as well as representatives of pesticide, fertilizer, seed and equipment manufacturers, distributors, and transporters. The majority of IFCA's business members are responsible for providing the products and services needed by Illinois farmers. IFCA is committed to developing and supporting programs that enhance the safe and efficient handling and use of agricultural inputs.

IFCA's members employ certified pesticide applicators who apply pesticides to their customers' crop fields. We appreciate the opportunity to submit comments regarding the herbicide strategy framework as we have several concerns on how potential label changes could negatively affect the environment, pest resistance, farm production, and profitability.

The EPA claims that the strategy "itself would not impose any requirements on growers/applicators." This statement glosses over the fact that the registration decisions that the EPA will make as a result of this strategy will in fact impose substantial requirements on both growers and applicators.

Farmers rely on herbicides to control weeds which have negative effects on yield and productivity. This strategy will impose serious burdens on the use of these important products and significantly increase the operational cost farmers are facing. Additionally, there is no consideration of the fact that certain mitigations may be limited in their effectiveness based on location or soil type, or that

Representing the Agricultural Input Industry

adoption of those mitigations may lead to decreased yields or an increase in the very weed pressure that requires the herbicide treatment in the first place.

The proposed mitigation measures come with costs, complicated record keeping, and confusing responsibilities and liabilities. Conservation practices are not the responsibility of a commercial pesticide applicator, who would bear the liability of following a more complicated label. In Illinois, non-operator landowners own the majority of the cropland. Tenant farmers rent the land, often relying on services provided by our members for crop protection and nutrient management.

In order to avoid these unintended impacts, the herbicide strategy needs to refine pesticide use limitation areas, expand exemption options, and expand the mitigation options. Today's GIS technology should be utilized to refine maps as this will show a reduction to those acres impacted. Registrants and third parties can speed up map refinements with existing models and tools.

Practical exemption options need to be expanded. There are many soil and water conservation programs offered by local, state, and federal agencies and nonprofits. Consultation with the USDA Natural Resources Conservation Service can help identify these programs. States should be given the opportunity to develop their own certification programs that offer exemptions. In the private sector, technical service providers (TSRs) and certified crop advisers (CCAs) are trusted sources of information for farmers and herbicide applicators. CCAs are required to acquire Continuing Education Units to maintain certification including units for integrated pest management and soil and water management. They can provide adequate plans and timely advice to applicators, but their services are not free.

Additionally, IFCA has concerns with the language the strategy has regarding subsurface drainage/tile drains. The strategy states that:

“If the field has subsurface drainage installed, the mitigation measures are not applicable. The subsurface must release the effluent (water) into controlled drainage (such as release into a retention pond) or saturation buffer zones that do not release water into downstream off-farm aquatic areas. Runoff from the entire field would need to be controlled and directed into a pond or saturation zone.”

The wording of this requirement is of significant concern, especially to farmers in Illinois. The vast majority of farmland in Illinois has subsurface drainage installed.

The EPA should remove the costly requirement that the farmer must drain their field tiles into saturation buffers or retention systems. Requiring adoption of this technology on the scale indicated above will cause enormous financial disruption. It will also disincentivize farmers from installing soil drainage to efficiently utilize their ground and meet the yield and production goals needed to run a profitable operation. If the EPA will not remove this requirement and they continue with the approach of requiring a mitigation threshold to be reached in order to apply herbicide products, they should clarify that farmers with subsurface drainage tile installed in their field may

choose not to take the mitigation exemption and instead choose from the other mitigation options available to them.

This strategy will have a detrimental effect on agricultural retailers, who supply and apply herbicides and other inputs for our farmer customers. While not formally addressed in the strategy, it is without question that the burden of complying with the new label requirements will fall on the agricultural retailers who are applying the herbicides. In addition to reading and following label instructions and practicing good herbicide stewardship, retailers will now also need to check for any additional localized restrictions, determine the number of mitigation points required and if any exemptions apply, and also collect, track, and verify records with a grower on a wide range of conservation efforts just to determine if a specific herbicide may be applied to a specific field. This will add a substantial burden for the retailer to comply with, leading to increased costs for producers and decreased timeliness and customer service.

Thank you for the opportunity to provide comments regarding the herbicide strategy framework and potential unintended consequences for our members and their customers.

Sincerely,

Kevin "KJ" Johnson
President
Illinois Fertilizer and Chemical Association