February 20, 2025

Mr. Edward Messina
Director
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Submitted electronically via Federal eRulemaking Portal

RE: Petition Seeking Rulemaking to Modify False or Misleading Statements subsection of the Code of Federal Regulations (CFR) (EPA-HQ-OPP-2024-0562)

Dear Director Messina,

As organizations representing farmers, ranchers, and XXXXXX, we write to offer our strong support for the state attorneys general (AG) petition seeking rulemaking to modify the false or misleading statements subsection of the code of federal regulations (CFR) (EPA-HQ-OPP-2024-0562). Without rulemaking, we are concerned recent state actions requiring pesticide labels to carry language inconsistent with EPA safety findings will create a patchwork of false and misleading, and potentially mutually exclusive, state labels. The propagation of these labels not only risks disrupting commerce, but it could also confuse pesticide users and erode public confidence in science- and risk-based regulation. Rulemaking would significantly help to resolve these challenges, which otherwise are only likely to intensify. To that end, we urge EPA to grant the state AG petition and initiate rulemaking under 7 U.S.C. § 136v with respect to state labeling or packaging requirements for products subject to FIFRA.

In recent years, attempts by some states to impose pesticide health claims on labels contrary to EPA findings have also created significant risks for the pesticide user and applicator community. Should states require manufacturers to label a product in contravention to EPA findings and FIFRA, it places the manufacturer in a no-win situation—either do not comply with a state requirement, or comply with the state requirement and include language on a pesticide package that is false and misleading.

These challenges are heightened if different states impose labeling requirements on the same matter that are mutually exclusive to one another (i.e., one state requires an affirmative health claim, while another requires a negative claim). This would result in an unworkable patchwork of conflicting state label claims. It could be difficult, if not impossible, for manufacturers to continue to support the commercial availability of a pesticide product facing these regulatory and legal uncertainties. In turn, it could disrupt interstate commerce and risk jeopardizing pesticide product access for farmers, applicators, and other users.

By clarifying via rulemaking that states may not require label statements regarding the product's human health effects that are different from EPA's findings, it alleviates this pressure manufacturers may otherwise face from states to make false and misleading statements on labels in contravention to FIFRA. By extension, this would prevent pesticide users and applicators from losing access to much-needed pesticide products due to these regulatory and legal uncertainties. This clarification regarding label statements of a product's human health effects should not be

construed to otherwise restrict a state's authority to regulate and provide registration for additional uses of federally registered pesticide products, as provided by FIFRA sections 24(a) and 24(c).

Additionally, failing to clarify what label claims states may require under FIFRA could contribute to confusion for pesticide users, the public, and generally erode confidence in our risk- and science-based regulatory framework. If states are permitted to continue to require manufacturers to issue false and misleading health claims on pesticide labels contrary to EPA's findings, there is no way for pesticide users and the public to know if there are any genuine product risks or how to appropriately mitigate them. It could lead to diminished safety outcomes or inadvertent product misuse. Further, the U.S. public has already become increasingly skeptical of pesticide use in recent years. If states continue to require claims conflicting with EPA findings, an already cynical public would likely have reduced confidence in pesticide labels and whether any appropriately science-based processes were used to establish any claims or lack thereof on packaging.

A remedy to address these challenges would result from EPA granting the state AG petition and initiating rulemaking under 7 U.S.C. § 136v. Clarifying in the CFR that labels regarding a product's human health effects that are different from EPA's findings are false and misleading would ensure that manufacturers are not placed in the no-win dilemma of not complying with state labeling directives or issuing label claims inconsistent with FIFRA. By extension, this rulemaking would provide the necessary regulatory and legal certainty to continue to support product market access for farmers, other pesticide users, and applicators. Pesticide users and the public would also have greater confidence that labels provide clear, consistent guidance, and were derived from appropriate science- and risk-based processes.

We urge EPA to grant the state AG petition and initiate rulemaking on this matter and appreciate the opportunity to comment.

Sincerely,