



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

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May 24, 2019

Mr. 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 often approves federal pesticide labels from registrants with one-size-fits-all mitigation measures. These mitigation measures often do not consider unique or special local conditions within a region, a state, or a local community, which may increase risks to humans, animals, plants and/or our environment. The ability for states to more effectively and efficiently address such issues on the local level while working with the EPA is paramount.

The most recent large-scale 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 Georgia, well before dicamba or 2,4-D could be applied over tolerant cultivars, both University research and grower surveys indicated that a unique approach would be needed for the adoption of these technologies. In fact, 75% of 546 cotton growers surveyed in 2014 were supportive of a mandatory two-hour, face-to-face training before a grower or applicator could apply 2,4-D or dicamba over tolerant cultivars. Growers, Extension and regulators had the foresight to understand the benefit of having face-to-face trainings that share the latest research to improve on-target pesticide applications. Although the idea of conducting educational trainings was sound, it was the Section 24(c) process that made the training a reality. This was the only approach, at that time, that could rapidly require participation of all growers/applicators.

Georgia's 24(c) labels requiring training for dicamba and 2,4-D products have been key to great advancement in pesticide stewardship for Georgia. A 67% reduction of all pesticide drift complaints was noted by the University of Georgia Cooperative Extension Service since trainings began. Notably, Georgia received no official complaints of auxin off-target movement in 2017, while over 2,700 official investigations were reported elsewhere in the U.S. During 2018, Georgia was once again extremely successful with no confirmed auxin drift resulting from over-the-top applications. By 2018, adoption of the auxin-based technologies accounted for over 1 million acres of Georgia land.

Ultimately, these 24(c) registrations have fostered improved weed control and adoption of resistance management programs while mitigating potential risks. The Georgia Department of Agriculture (GDA) has responded appropriately by granting Section 24(c) registrations to reduce risks and damage to nontarget plants and the environment, while at the same time promoting co-existence.

States have received the question, "Why doesn't the state change the laws instead of utilizing the Section 24(c) process?" There are numerous reasons:

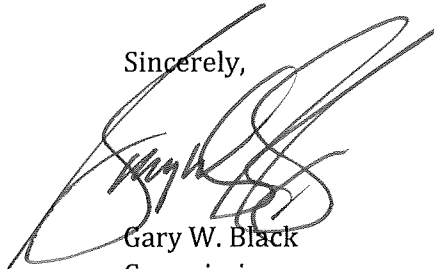
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- It can take several years for a state to enact or adopt a law. In the meantime, unacceptable nontarget damage could occur, and the technology option could be lost.
- SLAs have determined that requiring certain mitigation measures can maintain a technology 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 Section 24(c) process allows SLAs to be nimble, timely and practical. The research helping to improve on-target applications changes nearly daily, and regulators must be appropriately responsive.**
- The Section 24(c) process has been very successful in identifying necessary mitigation measures each year. For example, since 2017 the dicamba federal product labels have gone through many edits as a result of states' Section 24(c) registrations. The additional requirements provided on Section 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 cutoff dates, and many others that have been successful in reducing adverse effects and mitigating risks. If Georgia had not used the Section 24(c) process, we would still be in the initial stages of identifying individual mitigation measures.

Historically, GDA has granted a wide variety of Section 24(c) registrations. The EPA policy of not disapproving more restrictive Section 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.

GDA takes this issue very seriously, and strongly supports a state's right to grant a Section 24(C) pesticide registration to reduce risks. Georgia has invested enormous effort in our "Using Pesticides Wisely" initiative and it is paramount that EPA continues to support our mission of stewarding all pesticides effectively and efficiently at the local level. We appreciate your attention to this matter and look forward to working with the USEPA to continue this dialog.

Sincerely,



Gary W. Black
Commissioner