



August 4, 2023

Jan Matuszko
Director, Environmental Fate and Effects Division
Office of Pesticides Program, EPA
1200 Pennsylvania Ave NW
Washington DC – 20460

Submitted electronically via Regulations.gov

RE: Request for Reconsideration of Extension Period to Comment: Docket EPA-HQ-OPP-2023-0327;
Vulnerable Listed (Endangered and Threatened) Species Pilot Project: *Proposed Mitigations,
Implementation Plan, and Possible Expansion*

Dear Ms. Matuszko:

This letter is submitted on behalf of the members of the Association of American Pesticide Control Officials, Inc. (AAPCO). Members of AAPCO consist of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada. The Environmental Protection Agency (EPA) and States are co-regulators in implementing and enforcing the Federal Insecticide, Fungicide, and Rodenticide Act. Our mission is to represent state pesticide control officials in developing, implementing, and communicating sound public policies and programs related to the sale, application, transport, storage, and disposal of pesticides.

AAPCO would like to thank the U.S. Environmental Protection Agency (Agency) for the opportunity to comment on the *Vulnerable Listed (Endangered and Threatened) Species Pilot Project for Endangered Species: Proposed Mitigations, Implementation Plan, and Possible Expansion* (White Paper). AAPCO fully supports the Agency's efforts in developing a comprehensive, long-term approach to meeting its obligations under the Endangered Species Act.

Due to the potentially far-reaching implications the proposed mitigation measures presented in the White Paper may have on pesticide applicators and their ability to effectively control pests that affect crops, structures, public health, and domestic animals, AAPCO respectfully requests the Agency reconsider extending the public comment period for an additional 15 days.

A few of the major concerns AAPCO members have raised thus far include:

- The potential prohibition or ban on pesticide usage in large geographic areas. Such restrictions could significantly impact crop yields, food production, and overall food security. Prohibitions may also take away important tools that are necessary to preserve or restore critical habitat

from invasive pests. Prohibitions on pesticide use may also negatively impact public health due to a reduction in control options, leading to increased pest pressure.

- The varying approaches and inconsistent mapping of endangered species in different states. As noted in the draft White Paper, “In fulfilling the requirements of ESA section 7(a)(2), EPA must use the best scientific and commercial data available.”
- The potential for a permitting process for pesticide applications and the impacts this will have on applicators and permitting agencies.

Further, we would like to highlight that while EPA has argued that “...the potential impacts that could result from the mitigations identified in the VSP to pesticide users nationally is small...”, the impacts to individual states where one or more of the 27 pilot species are located and mitigations are proposed are, in fact, very significant. For example, in Oregon, over one million acres of land falls within an avoidance area, with less than 20 of those acres identified as critical habitat for the checkerspot butterfly by the US Fish and Wildlife Service. These avoidance areas eclipse entire farms and cities, the Oregon State University campus and many of their field trials, and nearly the entirety of Benton County.

If the Agency is truly interested in receiving meaningful feedback from co-regulators and other stakeholders on this very important topic, it is imperative that you provide us more time to fully consider the draft White Paper.

Once again, we sincerely appreciate the opportunity to provide input on the White Paper and we hope you will consider extending the comment period for 15 days.

Sincerely,

A handwritten signature in black ink that reads "Megan L. Patterson". The signature is written in a cursive, flowing style.

Megan Patterson, President

AAPCO