



SFIREG

State FIFRA Issues Research and Evaluation Group

August 2, 2023

Jan Matuszko, Director
Environmental Fate and Effects Division, Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

Submitted electronically via Regulations.gov

RE: SFIREG Request for a comment extension regarding the EPA's Vulnerable Listed (Endangered and Threatened) Species Pilot Project: Proposed Mitigations, Implementation Plan, and Possible Expansion, Docket Number EPA-HQ-OPP-2023-0327

Dear Ms. Matuszko:

The State FIFRA Issues Research and Evaluation Group (SFIREG) and its working committees provide a platform for the states and US Environmental Protection Agency (EPA) to resolve challenges for successful implementation of pesticide programs and policies. SFIREG serves as a permanent standing committee of the Association of American Pesticide Control Officials (AAPCO), which works to represent states in the development, implementation, and communication of sound public policies and programs related to the sale, use, transport, and disposal of pesticides. We're proud that our organization has been conducting this coregulatory work since 1978.

On behalf of SFIREG and our Joint Working Committees (JWC), we appreciate the opportunity to comment. We're writing to request a 15-day extension of the comment period for the EPA's Vulnerable Listed (Endangered and Threatened) Species Pilot Project: Proposed Mitigations, Implementation Plan, and Possible Expansion, Docket Number EPA-HQ-OPP-2023-0327.

The Vulnerable Listed Species Pilot Project is a significant policy document with numerous detailed concepts that will require our State Lead Agencies (SLAs) additional time for review. While the white paper provides further indication of EPA's future strategy to improve the ESA review process, the white paper also includes complex proposals, details and a SFIREG and SLA workload to evaluate and respond to questions around the nation that was unexpected. The new proposed prohibition and elimination of pesticide use, and mitigation measures for the pilot

species has caused an exponential amount of assessment and meetings for SLAs to discuss the coregulator impacts. We've been working diligently to answer questions in our agencies and with our regulated community and partners, and also to assess the implications for the state and local ESA mitigation and FIFRA regulatory processes. The white paper, similar to the earlier ESA appendix workplan update, which had a 60-day comment period, provides for a significant change in how pesticides would be regulated. Given that these updates present completely new strategies to avoid jeopardy or adverse modification of habitat for species listed under ESA, we respectfully suggest a 60-day comment period. This is important to gain input from SLAs, Pesticide Safety Education Program (PSEP) leaders, agriculture, commodity groups, applicators, Tribal Nations, SFIREG, the JWC, and other partners.

SFIREG and SLAs are focused on providing science based information and consistent regulations while working with EPA, stakeholders, and industry. We thank EPA for the opportunity to comment and to request consideration of an extension beyond the current 45-day extension period. As Chair SFIREG and reflecting on my thirty plus career in SLA and FIFRA work, I can't think of a more important document during my tenure than this white paper. It is our collective belief that a full 60-day period is warranted.

We look forward to working with EPA on these important science and regulatory processes. Thank you for your consideration.

Sincerely,



Gary Bahr
SFIREG Chair

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