



SFIREG

State FIFRA Issues Research and Evaluation Group

February 9, 2024

Susan Bartow
Chemical Review Manager
Pesticide Reevaluation Division
Office of Chemical Safety and Pollution Prevention (7508M)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC
20460-0001

Re: SFIREG comments for Advanced Notice of Proposed Rulemaking for Public Comment to Seek Additional Information on Use of Pesticide Treated Seed and Paint
docket identification (ID) number EPA-HQ-OPP-2023-0420

Dear Ms. Bartow,

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. SFIREG has been working with EPA in coregulatory processes since 1978.

On behalf of SFIREG members and the Joint Work Committee (JWC), we wish to express our support for the process that EPA is undertaking through the Advanced Notice of Proposed Rulemaking (ANPRM), to solicit public comment to seek additional information on uses of pesticide treated seed and paint. SFIREG supports EPA in conducting the ANPRM process to collect more information to make an informed regulatory decision. Through working with SFIREG and the JWC, SFIREG and State Lead Agencies (SLAs) have had concerns regarding the regulatory framework and impacts related to treated seeds and also treated paint. Concerns and questions have been raised by SLAs over the regulatory framework governing pesticide treated seeds and the treated article exemption. A variety of misuse and environment fate and human health issues have been brought forward to SLAs and EPA over the years and some states have dealt with highly impactful waste disposal and environmental issues. The topic has been discussed at numerous SFIREG and JWC meetings, including the Environmental Quality Issues

(EQI) and Pesticide Operations Management (POM) committees during the last ten years and especially since 2019. SFIREG, with support from the JWC worked to evaluate the issue topic and at the June 2022 SFIREG meeting, the full SFIREG agreed to approve the SFIREG issue paper which was submitted to EPA on August 31, 2022. SFIREG received EPA's response letter in June 2023.

The goal of the SFIREG letter and issue paper was to communicate to EPA the identified areas of concern and request official EPA review for regulatory resolution. SFIREG appreciates the EPA review and work in responding to the SFIREG issue and also beginning the ANPRM process. SFIREG appreciates the thorough approach in seeking public and stakeholder input to seek feedback to provide additional information for a more informed federal regulatory decision related to registration, labeling, comprehensive and enforceable label instructions, use, tracking, storage, planting, and disposal of treated seed. Pesticide SLAs around the nation encourage EPA to find workable solutions to the exemption and gaps in regulation that frequently result in complicated environmental and human health impacts for treated seed and also paint. SLAs and also state environmental agencies are under pressure to find state solutions through law and rule changes while the federal approach allows for an exemption and regulatory gap. After consideration of public comments to this docket, SFIREG encourages EPA to continue to work with SFIREG on these topics.

Clear, and the right size and complexity of regulation for treated seeds will provide the opportunity for SLAs to ensure safe and proper use while supporting agriculture in the continued use of these important products and tools. The occurrence and severity of disposal and dumping issues vary throughout the nation, however full SFIREG did support the issue paper and submission of the paper to EPA. SFIREG encourages EPA to find a balance in determining a regulatory process while protecting the uses of seed treatment technologies. The practice of treating seeds is vital for sustaining our diverse agricultural production systems around the nation. SFIREG recognizes the importance of seed treatment practices in agriculture and other plant protection industries, and with a more thorough and comprehensive EPA approach to the issues, American agriculture will continue to benefit from the safe use of these tools.

SFIREG and SLAs are focused on providing science-based information and consistent regulations to the public, stakeholders, and industry. Thank you for working through a comprehensive process to address SFIREG and SLA concerns for uniform regulation and protection of human health and the environment in production agriculture. We look forward to working with EPA and providing assistance. Thank you for your attention to this issue which has become a high priority for our pesticide state lead agencies.

Sincerely,



Gary Bahr
SFIREG Chair

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