



SFIREG ESI
STATE FIFRA ISSUES, RESEARCH AND EVALUATION GROUP
Endangered Species Strategy Implementation Working Committee

April 3, 2026

Natalie Bray, Senior Regulatory Advisor
Pesticide Re-Evaluation 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

Delivered through: <https://www.regulations.gov>

Re: SFIREG ESI Comments on the Draft Proposed Process To Become an EPA Qualified Conservation Program and Qualified External Party, Docket Number EPA-HQ-OPP-2025-1906

Dear Ms. Bray,

On behalf of the Endangered Species Strategy Implementation Working Committee (ESI) of the State FIFRA Issues Research and Evaluation Group (SFIREG), we appreciate the opportunity to provide comments on the Draft Proposed Process to Become an EPA Qualified Conservation Program (QCP) or EPA Qualified External Party (QEP). The goal of the ESI committee is to ensure that steps intended to protect listed and endangered species which affect pesticide state lead agencies (SLAs) are clear, understandable and implementable. As such, the following comments are submitted for your consideration.

Application Process

ESI supports the agency collecting whatever information it feels necessary to adequately evaluate QCP or QEP applicants. ESI wishes to emphasize the importance of verifying proper mitigation practice implementation by QCPs and QEPs, as SLAs will rely on these entities to ensure that practices are implemented consistently and appropriately.

We also suggest that applications be available as a web form when finalized to potentially streamline the submission process, in addition to an emailed form.

Qualification Process for Non-Agricultural Programs or External Parties:

ESA strategies have already begun to be implemented for non-agricultural uses on pesticide product labels. Some states have conservation programs or potentially QEPs that would provide assistance with non-agricultural mitigation implementation and maintenance. ESI supports the stance that any program or external party (agricultural or non-agricultural) should be considered for qualification consideration.

Five Year Re-Review Process:

ESI supports the establishment of a clear and understandable re-review process. As part of this process, ESI advocates for individual states that may prefer flexibility in the re-approval timeline. ESI recommends that the Agency allow individual states to determine the appropriate length of time for approvals to remain valid to allow flexibility to those wishing to exhibit more oversight. Additionally, ESI suggests utilizing a rotating review/audit process which may prevent the re-review process from becoming overwhelmed every 5 years.

Communicating Changes:

In Section D of the ICR Draft Registration Notice, the Agency proposes that QCPs and QEPs communicate changes in approved programs when they occur. This makes sense and is supported by ESI. Conversely, a clear communication process for changes made to ESA mitigation assistance tools (Bulletins Live! Two, Mitigation Menu, Mitigation Menu Descriptions, PALM, etc.) maintained by the Agency should also be established to ensure that QCPs and QEPs are aware of updates which may affect how they administer their approved program(s). ESI recommends the establishment of a system to communicate changes to these tools to ensure consistent compliance with the proposed process for QCPs and QEPs.

Process to Revoke Qualifying Status:

ESI supports a process to revoke the qualifying status of a QCP or QEP as long as it does not put additional burden upon an SLA to investigate or inspect an entity for the purpose of determining conformance with agency expectations. The approval process must be clear that SLAs do not shoulder liability for the failure of an EPA-approved QCP or QEP to perform according to Agency expectations.

Communicating QCP & QEP Application Information:

Different states have different needs, abilities and resources when it comes to working with QCPs or QEPs. Regardless of a state's ability to proactively work with programs or parties interested in this process, SLAs must be kept informed on who has submitted and been granted a request for qualification under this proposed process. A consultation process must also be available for states to confer with the Agency prior to QCP or QEP approval if determined necessary by a state. SLAs must have clear and timely communication on the status of QCPs or QEPs who are submitted for consideration to the Agency.

Verification of QCP / QEP Approval

The proposed process states that a "qualified" QCP or QEP will be added to a relevant website. ESI suggests that any list maintained for this purpose also include the states where the programs / parties are applicable, as well as access to the submitted application information for those states wanting to exhibit more oversight. Additionally, ESI requests that the process include issuance of official documentation of approval, and that this documentation of approval should be provided to SLAs upon request. ESI also suggests that QCPs and QEPs be required to provide guidance to program participants that makes it clear that participation in an approved program does not exempt growers from inspection by an SLA.

Ensuring Tool Availability in All States:

Availability of participating QCPs and/or QEPs will differ by state, depending on a variety of factors including resources and programmatic support. A stringent "first-come, first-served" evaluation process may favor programs in regions with more resources, resulting in some states waiting a significant amount of time for qualification of a QCP or QEP, while other states may have multiple programs or external parties taking priority in the approval process. For equity of availability across all regions, evaluation of the potential impact or reach of the QCP or QEP should be considered to allow prioritization if needed.

While our committee did not plan to comment on application question content, as we are not the potential applicant nor the evaluator of the information provided, additional questions on the applications to obtain information on the size of area and number of potential program participants could be considered helpful to determine potential program impact. This would likely involve additional questions on the application to estimate impact of the QCP or QEP. Question 1.4 of the application asks, "What state(s) is the EP active?". Asking an additional question like "How many growers/participants are in

participation or consultation with your program?”, or something similar, may provide the agency some data that could assist in evaluating the overall reach of the program before determining priority of evaluation. ESI suggests that the Agency develop ranking criteria to prioritize applications for review based upon the perceived need for qualified QCP and/or QEP programs.

Additional Information/Clarification Needed:

ESI suggests that clear explanations of terms used in the proposed process document and applications be provided to ensure applicants understand expectations. Specifically, the following terms should be better defined or explained:

- Definition of a “State Lead Agency”.
- What is meant by “participation in a program”.
- *When* in the participation process the program participants would be awarded mitigation points.
- If intended, the agency should also explain the concept of conservation programs implemented at the farm level, as described in the final Insecticide Strategy (Section 3.2.2.6.2, page 75).
- Page 5 of the ICR Supporting Statement makes the following statement:

“If EPA cannot qualify programs or external parties then individual growers who already participate in conservation programs or work with a technical expert will not be able to as easily claim the maximum number of points that any pesticide label could require (9 points). These growers may still be able to claim 2 points (of the up to 9 points that could be required to utilize certain pesticides) but they will still be required to show that they meet the number of points listed on the pesticide label...”

ESI wishes to point out that the term “required to show” implies that there are recordkeeping requirements to which growers must adhere. ESI recommends that alternate verbiage be used to indicate the requirement to “obtain” the number of points listed on a particular product label.

ESI also wishes to draw a parallel to how differences in the determination of mitigations for National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS), for the purposes of QCPs and QEPs, can make the process confusing and potentially lead to the inability of applicators to comply with both sets of differing requirements. In December

of 2024, the SFIREG ESI Committee submitted a white paper to the Agency in which we described concerns over two different mitigation point systems that are referenced on bulletins resulting from consultations between USFWS and NFMS. Directions for growers to contend with these two different mitigation point systems continue to present challenges with implementation.

Multiple NFMS bulletins reference the potential to earn points for participation in stewardship programs but give no further information. We recognize this is an evolving effort but is directly relevant to this draft proposed process to become an EPA QCP or QEP. Our committee continues to advocate for the additional work needed to standardize the NMFS language, and in this case referencing stewardship programs with EPA's language in BLT. Currently, NMFS has points for participating in a conservation program listed on various bulletins as "varies", "varies" with a footnote if "Requires NMFS review for efficacy", and "Please note the following options are under development and will be updated when active: a) Participation in recognized stewardship program" depending on the active ingredient. Vague language and inconsistencies are confusing for applicators and landowners, making point calculation unnecessarily challenging. Our committee aims to see successful implementation and believes deepened clarity around participating in stewardship programs would help achieve that goal.

Please let me know if you have any questions or need additional information or clarification.

Sincerely,



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