

**SFIREG ESI**  
**STATE FIFRA ISSUES, RESEARCH AND EVALUATION GROUP**  
**ENDANGERED SPECIES STRATEGY IMPLEMENTATION**

July 20, 2026

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Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
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Washington, DC 20460-0001

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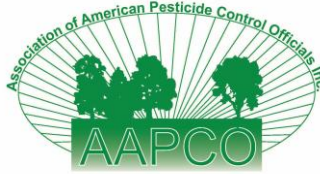
Re: SFIREG ESI Comments on the Draft Fungicide Strategy, Docket Number EPA-HQ-OPP-2026-2973

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 Fungicide Strategy. The goal of the ESI committee is to ensure that steps intended to protect listed species, and which also affect pesticide state lead agencies (SLAs), are clear, understandable, and implementable. As such, the following comments are submitted for your consideration.

**Mitigation Consistency Concerns:**

ESI supports the agency development of strategies that are applicable, verifiable, and enforceable. ESI wishes to emphasize the importance of clarity, consistency, and simplicity of labeled mitigation requirements, as applicators, landowners, and regulators rely on this to understand, and ensure compliance with, pesticide labels and bulletins. We suggest that the agency develop a review process with ESI to help determine where confusing or inconsistent language is found across all resources and applications developed by EPA. This will help ensure that the principles of cooperative federalism and coregulation are applied and embraced.



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#### **Bulletins Live! Two (BLT) Complexity Concern:**

ESI identified limitations within BLT in a white paper provided to the Agency in December 2024, citing numerous concerns related to the program and challenges states have using BLT<sup>1</sup>. The draft Fungicide Strategy indicates that EPA expects to create pesticide use limitation areas (PULA's) which may include more than 1 species for a specific fungicide product. Multiple species restrictions in a PULA would presumably be communicated through the same bulletin, adding additional complexity to interpretations that applicators and SLAs will deal with when determining appropriate mitigation requirements. ESI recommends that BLT concerns, outlined in the December 2024 white paper, be fully addressed to ensure that SLA and applicator needs are met, and additional difficulties are not encountered when more complexity is added to the system.

#### **Treated Seed Considerations:**

The draft Fungicide Strategy states that EPA is considering options to the approach for regulating treated seed. ESI has concerns regarding the regulatory burden that this could place on SLAs. As it currently stands, most states do not have authority to regulate the planting of treated seeds. ESI encourages EPA to address its questions and comments received from the October 2023, Advanced Notice of Public Rulemaking<sup>2</sup>, and consider how compliance will be achieved with the added complexity of ESA mitigation requirements when evaluating options as outlined in the draft strategy.

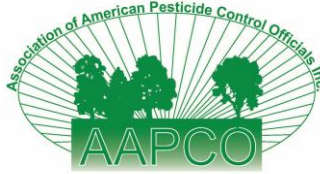
#### **Fungicide Strategy Related to National Marine Fisheries Service (NMFS) Listed Species:**

The draft Fungicide Strategy is intended to provide protections for listed species under the responsibility of the US Fish and Wildlife Service (USFWS). It states that listed species under the authority of the NMFS are not in the scope of the draft Fungicide Strategy because they are being addressed through a separate process. ESI has voiced concerns in the past regarding differences in the determination of mitigations for NFMS and USFWS,

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<sup>1</sup> [Issues Identified with Bulletins Live! Two, SFIREG ESI Committee, December 3, 2024](#)

<sup>2</sup> [EPA Issues Advanced Notice of Proposed Rulemaking for Public Comment to Seek Additional Information on Use of Pesticide Treated Seed and Paint](#)



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both in the above-referenced BLT white paper, as well as comments submitted for the proposed process to become an EPA Qualified Conservation Program/Qualified External Party<sup>3</sup>.

ESI has concerns that the continued practice of providing different evaluations for mitigations between the Services creates unnecessary complications that make it very difficult for applicators and SLAs to navigate, makes the processes confusing, and potentially leads to the inability of applicators to comply with both sets of differing requirements. This complexity can also lead to issues with enforceability. Our committee recommends that EPA coordinate mitigation determinations as closely as possible between USFWS and NMFS to avoid situations which make compliance difficult or unachievable.

#### **Expanding Functionality of PALM:**

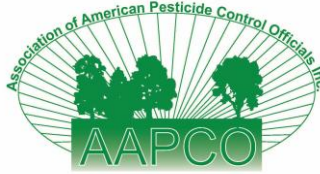
The draft Fungicide Strategy indicates that EPA intends to expand the functionality of the PALM application to include additional information found on labeling and bulletins. Use of the PALM tool has been incorporated into applicator training programs across the country, and any changes made will affect how trainers, applicators, and SLAs will utilize the tool. ESI encourages EPA to work with the committee to address any issues that may be of concern prior to incorporating more information which may complicate the use of the application.

#### **Adding NMFS Mitigations to PALM**

ESI encourages NMFS, in partnership with EPA, to present NMFS-based pesticide mitigation requirements in a structure and format modeled on EPA's Pesticide Application for Label Mitigations (PALM) and the associated mitigation menu. PALM's mobile-friendly interface consolidates spray drift and runoff mitigations, walks users through an iterative, stepwise process, and produces a clear summary showing the mitigations selected for use.

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<sup>3</sup> [SFIREG ESI Comments on the Draft Proposed Process To Become an EPA Qualified Conservation Program and Qualified External Party, Docket Number EPA-HQ-OPP2025-1906](#)



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Importantly, organizing NMFS mitigations in this way would make regulatory responsibilities more manageable for state lead agencies. State lead agencies serve as essential partners for label implementation, training, and compliance. Presenting NMFS conservation measures through a standardized, iterative application that mirrors EPA's mitigation menu would centralize guidance, support consistent compliance reviews, and streamline recordkeeping and oversight across jurisdictions.

Recent NMFS consultations already reflect practical, choice-based mitigation elements, such as species-specific runoff reduction measures for the use of carbaryl and methomyl based products. These examples allow for the selection of mitigations to be used and illustrate how NMFS mitigation measures could be readily formalized within a PALM style interface for clearer user navigation and documentation.

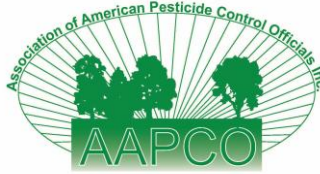
Aligning NMFS mitigation procedures with the beneficial structure of EPA's PALM and mitigation menu would improve efficiency and help growers and state lead agencies reliably meet ESA conservation goals while maintaining consistent implementation across operations and regions.

#### **Communication of Mitigation Resource Updates:**

The draft Fungicide Strategy indicates that mitigation resources will continue to evolve over time and that the Agency plans to update these resources as new information becomes available. SLAs must have clear and timely communication on changes made to these resources to develop up to date training and maintain awareness of all mitigation practices available. ESI recommends that EPA includes communication of changes made to mitigation resources within the listserv model being developed for communicating changes made to BLT.

#### **Consistency in Terms, Logic and Language:**

The draft Fungicide Strategy indicates that applicators must implement mitigation measures consistent with mitigation resources to meet requirements specified on pesticide labeling. ESI continues to have concerns regarding the inconsistency of terms and definitions across mitigation tools, product labels, and endangered species bulletins



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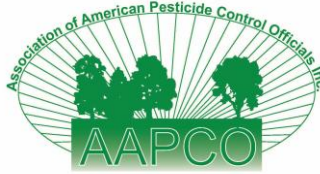
produced through BLT. These inconsistencies provide challenges to applicators and SLAs, and have led to issues with determining compliance. The following are a few selected examples:

- For spray drift, each tool (PALM, Excel calculator, handout) starts and stops at different "steps" in the stepwise process outlined on the mitigation menu website
  - PALM is the most comprehensive tool, start to finish, however every tool skips step 5 from the Mitigation Menu (“Subtract Distance to “Managed Areas”)
  - The drift mitigation worksheet<sup>4</sup> appears to have sections intended to be examples for calculating a buffer reduction (see images for ground and aerial applications below); however, they’re not labeled or highlighted as such and yield incorrect answers if used as part of the calculation.

Is the highlighted section shown below (from page 2 on the worksheet) intended to be used as example calculations? If so, can this section be identified as such and the % reduction boxes shaded out so this section WON'T be used for calculations?

| Ground Applications                                                                                   |              |                                                                                                                                                        |                                                          |                 |
|-------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------|
| Ecological Spray Drift Buffer Distance from Label (default or product specific)                       |              |                                                                                                                                                        |                                                          |                 |
| NOTE: IF SPRAY DRIFT BUFFERS ARE NOT REQUIRED ON THE PRODUCT, THEN NO SPRAY DRIFT BUFFERS ARE NEEDED. |              |                                                                                                                                                        |                                                          |                 |
| Ecological Spray Drift Buffer Reduction Option                                                        |              | % Reduction in Distance                                                                                                                                |                                                          | Add % reduction |
| Application Rate Reductions                                                                           |              |                                                                                                                                                        |                                                          |                 |
| Reduced Single Application Rate                                                                       |              | % reduction in buffer size = % reduction in application rate (e.g., 50% reduction in application rate corresponds with a 50% reduction in buffer size) |                                                          |                 |
| Larger Droplet Reductions for Maximum Buffer Distances (check label buffers for each droplet size)    |              |                                                                                                                                                        |                                                          |                 |
| Starting buffer                                                                                       | Starting DSD | Larger DSD used                                                                                                                                        | Adjusted buffer or % reduction for adding to total below |                 |
| 90ft to 100ft                                                                                         | Fine         | Medium                                                                                                                                                 | 25 ft or ~75%                                            |                 |
| 90ft to 100ft                                                                                         | Fine         | Coarse or Coarser                                                                                                                                      | 15 ft or ~85%                                            |                 |
| 19ft to 25ft                                                                                          | Medium       | Coarse or Coarser                                                                                                                                      | 15 ft or ~10%                                            |                 |
| Boom Height                                                                                           | Starting DSD | Larger DSD Used                                                                                                                                        | Reduction                                                |                 |
| High boom                                                                                             | Fine         | Medium                                                                                                                                                 | 75%                                                      |                 |
|                                                                                                       | Fine         | Coarse or Coarser                                                                                                                                      | 85%                                                      |                 |
|                                                                                                       | Medium       | Coarse or Coarser                                                                                                                                      | 10%                                                      |                 |
| Low boom                                                                                              | Very fine    | Fine                                                                                                                                                   | 50%                                                      |                 |
|                                                                                                       | Fine         | Medium                                                                                                                                                 | 75%                                                      |                 |
|                                                                                                       | Fine         | Coarse or Coarser                                                                                                                                      | 85%                                                      |                 |
|                                                                                                       | Medium       | Coarse or Coarser                                                                                                                                      | 10%                                                      |                 |

<sup>4</sup> [Pesticide Ecological Spray Drift Buffer Calculation Worksheet](#), Version 3, October 2025



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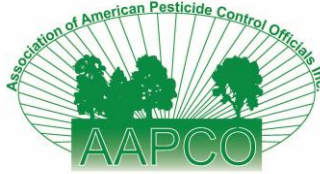
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There is a similar section on page 3 for aerial applications (image below); same question applies.

| Aerial Applications                                                                                   |              |                                                                                                                                                           |                                                          |                 |
|-------------------------------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------|
| Ecological Spray Drift Buffer Distance from Label (default or product specific)                       |              |                                                                                                                                                           |                                                          |                 |
| NOTE: IF SPRAY DRIFT BUFFERS ARE NOT REQUIRED ON THE PRODUCT, THEN NO SPRAY DRIFT BUFFERS ARE NEEDED. |              |                                                                                                                                                           |                                                          |                 |
| Ecological Spray Drift Buffer Reduction Option                                                        |              | % Reduction in Distance                                                                                                                                   |                                                          | Add % reduction |
| Application Rate Reductions                                                                           |              |                                                                                                                                                           |                                                          |                 |
| Reduced Single Application Rate                                                                       |              | % reduction in buffer size = % reduction in application rate<br>(e.g., 50% reduction in application rate corresponds with a 50% reduction in buffer size) |                                                          |                 |
| Larger Droplet Reductions for Maximum Buffer Distances (check label buffers for each droplet size)    |              |                                                                                                                                                           |                                                          |                 |
| Starting buffer                                                                                       | Starting DSD | Larger DSD Used                                                                                                                                           | Adjusted buffer or % reduction for adding to total below |                 |
| 370-400ft                                                                                             | Fine         | Medium                                                                                                                                                    | 300ft or ~25%                                            |                 |
| 370-400ft                                                                                             | Fine         | Coarse                                                                                                                                                    | 170ft or ~55%                                            |                 |
| 370-400ft                                                                                             | Fine         | Very Coarse                                                                                                                                               | 110ft or ~70%                                            |                 |
| 270-300ft                                                                                             | Medium       | Coarse                                                                                                                                                    | 170ft or ~40%                                            |                 |
| 270-300ft                                                                                             | Medium       | Very Coarse                                                                                                                                               | 110ft or ~60%                                            |                 |
| 135-170ft                                                                                             | Coarse       | Very Coarse                                                                                                                                               | 110ft or ~20%                                            |                 |
| Droplet Size                                                                                          | Starting DSD | Larger DSD Used                                                                                                                                           | Reduction                                                | ---             |
|                                                                                                       | Fine         | Medium                                                                                                                                                    | 25%                                                      |                 |
|                                                                                                       | Fine         | Coarse                                                                                                                                                    | 55%                                                      |                 |
|                                                                                                       | Fine         | Very Coarse                                                                                                                                               | 70%                                                      |                 |
|                                                                                                       | Medium       | Coarse                                                                                                                                                    | 40%                                                      |                 |
|                                                                                                       | Medium       | Coarser/Very Coarse                                                                                                                                       | 60%                                                      |                 |
|                                                                                                       | Coarse       | Coarser/Very Coarse                                                                                                                                       | 20%                                                      |                 |
| Additional Application Parameters                                                                     |              |                                                                                                                                                           |                                                          |                 |

- The "managed areas" definition is different across tools.
- Several runoff mitigation measure definitions are still confusing to the applicator, including "vegetated ditch", and the difference between "grassed waterway" and "vegetative filter strip".
- There were errors made to the Mitigation Menu in October 2025 that were not corrected (e.g. last group of bullets in step 3 of the runoff points determination).
- There appear to be differences in how the BLT statement is worded on the label – even for products that are being registered under the ESA Workplan and subsequent strategies. Consistency is needed so that interpretations, thus compliance, are consistent.
- More concise, itemized and user-friendly formatting of mitigation requirements is needed, including those found in bulletins. Standardize mitigation language so products with the same mitigation needs have the same bulletin language.



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ESI suggests that EPA implement the following recommendations to ensure that inconsistencies and challenging language can be clearly identified and addressed:

- Development of a “Resource Review” group consisting of select ESI, EPA, USFWS, and NMFS representatives which could regularly meet to discuss issues and provide suggestions on SLA-specific needs related to ESA mitigation tools and resources.
- Development of a process where SLA coregulators can review and provide feedback on endangered species bulletin language before submission to BLT.
- Because applicators are using all the tools available in EPA’s Mitigation Menu, any future changes in one tool should be consistently made across all of them.

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

Sincerely,

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