

Minor Crop Farmer Alliance

Via *Electronic Docket Submission* <http://www.regulations.gov>

February 12, 2020

Mary Reaves, Ph.D.
Acting Director, Pesticide Re-Evaluation
Division, Office of Pesticide Program
C/o OPP Docket,
Environmental Protection Agency Docket Center (EPA/
DC), (28221T)
1200 Pennsylvania Ave., N.W.
Washington, DC 20460-0001

Re: Comments of the Minor Crop Farmer Alliance Concerning the Notice of Availability of the *Pyrethroids and Pyrethrins Ecological Risk Mitigation Proposal for 23 Chemicals* Docket No. EPA-HQ-OPP-2008-0331.

Dear Dr. Reaves:

On November 12, 2019, the Environmental Protection Agency (“EPA” or “Agency”) published the subject notice in the Federal Register that among other things, announced the availability of the *Pyrethroids and Pyrethrins Ecological Risk Mitigation Proposal for 23 Chemicals* (the “Mitigation Proposal”) 84 Fed. Reg. 61055-57).

MCFA is an alliance of national and regional organizations and individuals representing growers, shippers, packers, handlers and processors of various agricultural commodities, including food, fiber, turf grass, nursery and landscape crops, and organizations involved with public health pesticides. Our members are extremely interested in the development and safe use of pest management tools including crop protection chemicals that are environmentally sound, safe for applicators, workers and the public, and do not represent an unreasonable adverse risk to the environment, including humans. While our commodities are often called “minor crops” or “specialty crops,” they contribute to the diverse and highly nutritious diets available for the global population, and to safe and aesthetic surroundings for our homes, schools, and places of business. These U.S. farmers grow more than 500 types of fruit, vegetable, tree nut, flower, ornamental nursery and turf grass crops in addition to the major bulk (row) commodity crops. Specialty crop production accounts for more than \$60 billion, or approximately 40%, of total U.S. crop receipts.

Pyrethroids and Pyrethrins are widely used by the members of MCFA. Understandably, there was apprehension when the registration review was first opened that it could result in potential changes to the labeling of the products that would substantially impact the availability of these important products, not based on science but because of other factors. However, overall, the members of MCFA appreciate the Agency’s general focus on the science involved and the amount of thought and effort it put into the Mitigation Proposal in developing practical and somewhat flexible ecological risk mitigation measures.

The widespread use and important benefits of these products to the agricultural community are clearly recognized by the Agency. We believe that many of the mitigation measures can be adopted if necessary to reduce risk to non-target organisms from spray drift and run-off. These products are so important to our members and we want to be able to preserve their effectiveness and continued availability. However, we do have some suggestions for the Agency to consider.

It appears that EPA performed essentially a Tier One Risk Assessment when it conducted its preliminary ecological risk assessment for these products. As a result, the risk quotients of many environmental exposures were noted to be at unacceptable levels. We understand that the Pyrethroid Working Group and others submitted significant data to assist the Agency in refining EPA's ecological risk assessment. Rather than performing a more refined assessment that potentially could change the risk quotients ("RQs"), EPA decided that it did not need to conduct such an exercise because the economic benefits of these products far exceeded the potential ecological risks. MCFA appreciates that conducting such a refined assessment would be resource intensive. We also can see that in light of the strong benefits profile for these products, why there might not be great enthusiasm on the part of the Agency to devoting more resources to revise the Pyrethroids ecological risk assessments. The trouble is the artificially high RQs would remain part of the EPA assessment. We are concerned that those RQs could be used to press for further, unnecessary, changes in the mitigation measures, either as a part of this action, or when the Agency has to assess these products under the Endangered Species Act before the Registration Review decision can be finalized.

Given the importance of these products, we suggest that the resources be committed to perform a refined assessment now rather than postponing it until a later date.

Additionally, EPA mandated the use of managed vegetative filter strips (VFS) to reduce the potential that sediment and erosion run-off might carry residues of these hydrophobic pesticides off site. We understand EPA's goal. However, we are concerned that in some areas of the country use of managed VFS may be impractical. It is suggested that the Agency consider revising the measure to specify the use of VFS "or other locally appropriate sediment and mitigation measures." We believe USDA and/or the appropriate state agencies could provide insight into what alternate measures could be adopted to produce results comparable to VFS.

MCFA has also reviewed the comments of the U.S. Department of Agriculture submitted by Dr. Sheryl H. Kunickis, and endorses those comments.

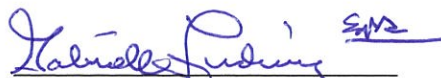
We appreciate the opportunity to provide these comments.

Sincerely,



Michael J. Aerts

and



Gabriele Ludwig

MCFA Technical Committee Co-Chairs