

October 28, 2021

The Honorable Michal Freedhoff
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001

Dear Assistant Administrator Freedhoff:

We are writing concerning registrations of several herbicides for which EPA is currently considering regulatory revisions. As you are likely aware, supply chain disruptions and shortages of pesticides and other agricultural inputs are currently inflicting great stresses on growers and our agricultural communities. We strongly urge EPA to avoid greater registration or label restrictions at this time, which are likely to exacerbate product shortages or lead to potentially catastrophic market disruptions. Moreover, we implore the Agency to swiftly advise growers and supply chains of herbicide use conditions so that market participants can have as much response time as possible ahead of the 2022 growing season.

The current supply chain crisis is an unprecedented perfect storm in the modern agricultural economy. Domestic and international COVID outbreaks and general labor shortages are slowing product manufacturing and shipment;¹ shipping container shortages are delaying deliveries of feedstocks and finished goods;² natural disasters have disabled ports and key production facilities;³ and inflation is generally pushing up input and other costs. Amidst this chaos, growers are trying to make key purchasing decisions for seed varieties and companion-herbicides to be planted and used on hundreds of millions of crop acres in early 2022. Many have already made planting and purchasing decisions. These products can take months to procure under normal conditions, to say nothing of the currently stressed supply chain situation.

We are aware EPA is currently reviewing and considering registration changes for several herbicides that are systemically important to U.S. agriculture. Should EPA make changes to current uses at this time that will undermine the agronomic viability of these products, we are greatly concerned our growers of major row crops will experience significant economic harm. Growers usually make seed and pesticide orders in the late summer or early fall for the following growing season given the time it takes for manufacturers and retailers to deliver these goods. Under currently strained supply chains, some growers may not be able to acquire these essential products ahead of spring planting. If EPA makes agronomically unfavorable registration changes, the situation will be far worse. Depending on the nature of the Agency's action, it could lead to the transition of potentially millions of acres to alternative seed varieties/traits and pesticide products. There is no possible way already-stressed supply chains could accommodate a late transition of

¹ Nagro, Anne. October 18, 2021. "Supply Chain, Interrupted." *Pest Control Technology Magazine*. <https://www.pctonline.com/article/supply-chain-interrupted/>

² Kennedy, Mary. August 30, 2021. "Container Shipping Crisis Drags On." *DTN Progressive Farmer*. <https://www.dtnpf.com/agriculture/web/ag/blogs/market-matters-blog/blog-post/2021/08/30/container-shipping-crisis-drags>

³ Huffstutter, P.J and Mark Weinraub. September 22, 2021. "U.S. farmers face supply shortages, higher costs after Hurricane Ida." *Reuters*. <https://www.reuters.com/world/us/us-farmers-face-supply-shortages-higher-costs-after-hurricane-ida-2021-09-22/>

this type – American agricultural producers would needlessly suffer billions of dollars in input cost spikes and significant product shortages.

Making matters worse, a decision of this nature would diminish the ability of growers to control noxious, herbicide-resistant (HR) weeds, leading to significant yield losses and environmental harm. Growers know their local weed pressures and if HR varieties are present that require the use of herbicides with certain modes of action. If EPA makes changes that undermine access to chemistry or the ability to control HR weeds, many growers will experience costly yield losses and likely will have to resort to intensive tillage to control weeds. This would harm the ability of growers to maintain important conservation practices and other best management practices, such as reduced or no tillage; or tank mixing weed control products, which help to minimize greenhouse gas emissions, soil erosion, and nutrient losses to watersheds. Grower operations and environmental outcomes will also suffer if EPA fails to make available or undermines the agronomical value of these important herbicides.

Now is not the time to make changes that will seriously disrupt already-stressed input supply chains. We strongly urge EPA to maintain current use conditions for these herbicides and swiftly grant strained producers and supply chains much-needed visibility on use conditions ahead of the 2022 growing season. Moreover, if the Agency has any questions about potential impacts of regulatory considerations on agricultural markets, we stand ready to assist EPA to better understand expected effects and also strongly encourage EPA to coordinate with USDA on the matter.

Sincerely,

American Farm Bureau Federation
American Soybean Association
National Corn Growers Association
National Cotton Council

CC: The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture