



September 23, 2024

Jake Li  
Deputy Assistance Administrator  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
10201 Constitution Ave NW  
Washington, DC 2004

Re: Docket EPA-HQ-OPP-2024-0299; Draft Insecticide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Insecticides

Dear Deputy Assistant Administrator Li,

The Minnesota Corn Growers Association (MCGA) appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) Draft Insecticide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agriculture Insecticides ("draft insecticide strategy"). MCGA represents nearly 7,000 dues-paying corn farmer members and the 24,000 Minnesota corn farmers who contribute to the Minnesota corn checkoff program for research and education activities. MCGA works closely with our national affiliate, the National Corn Growers Association (NCGA), to create and increase opportunities for corn growers. MCGA supports separately submitted comments from NCGA.

Insecticides are critical to Minnesota corn farmers to combat pest pressures to sustainably produce food, feed, and fuel domestically and internationally. Since the use of crop protection products, such as insecticides, are critical to the success of corn farmers, Minnesota corn farmers rely on the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) process to review and register products. We recognize the difficult position EPA is in as it works to comply with the Endangered Species Act (ESA) to ensure reviewed and registered pesticides do not have adverse impacts on listed species. However, MCGA is genuinely concerned that the cost and complexity of implementing the draft insecticide strategy would result in a significant burden passed onto corn farmers resulting in economic harm to many individual operations and rural communities. We would note that FIFRA requires EPA to conduct cost-benefit analysis for pesticide registration, and we do not see that analysis included in the regulatory documents under this docket.

EPA has a difficult balancing act in trying to meet all the objectives it is tasked with in developing the draft insecticide and final herbicide strategy, but the proposed approach will create complex changes to the pesticide review and registration process and to the labels for

*We are dedicated to identifying and promoting opportunities for corn growers while enhancing quality of life*

approved products. Several proposed mitigation measures to reduce drift or runoff/erosion will require financial investment by farmers to continue using currently available crop protection products. These investments are extremely difficult based on current agricultural economic conditions. Adjusted for inflation, net farm income in 2024 will be \$43 billion lower than 2023, a 27 percent drop. There was a 19 percent drop from 2023 to 2023. Net farm income from 2022 to 2024 will have fallen by 40 percent, which is the single largest two-year drop on record. Many farms will be operating a net loss this year and unless conditions improve, losses will continue in future years. The current farm bill safety net is unable to respond adequately to current economic conditions. We think it is critically important EPA understand the agricultural economic backdrop as it considers imposing significant new costs for Minnesota's corn farmers to continue using insecticide tools for crop production.

MCGA urges EPA to consider feedback from agricultural stakeholders on strategies that could help to alleviate Endangered Species Act (ESA) compliance costs and incorporate more flexibility where possible. In addition to the flexibility we urge in final strategy implementation, farmers also need certainty in the process. Farmers need to rely on product availability to combat pest pressure derived from certainty in the process. We urge EPA to take the necessary steps to ensure the final strategies are durable and can withstand future litigation pressure.

### **Mitigation Measures**

MCGA is concerned about the final insecticide strategy's implementation feasibility and the new landscape farmers will need to navigate when implementing mitigation measures to use an insecticide product. MCGA does appreciate the expansiveness of the practice options in the mitigation measures and recognizes the flexibility EPA is working to include in the draft strategy.

#### *Spray drift*

The mitigation measures to address spray drift such as high or low boom matched with droplet size distribution (DSD) for broadcast ground applications provides options for reducing the spray drift buffer distance. Many Minnesota corn farmers and commercial applicators use a DSD of coarse to very coarse. However, several of the proposed equipment-related measures are not widely used by Minnesota corn farmers including over-the-top hooded sprayer, row-middle hooded sprayer and drop nozzles/layby nozzles.

We appreciate EPA adding drift reduction adjuvants to the list of approved spray drift mitigations in the final herbicide strategy. We recommend EPA consider efficacy data submitted by manufacturers to both allow adjuvants use as a mitigation for insecticide use and permit greater reduction in buffers beyond the 15-30 percent in the final Herbicide Strategy.

The Minnesota Department of Agriculture (MDA) has a set of Best Management Practices (BMPs) for agricultural use of Clothianidin and Imidacloprid.<sup>1</sup> One of the BMPs included recommends the use of precision application technology such as auto-steer, auto-boom shutoff, and a variable rate sprayer to minimize drift. EPA should consider incorporating use of precision technology into final mitigation measures to offer additional implementation flexibility.

### *Runoff/Erosion*

The proposed mitigation measures for runoff/erosion for both the draft insecticide strategy and the final herbicide strategy identify a list of runoff vulnerable counties across the United States. MCGA has concerns with the current county runoff vulnerability designations. The Ecological Mitigation Support Document states that the runoff vulnerability categories were determined using the PWC model from scenarios comprised of weather data, soil and slope characteristics, and 16 different crop categories.<sup>2</sup> There are several counties located in southeastern Minnesota characterized by karst terrain that have a reduced runoff vulnerability designation compared to counties in central and southcentral Minnesota. Those counties in southeastern Minnesota have steeper slopes and soil characteristics susceptible to erosion. The region also receives the highest annual precipitation based on historical records. In contrast, counties with the high runoff vulnerability designation have flatter slopes and soil characteristics less prone to erosion. Given these facts, a better understanding of the rationale for the county runoff designations is needed particularly if weather, slope, and soils were significant determining factors in assigning the designations. MCGA urges EPA to review data in the PWC model for determining runoff vulnerable counties and consult the USDA soil survey, precipitation data from the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources erosion project to ensure counties in Minnesota receive the appropriate designation based on weather data, soil and slope characteristics.<sup>3</sup>

The proposed menu of mitigation measures for runoff/erosion includes several options, many of which are not widely used across Minnesota cropland acres. The feasibility for a corn farmer to implement the in-field mitigation measures is going to be heavily dependent on local agronomic conditions and year-to-year weather variability.

MCGA questions the efficacy determination to give a mitigation measure exemption to cropland with subsurface tile-drains *with* controlled drainage structures but only one mitigation

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<sup>1</sup> Minnesota Department of Agriculture. February 2023. *Best Management Practices (BMPs) for agricultural use of Clothianidin and Imidacloprid* <https://wrl.mnpals.net/islandora/object/WRLrepository%3A4227>

<sup>2</sup> Environmental Protection Agency. December 8, 2015. *Pesticide in Water Calculator User Manual*. [https://19january2021snapshot.epa.gov/sites/static/files/2015-12/documents/pwc\\_user\\_manual\\_12-8-15.pdf](https://19january2021snapshot.epa.gov/sites/static/files/2015-12/documents/pwc_user_manual_12-8-15.pdf)

<sup>3</sup>United States Department of Agriculture. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx>, accessed September 2024; Minnesota Pollution Control Agency. <https://stormwater.pca.state.mn.us/index.php/Precipitation>, accessed September 2024; Minnesota Board of Water and Soil Resources. *Daily Erosion Project*. <https://bwsr.state.mn.us/daily-erosion-project>, accessed September 2024.

point for subsurface drainage and tile drainage systems without controlled structures. Controlled drainage systems are costly to install and best suited for very flat topography (less than one percent slope). There is no scientific basis for suggesting that control drainage systems are more effective in reducing surface runoff compared to common subsurface tile systems. According to the University of Minnesota, tile drainage (without control structures) may reduce surface runoff pollutants.<sup>4</sup> MCGA urges EPA to consider broadening the runoff/erosion mitigation measures exemption to subsurface drainage systems installed without control structures or increasing the mitigation points for systems without control structures.

### *Other mitigation measures*

MCGA appreciates the inclusion of farmers working with technical experts, certified crop advisors or other specialists to offer an additional pathway for mitigation points. In Minnesota, there are several networks and technical experts farmers work with to help manage natural resources both efficiently and economically. We appreciate the qualified technical assistance for runoff/erosion can be provided by either the private or public sector.

MCGA also appreciates the additional option for mitigation points if a farmer participates in a state-level conservation program. In Minnesota, the Minnesota Department of Agriculture administers the Minnesota Agriculture Water Quality Certification Program (MAWQCP) which is a voluntary program that recognizes farmers who implement conservation measures that protect or improve water quality. Several of the runoff/erosion mitigation measures in the draft insecticide strategy or final herbicide strategy are a part of the MAWQCP program. Enrollment in the program has been increasing in recent years and approximately 1.1 million acres of cropland in Minnesota has received certification. MCGA recognizes that farmers can either be enrolled in a state conservation program or work with a technical expert, but not both to receive the additional mitigation point. We would encourage EPA to offer more points to farmers who are enrolled in a conservation program or are working with a technical expert. Farmers taking these steps show commitment to continuous improvement and are working to reduce runoff/erosion through long-term plans, which are verified by conservation experts.

### **Conclusion**

While we support EPA bringing its pesticide program into compliance with the Endangered Species Act, it is essential that the regulatory outcomes are viable for agriculture and maintain access to insecticides. Without retaining meaningful access to and use of these tools, individual farming operations, customers, and the agriculture value chain will be subject to economic harm. The draft insecticide strategy is likely to result in an exceedingly complex regulatory

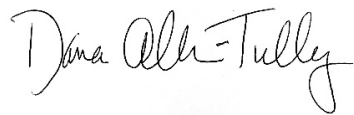
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<sup>4</sup> University of Minnesota. *Impact of agricultural drainage in Minnesota*. <https://extension.umn.edu/agricultural-drainage/impact-agricultural-drainage-minnesota#:~:text=Water%20quality,-Surface%20and%20subsurface&text=Surface%20drainage%20may%20increase%20losses,dissolved%20nutrients%20such%20as%20nitrate>, accessed September 2024.

framework on farmers requiring capital investment to implement mitigation measures to access currently available crop protection products. MCGA urges EPA to incorporate comments and suggestions from agricultural stakeholders in a final insecticide strategy and strive to finalize a strategy that includes greater flexibility, less regulatory costs for farmers and future process certainty.

We appreciate the opportunity to comment and EPA's consideration of our feedback on how the Agency can meet its legal obligations, protect endangered species and their habitats, all while ensuring the resulting framework is workable for U.S. agriculture.

Sincerely,

A handwritten signature in black ink that reads "Dana Allen-Tully". The signature is written in a cursive, flowing style.

Dana Allen-Tully  
President  
Minnesota Corn Growers Association