

February 9, 2024

Ms. Susan Bartow
Manager, Pesticide Reevaluation Division
Office of Chemical Safety and Pollution Prevention (7508M)
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001

RE: Pesticides; Review of Requirements Applicable to Treated Seed and Treated Paint Products; Request for Information and Comments (EPA-HQ-OPP-2023-0420)

Dear Ms. Bartow,

Thank you for the opportunity to comment on the request for Public Comment to Seek Additional Information on Use of Pesticide Treated Seed and Paint (EPA-HQ-OPP-2023-0420). The National Association of Wheat Growers (NAWG) is a federation of 20 state wheat grower associations and industry partners that works to represent the needs and interests of wheat producers before Congress and federal agencies. Based in Washington, D.C., NAWG is grower-governed and works in areas as diverse as federal farm policy, trade, environmental regulation, agricultural research, and sustainability. We have worked to gather input on the request for an advanced notice of proposed rulemaking (ANPR) regarding requirements related to treated seeds. NAWG believes we must comment now to ensure the EPA fully understands the use of treated seeds in wheat production and the impact any changes to the regulatory system may have on our industry.

NAWG has several concerns outlined in our public comment, which relate to the information contained within the ANPR for treated seeds. The notice suggests that this comment period will investigate further and consider information on the usage, management, and transportation of treated seeds and paints. The EPA is seeking additional information on pesticide seed treatment and is exploring issuing a rule pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to regulate the use of pesticide treated seed. However, these proposals need to consider how duplicative FIFRA regulation would impact wheat growers.

Under the authority of Federal Food, Drug, and Cosmetic Act and FIFRA, pesticides are subjected to rigorous testing in the United States to ensure they are safe to use. These laws provide the EPA with the authority to do extensive and robust scientific reviews to ensure the safety of these products. Treated seeds that have already undergone this rigorous review within the EPA and protect the plant, seeds, and environment from a wide variety of pests. The EPA has stated that seeds which are treated with approved pesticide protection do not need to go under additional review. NAWG believes these products should not undergo duplicative review under FIFRA. The pesticide that is applied to the treated seed is already regulated under the EPA, and duplicative

regulatory action is an unnecessary and economically inefficient step.

Management of Treated Seed Products (Storing, planting, and disposal of products)

Registered seed treatment pesticides require instructions that are defined by the EPA. The instructions define storage, usage, and disposal instruction. Growers abide by these instructions. Seed tags provide farmers with relevant EPA information about the required storage and disposal of treated seeds. The treated seed tags state abundant information on how to store and dispose of the seeds. The tags properly inform individuals how to safely handle the treated product, how to dispose of the packaging properly, and how to safely manage a spill if one occurs. Wheat growers are aware of these requirements and follow the directions for proper disposal. However, most growers are only purchasing the amount of seed they need, and precision planting equipment allows them to be very precise in the amount of seed needed.

Storing the treated material is also an important factor. Storing the product in a protected container that allows the seed to maintain its quality is essential for the product's viability. Depending on the seeds, there are different guidelines listed on the tags on how to properly store the material. Wheat growers use treated seed, which typically arrives just as they prepare to plant and is not stored for extensive periods. Growers know that to protect crops, they invest in a premium product to ensure a plentiful crop yield. There is variability in how the treated seed is stored and ensuring that the seed label is abundantly clear to the grower is important for EPA to consider. Instructions for planting also appear on seed tag labels. The labels include information on how to plant the treated product properly to ensure successful and safe planting. The planter needs to successfully incorporate the seed into the soil at the correct depth. The seed tag gives informative instructions, allowing producers to plant their product properly at the correct levels to negate any harmful environmental effects.

Wheat growers receive information from state agencies and seed dealers on how to properly plant, manage, and dispose of the treated product. Ensuring that proper equipment and machinery are used to plant the product is another important factor that growers utilize to help eliminate dust or drift. Ensuring proper information on handling and using treated products is available is what EPA and growers need to prioritize.

Treated Seed usage in the United States

Treated seed is an essential tool that contributes to faster and earlier planting. This results in higher plant populations and higher crop yields. Increasing pests, diseases, and fungal infections are ongoing challenges to wheat producers. Treated seeds offer an effective and manageable control against these pests and diseases. These proactive and protective tools reduce the need for additional crop protection treatments, which might require further passes over a field or – in a worse scenario – replanting of a failed crop. With farmers making up less than 1 percent of our nation's population, these tools are vital to ensure that we have a viable, abundant, and affordable food source.

The treatment of seed not only protects the seed and increases crop quality, but treated seeds have also been known to help with protecting environmental impacts. The use of treated seed precisely places the crop protection product on the seed. This precision effectively reduces the need to apply products over the entire field. Utilizing treated seed increases our precise crop protection tool,

which reduces any potential off-target exposure to plants and animals. These seeds also reduce soil surface exposure by up to 90 percent compared to in-furrow options. All the benefits lead to a positive economic impact. Using treated seeds leads to a precise crop protection tool that limits the need for further pesticide, fungicide, and herbicide application. The treated product market is growing and has saved billions of dollars' worth of crop value to American farmers.

Wheat producers are using treated seeds to protect their crops and ensure a healthy wheat crop at harvest. Wheat farmers grow wheat using treated seed and have rapidly adopted seed treatments since they were introduced for wheat because of their economic and environmental benefits. Annually, over 10 million acres of wheat are grown using treated seed. Seed treatments offer NAWG's members an economical and efficient means for protecting their wheat seeds from early-season seed-borne and soil-borne insects, pests, pathogens, and diseases, reducing the need for rescue treatments and replanting failed crops. Wheat seeds are particularly susceptible to numerous types of smut, a fungal disease that infects small grains, resulting in loss of yield and quality. A number of seed treatments have proved effective in controlling smut, allowing growers to increase yields and produce higher quality wheat. Treated wheat seeds are also better protected against seed-borne diseases, Pythium infection, dry seed decay, early season foliar diseases, aphids, early season Hessian Fly, and wireworms. For some destructive insects such as wireworms, treated wheat seeds are producers' only means of treatment.

Impact if Treated Seed is regulated and has no exemption.

Duplicating FIFRA regulations on the use of pesticide treated seeds would cause an inefficient delay in the approval, delivery, and application of the treated seeds. This could lead to a delay in operations and produce a large financial burden for growers and dealers. The pesticides are currently regulated under FIFRA and should continue to be regulated, but a seed treated with an EPA approved pesticide should not be required to undergo another regulatory review process.

The potential departure from the current regulatory approach that the EPA has established would create a new regulatory process on the treated seed approval process that duplicates the current process. Unnecessary changes in the Treated Article Exemption could potentially affect the supply of treated seed products available to producers. This proposal could reduce the number of treated products available to farmers. This limitation would decrease the agricultural technology available while causing producers to use alternative methods, if available. Using treated seed products decreases the need for over-the-top applications and leads to a more precise application. Farmers also have limited options for over-the-top applications to treat the pests that threaten their wheat crop.

The duplicative regulation of treated seed would negatively impact the use, storage, planting, and disposal of treated seed. This regulation would also delay or halt the extent to which products are distributed and sold. These products are seen as an investment for both the producers that purchase the seed and the dealers that distribute the seed. Proper management and disposal are necessary to ensure economically efficient use of the product. Growers properly dispose of, and transport treated seed and work closely with the seed dealers because there are financial motivations to properly transport, handle, store, and dispose of seed. In an industry with tight margins, growers are incentivized for proper care and management of their inputs.



Are further regulatory matters necessary?

Future work and collaboration with the EPA is necessary to ensure that pesticide products are properly regulated and available to our growers. Treated seeds play an important role in integrated pest management plans. Duplicating the process by issuing a second regulatory review under FIFRA is an unnecessary step for treated seeds. Our growers are committed to being conservation stewards and regulating treated products would limit this opportunity. To supply abundant and efficient food, fuel, and fiber supply, wheat growers are committed to properly handling and care for these products.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Cheyne". The signature is written in black ink on a white background.

Brent Cheyne
President
National Association of Wheat Growers