



4201 Wilson Blvd. • Suite 700 • Arlington, VA 22203

T 202.457.0825 • F 202.463.0474 • www.aradc.org

September 17, 2022

Environmental Protection Agency Docket Center (EPA/DC), (28221T)
1200 Pennsylvania Ave. NW.
Washington, DC 20460-0001

RE: Registration Review Draft Biological Evaluation for Sulfoxaflor; Docket ID: EPA-HQ-OPP-2010-0889

The Agricultural Retailers Association (ARA) appreciates the opportunity to comment on EPA's registration review draft biological evaluation (BE) for sulfoxaflor.

Statement of Interest

ARA is a 501(c)(6) non-profit trade association that represents the interests of agricultural retailers and distributors across the United States on legislative and regulatory issues. Ag retailers supply farmers and ranchers with products and services such as seed, nutrients, crop protection products, feed, equipment, and technology. Retailers also provide consultative services such as crop scouting, soil testing, field mapping, custom planting and application and development of nutrient management and conservation plans. Agricultural retailers range in size from small, family-held businesses to large companies and farmer-owned cooperatives with multiple outlet stores. Large and small retail facilities are scattered throughout all fifty states and provide critical goods and services, as well as jobs and economic opportunities in rural and suburban communities.

Comments

Agricultural retailers work closely with their farmer customers to address the problems of insect management while taking the appropriate steps to protect the environment and assure a safe, affordable food supply. Sulfoxaflor has become a very useful tool in managing insects such as aphids, leafhoppers, and tarnish plant bug (*lygus*). This essential pesticide product has been a critical part of the industry's integrated pest management programs. As EPA considers mitigation measures designed to protect listed species and their critical habitat, please ensure any final label restrictions do not overly limit the use of Sulfoxaflor that would negatively impact the agricultural retail and commercial applicator industries and their farmer customers.

EPA continues to utilize the Tier 1 model in AgDrift and associated assumptions to assess the risk of drift of Sulfoxaflor and other pesticide products. The use of the Tier 1 model results in unrealistic drift estimates from aerial applications that then invalidate all of the additional modeling and assessments that use a faulty estimate. As the agency considers implementing recommendations for buffer zones for ground and aerial applications it is important for them to be wind directional, as

drift only moves downwind. Applicators have the tools necessary to provide immediate and onsite wind direction measurement. Labels for the latest formulations of products such as Enlist are reflective of this concept and offer evidence that EPA supports the concept of wind directional based buffer zones. Since this newer insecticide was first registered by EPA in 2013, it has been an effective tool against insects that are becoming resistant to other forms of pesticides. Sulfoxaflor requires fewer applications resulting in less risk to non-target pests and plants. As EPA finalizes any registration and label decisions on this important, please continue to include as many crops uses as possible for agricultural retailers, commercial applicators, and their farmer customers while still ensuring peer-reviewed, science-based data is utilized in any label restrictions imposed to protect pollinators and other listed species.

ARA agrees with and supports the information provided to EPA by the National Agricultural Aviation Association (NAAA) explaining the erroneous assumptions in the Tier 1 AgDRIFT model and proposed the use of the Tier 3 AgDRIFT model instead, in a letter to the Office of Pesticide Programs in June of 2020. In reviewing the model parameters used for the Tier 3 model on pages 238-239 of the BE, ARA agrees with NAAA that at least some of the assumptions are the same as those used in Tier 1; an AT-401 and a wind speed limit of 10 mph. The list of assumptions used for the Tier 1 model on page 243 provides values for swath width, boom length, and swath displacement. The values for these three parameters are not provided on pages 238-239, making it difficult to be sure exactly what values were used in the Tier 3 model. In essence, the major issues relate to the use of the Tier 1 model not being properly corrected when EPA used the Tier 3 model for this BE.

ARA supports the agronomically viable downwind aerial buffer of 30 feet (10 meters) for all uses as proposed by Corteva in their June 29 letter to EPA and posted on the docket. Aerial applicators have the tools necessary to provide immediate and onsite wind direction measurement, so if wind direction does change during the application, they can respond immediately. Labels for the newest formulations of 2,4-D, such as Enlist, are reflective of this concept and offer evidence that the EPA supports the concept of wind directional based buffer zones. The current label for Gramoxone already recognizes that wind direction determines where drift can occur in paragraphs 6.3 and 6.4.11. The application exclusion zone (AEZ) requirements allow the applicator to assess wind direction in determining whether it is safe to resume an application when a person is within 100 feet of the application.

Ground and aerial applicators can monitor weather conditions in the cockpit and thus evaluate the need for a buffer zone in real time. ARA is concerned with Corteva's proposal in their letter to EPA to ban aerial applications of sulfoxaflor for numerous crops. While this product may not currently be heavily used on the crops listed in Corteva's proposal, given the ever-evolving issue of pest resistance as well as the uncertainty some insecticides now face in their registration review process, ARA believes that aerial applications should be retained for all pesticides and crops. In terms of identifying the locations of endangered species and their habitat, ARA members use up-to-date information from private sector partners along with EPA's Endangered Species Bulletins – Bulletins Live to ensure commercial applicators are fully informed on application restrictions in areas that include threatened and endangered species

Conclusion

ARA is concerned that the Tier 1 AgDRIFT model and its assumptions are still being used to assess the risk of drift from aerial applications. Even though the Tier 3 model was used for parts of the sulfoxaflor BE, it does not appear the erroneous Tier 1 assumptions were changed when it was used. ARA recommends using the Tier 3 model instead with the assumptions described in the NAAA letter sent to the EPA in June of 2020. ARA also strongly supports the downwind buffer zone of 30 feet. As EPA considers mitigation measures designed to protect listed species and their critical habitat, please ensure any final label restrictions do not overly limit the use of Sulfoxaflor that negatively impact the nation's agricultural industry.

Thank you for your review and consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Gupton". The signature is written in a cursive, flowing style.

Richard D. Gupton
Senior Vice President, Public Policy and Counsel

