

July 20, 2026

Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted electronically via www.regulations.gov

**Re: Comments of the Agricultural Retailers Association on EPA's Draft Fungicide Strategy;
Docket No. EPA-HQ-OPP-2026-2973**

Dear Office of Pesticide Programs:

The Agricultural Retailers Association (ARA) appreciates the opportunity to comment on EPA's Draft Fungicide Strategy (DFS), which would reduce exposure of federally listed species to conventional agricultural fungicides. ARA represents the agricultural retail and distribution industry, including businesses and certified applicators who sell, custom-apply, and advise growers and ranchers on crop protection products. Our comments focus on whether the DFS's mitigation measures can be implemented clearly, consistently, and practically by agricultural retailers, commercial pesticide applicators, and the farm and ranch customers they serve. ARA also supports the detailed technical comments submitted by CropLife America (CLA) on the scientific and methodological aspects of the DFS.

Layered, overlapping mitigation requirements increase burden and liability exposure

The DFS would layer fungicide-specific ESA mitigation on top of existing herbicide, insecticide, runoff, erosion, and spray-drift requirements. A single field, crop, product, or tank mix could trigger overlapping obligations based on listed species, critical habitat, product-specific ESA decisions, and Bulletins Live! Two. Retailers and applicators must be able to identify, before sale or application, which requirements apply and why. ARA asks EPA to:

- Clearly distinguish fungicide-specific mitigation from herbicide and insecticide requirements, including for tank mixes.
- Resolve inconsistencies among labels, bulletins, maps, worksheets, Mitigation Menu tools, and PULA information before finalizing the DFS.
- Avoid mitigation designs that impose liability on retailers or applicators for customer-controlled site conditions or compliance obligations outside their knowledge or control.

EPA should not make new fungicide ESA mitigation requirements enforceable until the relevant labels, bulletins, maps, worksheets, mitigation tools, and guidance are complete, public, and consistent. Retailers and applicators also need adequate time to train staff, update systems, advise customers, and confirm field-specific requirements.

The runoff/erosion point system should recognize existing conservation practices

Extending the runoff/erosion point system to fungicides would increase the recordkeeping and field-identification burden on retailers and applicators, particularly where field conditions make some mitigation options impractical. EPA's Mitigation Menu recognizes tile-drained fields and provides the greatest mitigation relief where the treated field has subsurface or tile drains installed with a water-control structure and controlled outlet. However, many tile-drained fields across the Midwest do not include controlled-drainage structures, and the mitigation credit available for those systems may not fully reflect their site-specific runoff-reduction benefits. Retrofitting controlled-drainage structures, or constructing new retention ponds, on a field-by-field basis would be cost-prohibitive for many operations. ARA asks EPA to credit existing tile-drainage systems and other documented, site-specific conservation practices — including applicable USDA NRCS-approved conservation plans — toward the fungicide runoff/erosion point requirement where those practices reduce the relevant exposure pathway, even where they do not meet the Mitigation Menu's narrow controlled-outlet condition, and to pair any new point system with field-ready tools that integrate directly with existing PULA mapping on Bulletins Live! Two — so an applicator can see runoff/erosion point requirements and PULA status for a given field in one lookup — rather than requiring applicators to separately cross-reference labels, bulletins, and the Mitigation Menu to make ad hoc geographic determinations at the time of application.

Rate reductions as a mitigation measure risk undermining resistance management

If EPA includes application-rate reductions as a mitigation option in the final Fungicide Strategy or subsequent product-specific ESA decisions, ARA urges EPA to weigh the resistance-management consequences alongside any conservation benefit. The DFS's mitigation menu already credits applicators for using an application rate below the maximum labeled rate as part of the runoff/erosion point system. Resistance-management experts have long warned that repeated use of fungicides at rates below those needed for effective disease control may increase selection pressure for less-sensitive pathogen populations and accelerate the loss of effective modes of action. A less-effective application may force a grower into a follow-up application, which increases — rather than reduces — the number of field-level mitigation events applicators and retailers must track. ARA is also concerned that mitigation obligations that vary by individual fungicide could steer growers toward chemistries with fewer mitigation requirements rather than the chemistry best suited to a given resistance-management program, concentrating use — and resistance pressure — on a narrower set of active ingredients. EPA should ensure that any rate-based mitigation option is developed in consultation with resistance-

management experts and does not conflict with FRAC-based mode-of-action rotation guidance already built into many fungicide labels. Rather than crediting rate reduction alone, ARA asks that EPA extend mitigation credit to growers and applicators who follow a documented fungicide resistance management program — including mode-of-action rotation, use of full labeled effective rates, and mixture stewardship — so that the DFS's mitigation incentives reinforce, rather than undercut, practices that preserve fungicide efficacy over the long term.

Timing restrictions must reflect real-world disease-pressure windows

Fungicide application timing is frequently dictated by narrow disease-pressure windows, including disease outbreaks in specialty crops and late-season row crops, where a delay of even a few days can mean a lost application and significant crop loss for the customer. ARA urges EPA to fully assess overlap between proposed timing restrictions and peak disease-pressure periods, in consultation with affected commodity groups, Extension plant pathologists, applicators, and retailers, before finalizing any such restriction in a PULA.

Aerial applicators and their customers need parity in adjuvant mitigation credit

ARA supports expanding qualifying spray drift adjuvant mitigations to fungicides, and many of our members' applicators already use drift-reducing adjuvants as standard practice. However, adjuvant mitigation credit is currently more limited for aerial applications than for ground applications. Because aerial applications are often a practical or necessary option for fungicide applications when ground equipment cannot enter fields without damaging the crop or soil, this gap disproportionately affects the applicators and customers who depend on it. We ask EPA to extend equivalent adjuvant mitigation credit to aerial applications where the underlying data supports it, consistent with CLA's more detailed technical comments.

EPA should consolidate cross-strategy compliance and provide a defined implementation period

EPA now has separate herbicide, insecticide, rodenticide, and (with this DFS) fungicide ESA strategies, each with its own labels, bulletins, worksheets, and Mitigation Menu entries that can apply to the same field, crop, or tank mix. ARA asks EPA to consolidate cross-strategy compliance into a single, harmonized framework, so that retailers and applicators can determine all applicable mitigation obligations for a field in one place rather than reconciling separate label and bulletin requirements for each active ingredient class. ARA further asks that EPA ensure retailers and applicators have adequate lead time between the effective date of any new fungicide label bearing DFS-driven mitigation requirements and the date those requirements become enforceable in the field. That lead time should be sufficient to cover a full planning and application season under the new requirements — including training staff, updating recordkeeping and point-tracking systems, revising grower-facing guidance, and confirming field-specific PULA and bulletin requirements — rather than requiring immediate

compliance as soon as an updated label is approved. This is consistent with the phase-in approach ARA and other agricultural organizations have urged EPA to take as mitigation requirements move from the Herbicide and Insecticide Strategies into individual product registration decisions.

Conclusion

ARA supports EPA's continued work to protect listed species while maintaining a workable regulatory framework for agriculture. We ask that EPA finalize the Fungicide Strategy with particular attention to the practical, field-level burden its mitigation measures place on agricultural retailers, applicators, and their farm and ranch customers; the need to distinguish fungicide-specific requirements from herbicide and insecticide ESA obligations; the importance of clear and synchronized labels, bulletins, maps, and mitigation tools; the need for a single, consolidated cross-strategy compliance framework and adequate lead time between label approval and enforcement; and recognition of existing conservation practices that reduce relevant exposure pathways. ARA looks forward to working with EPA to ensure the final Fungicide Strategy protects listed species while remaining clear, practical, and implementable for the retailers, applicators, growers, and ranchers responsible for carrying it out in the field.

Sincerely,



Richard Gupton
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