



November 14, 2016

Pesticide Re-Evaluation Division (7508P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Registration Review Proposed Decisions for Sulfonylureas (*Federal Register*, July 14, 2016; Docket identification (ID) numbers: EPA-HQ-OPP-2011-0663, EPA-HQ-OPP-2010-0478, EPA-HQ-OPP-2012-0878, EPA-HQ-OPP-2011-0994, EPA-HQ-OPP-2012-0387, EPA-HQ-OPP-2011-0745, EPA-HQ-OPP-2015-0625, EPA-HQ-OPP-2012-0717, EPA-HQ-OPP-2012-0833, EPA-HQ-OPP-2011-0375, EPA-HQ-OPP-2012-0372, EPA-HQ-OPP-2011-0438, EPA-HQ-OPP-2011-0844, EPA-HQ-OPP-2011-1010, EPA-HQ-OPP-2012-0178, EPA-HQ-OPP-2012-0433, EPA-HQ-OPP-2011-0434, EPA-HQ-OPP-2011-0171, EPA-HQ-OPP-2012-0115, EPA-HQ-OPP-2010-0626, EPA-HQ-OPP-2013-0409, and EPA-HQ-OPP-2012-0605)

Dear Sir/Madam:

The Council of Producers & Distributors of Agrotechnology (CPDA) would like to take this opportunity to comment on EPA's "Proposed Interim Registration Review Decision for 22 Sulfonylurea (SU) Herbicides." The availability of the proposed interim decision document was originally announced for public comment in the July 14, 2016 *Federal Register* and subsequently reopened for public comment in the September 28, 2016 *Federal Register*.

By way of introduction, CPDA members manufacture, formulate, and distribute inert ingredients, adjuvants, post-patent pesticides and other agrotechnology products throughout the United States, and range in size from small businesses to large, publicly traded companies.

CPDA has identified several general concerns with the proposed interim decision document that are not specific to any one of the evaluated chemicals, but rather pertain to the entire group of 22 SU pesticides. These concerns are briefly summarized below.

First, despite having access to toxicity data and modeling results for all 22 SUs on a wide range of plant species, EPA is proposing to impose application restrictions and mitigation measures that may only be appropriate for sulfometuron methyl which is the "worst-case" SU with respect to the footprint for risks of concern. Such an ultra-conservative approach is not justified scientifically. A comparison of the three SUs used in the example provided in Table 2 clearly demonstrates that very coarse droplet size is not necessary for all SUs and, as the Agency notes, the efficacy of possibly all of the SUs is likely to be affected by employing a very coarse droplet size. The associated restrictions on the use of this class of herbicides will result in unnecessary costs to farmers and likely promote weed resistance as growers resort to higher numbers of crop

treatments in an effort to achieve the same desired efficacy and performance outcomes. EPA should consider determining for each SU whether a medium, coarse or very coarse droplet nozzle is appropriate, balancing the marginal benefit of the mitigation measure with the costs to farmers and the potential for inadvertent promotion of weed resistance.

Second, EPA knows that some of the SUs already have label language, though not enforceable, stipulating that some of the SUs may be applied only with coarse droplet nozzles. The labels of many SUs include other types of mitigation measures, as well. EPA should review these labels, develop consistent application and mitigation label language for each of the 22 SUs and make this enforceable on a product by product basis.

Third, EPA analyzed the cost to the farmer that would ensue from the loss of production resulting from the establishment of buffer zones. We agree with the Agency's findings that buffer zones are neither appropriate nor cost effective in the case of SUs. However, EPA's analysis is inadequate because it did not take into account the costs that would be incurred by limiting application of all SUs to "Extremely Coarse" droplet nozzles. Farmers will likely behave as EPA predicts in its decision document. Namely, if coarse spray reduces efficacy, farmers will likely: 1) increase the application rate; 2) increase the number of applications; 3) increase application rates of tank-mix partners; 4) make additional herbicide applications; or 5) change to a different herbicide – one that is possibly more toxic to animals and plants – in order to reduce application rates and frequency.

Finally, EPA elaborates on its very serious concerns regarding weed resistance and points out that coarse spray application may play a role in promoting resistance. Yet, the Agency is proposing to require this less than efficacious application method for even the SUs with the smallest risk footprint, a mandate that is seemingly contrary to EPA's objectives in effectively managing herbicide resistance. Applying these chemicals more often, due to the lack of efficacy, will not reduce the likelihood of the development of resistance but instead may actually promote it.

A blanket requirement calling for the use of extremely coarse nozzles for SU herbicides ignores the benefits that can be derived from employing DRT in the application of these chemicals, including the use of certain adjuvant-nozzle combinations that have been shown to reduce drift. Each SU herbicide may have a different toxicity index and thus exhibit a unique set of characteristics when used with various adjuvant-nozzle combinations. These are DRT practices that offer better herbicide performance, resistance management and drift reduction.

Applicators, both private growers and commercial applicators, manage pesticide applications covering a large number of acres. Applicators have a very narrow optimal window of application to control weeds, insects and disease in crops. Therefore, growers cannot repeatedly make applications of different products to the same fields. As a result of this limited window of time, many tank mixes include different modes of action, contact and systemic, to control weeds. Likewise, contact insecticides and fungicides can be included in many of the applications. In essence, tank mixes are individually formulated or tailored to address specific weed or pest problems and must be applied within very specific time frames. Tank mixes perform most effectively when the applicator has the flexibility to choose the most appropriate nozzle size that

ensures maximum dispersal of the active ingredient. By taking away this flexibility and imposing across the board restrictions mandating the use of extremely coarse nozzles, many tank mixes now used by applicators will be rendered significantly less effective in addressing the specific pest or weed problem at hand. Given the very short time frame within which applicators must address specific pest or weed problems, they will not likely have the luxury of making repeated applications and thus may find themselves at a severe disadvantage should EPA move forward with mandating the use of extremely coarse nozzles.

Moreover, differences in crop types and plant growth stages also require that applicators be given flexibility in selecting the appropriate nozzle size in the effective management of weed control. Crops with dense canopies, like small grains and narrow row soybeans, will not receive adequate spray coverage and deposition with a “one size fits all” approach calling for the use of extremely coarse nozzles as EPA has proposed. Poor coverage and deposition will only lead to increased numbers of pesticide applications that would otherwise not be necessary if applicators were allowed to use a range of nozzles other than extremely coarse types. Ultimately, the repeated application of pesticides will likely contribute to the development of weed resistance. This issue takes on similar importance when applications are made to dense weed populations which have different weed height depending on the weed species.

CPDA thanks the Agency for the opportunity to highlight our concerns with the proposed interim registration review decision document for the sulfonylurea herbicides. We are in the process of developing more information on the effect of droplet size on the efficacy of SUs and pesticides. We would be happy to meet with you to provide the Agency with this information and to further discuss our concerns.