

March 24, 2025

Mr. Edward Messina
Director
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Submitted electronically via Federal eRulemaking Portal

RE: Petition Seeking Rulemaking to Modify False or Misleading Statements subsection of the Code of Federal Regulations (CFR) (EPA-HQ-OPP-2024-0562)

Dear Director Messina,

As organizations representing farmers, ranchers, retailers, co-ops, academics, manufacturers, and other pesticide users, we write to offer our strong support for the state attorneys general (AG) petition seeking rulemaking to modify the false or misleading statements subsection of the code of federal regulations (CFR) (EPA-HQ-OPP-2024-0562). Without rulemaking, we are concerned recent state actions requiring pesticide labels to carry language inconsistent with EPA safety findings will create a patchwork of false and misleading, and potentially mutually exclusive, state labels. The propagation of these labels not only risks disrupting commerce, but it could also confuse pesticide users and erode public confidence in science- and risk-based regulation. Rulemaking would significantly help to resolve these challenges, which otherwise are only likely to intensify. To that end, we urge EPA to grant the state AG petition and initiate rulemaking under 7 U.S.C. § 136v with respect to state labeling or packaging requirements for products subject to FIFRA.

In recent years, attempts by some states to impose pesticide health claims on labels contrary to EPA findings have also created significant risks for the pesticide user and applicator community. Should states require manufacturers to label a product in contravention to EPA findings and FIFRA, it places the manufacturer in a no-win situation—either do not comply with a state requirement or comply with the state requirement and include language on a pesticide package that is false and misleading.

These challenges are heightened if different states impose labeling requirements on the same matter that are mutually exclusive to one another (i.e., one state requires an affirmative health claim, while another requires a negative claim). This would result in an unworkable patchwork of conflicting state label claims. It could be difficult, if not impossible, for manufacturers to continue to support the commercial availability of a pesticide product facing these regulatory and legal uncertainties. In turn, it could disrupt interstate commerce and risk jeopardizing pesticide product access for farmers, applicators, and other users.

By clarifying via rulemaking that states may not require label statements regarding the product's human health effects that are different from EPA's findings, it alleviates this pressure manufacturers may otherwise face from states to make false and misleading statements on labels in contravention to FIFRA. By extension, this would prevent pesticide users and applicators from losing access to much-needed pesticide products due to these regulatory and legal uncertainties. This clarification regarding label statements of a product's human health effects should not be

construed to otherwise restrict a state's authority to regulate and provide registration for additional uses of federally registered pesticide products, as provided by FIFRA sections 24(a) and 24(c).

Additionally, failing to clarify what label claims states may require under FIFRA could contribute to confusion for pesticide users, the public, and generally erode confidence in our risk- and science-based regulatory framework. If states are permitted to continue to require manufacturers to issue false and misleading health claims on pesticide labels contrary to EPA's findings, there is no way for pesticide users and the public to know if there are any genuine product risks or how to appropriately mitigate them. It could lead to diminished safety outcomes or inadvertent product misuse. Further, the U.S. public has already become increasingly skeptical of pesticide use in recent years. If states continue to require claims conflicting with EPA findings, an already cynical public would likely have reduced confidence in pesticide labels and whether any appropriately science-based processes were used to establish any claims or lack thereof on packaging.

A remedy to address these challenges would result from EPA granting the state AG petition and initiating rulemaking under 7 U.S.C. § 136v. Clarifying in the CFR that labels regarding a product's human health effects that are different from EPA's findings are false and misleading would ensure that manufacturers are not placed in the no-win dilemma of not complying with state labeling directives or issuing label claims inconsistent with FIFRA. By extension, this rulemaking would provide the necessary regulatory and legal certainty to continue to support product market access for farmers, other pesticide users, and applicators. Pesticide users and the public would also have greater confidence that labels provide clear, consistent guidance, and were derived from appropriate science- and risk-based processes.

We urge EPA to grant the state AG petition and initiate rulemaking on this matter and appreciate the opportunity to comment.

Sincerely,

African American Farmers of California
Agribusiness Association of Iowa
Agribusiness Association of Kentucky
Agribusiness Council of Indiana
Agricultural Council of Arkansas
Agricultural Retailers Association
Alabama Soybean and Corn Growers Association
Alaska Farm Bureau
Almond Alliance
American Agri-Women
American Cotton Producers
American Dairy Coalition
American Farm Bureau Federation
American Mosquito Control Association
American Pulse Association
American Seed Trade Association
American Soybean Association
American Sugar Alliance
American Sugar Cane League
American Sugarbeet Growers Association

AmericanHort
Aquatic Ecosystem Restoration Foundation
Aquatic Plant Management Society
Arizona Cotton Growers Association
Arizona Crop Protection Association
Arizona Farm Bureau Federation
Arkansas Certified Crop Advisers
Arkansas Crop Protection Association
Arkansas Farm Bureau Federation
Arkansas Rice Federation
Arkansas Rice Growers Association
Arkansas Soybean Association
Associated Oregon Hazelnut Industries
Big Horn Basin Beet Growers Association
Big Horn County Sugar Beet Growers Association
Burley and Dark Tobacco Producer Association
California Alfalfa & Forage Association
California Alfalfa and Forage Association
California Apple Commission
California Association of Wheat Growers
California Blueberry Commission
California Cherry Growers and Industry Association
California Citrus Mutual
California Cotton Ginners and Growers Association
California Fresh Fruit Association
California Grain and Feed Association
California Pear Growers
California Safflower Growers Association
California Seed Association
California Specialty Crops Coalition
California State Floral Association
California Sweetpotato Council
California Wild Rice Advisory Board
Cherry Marketing Institute
Colorado Association of Wheat Growers
Colorado Farm Bureau
Colorado Fruit And Vegetable Growers Association
Colorado Livestock Association
Colorado Nursery and Greenhouse Association
Colorado Potato Legislative Association
Colorado Sugarbeet Growers Association
Connecticut Environmental Council
Connecticut Farm Bureau Association
Council of Producers & Distributors of Agrotechnology
CropLife America
Delaware-Maryland Agribusiness Association
Empire State Council of Agricultural Organizations
Far West Agribusiness Association
Florida Farm Bureau Federation

Florida Fertilizer & Agrichemical Association
Food Producers of Idaho
Georgia Cotton Commission
Georgia Farm Bureau
Georgia Fruit and Vegetable Growers Association
Georgia Green Industry Association, Inc.
Georgia Urban Ag Council
Georgia-Florida Soybean Association
Golf Course Superintendents Association of America
Hawaii Cattlemen's Council
Hawaii Crop Improvement Association
Hawaii Farm Bureau
Idaho Alfalfa and Clover Seed Growers Association
Idaho Barley Commission
Idaho Eastern Oregon Seed Association
Idaho Farm Bureau Federation
Idaho Grain Producers Association
Idaho Hay and Forage Association
Idaho Honey Industry Association
Idaho Hop Growers Association
Idaho Mint Growers Association
Idaho Noxious Weed Control Association
Idaho Oilseed Commission
Idaho Onion Growers' Association
Idaho Pea & Lentil Commission
Idaho-Oregon Fruit and Vegetable Association
Illinois Corn Growers Association
Illinois Farm Bureau
Illinois Fertilizer and Chemical Association
Illinois Soybean Association
Indiana Corn Growers Association
Indiana Farm Bureau
Indiana Soybean Alliance Membership & Policy Committee
Iowa Farm Bureau
Iowa Seed Association
Iowa Soybean Association
Kansas Agribusiness Retailers Association
Kansas Association of Wheat Growers
Kansas Cotton Association
Kansas Farm Bureau
Kansas Grain and Feed Association
Kansas Livestock Association
Kansas Soybean Association
Kentucky Corn Growers Association
Kentucky Farm Bureau Federation
Kentucky Small Grain Growers Association
Kentucky Soybean Association
Louisiana Cotton & Grain Association
Louisiana Farm Bureau Federation

Louisiana Nursery and Landscape Association
Maine Farmers Coalition
Maine Potato Board
Malheur County Onion Growers Association
Maryland Farm Bureau
Massachusetts Farm Bureau Federation
Michigan Agri-Business Association
Michigan Asparagus Association
Michigan Corn Growers Association
Michigan Farm Bureau
Michigan Nursery & Landscape Association
Michigan Soybean Association
Michigan State Horticultural Society
Michigan Vegetable Council
Mid Atlantic Soybean Association
Midwest Council on Agriculture
Midwest Food Products Association
Midwest Forage Association
Minnesota AgriGrowth
Minnesota Agri-Women
Minnesota Association of Wheat Growers
Minnesota Canola Council
Minnesota Corn Growers Association
Minnesota Crop Production Retailers
Minnesota Farm Bureau Federation
Minnesota Soybean Growers Association
Mint Industry Research Council
Mississippi Farm Bureau Federation
Mississippi Soybean Association
Missouri Agribusiness Association
Missouri Corn Growers Association
Missouri Farm Bureau Federation
Missouri Pork Association
Missouri Soybean Association
Modern Ag Alliance
Montana Agricultural Business Association
Montana Grain Growers Association
National Agricultural Aviation Association
National Alfalfa & Forage Alliance
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Barley Growers Association
National Cattlemen's Beef Association
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Onion Association
National Pecan Federation
National Pest Management Association (NPMA)

National Potato Council
National Sunflower Association
NEBCO Sugarbeet Growers Association
Nebraska Agri-Business Association
Nebraska Farm Bureau Federation
Nebraska Soybean Association
Nebraska Sugarbeet Growers Association
New Hampshire Farm Bureau
New Jersey Farm Bureau
New Jersey Green Industry Council
New Jersey Nursery & Landscape Association
New York Corn & Soybean Growers Association
New York Farm Bureau
New York Green Industry Council
New York State Agribusiness Association
New York State Turfgrass Association, Inc.
Nisei Farmers League
North American Blueberry Council
North Carolina Christmas Tree Association
North Carolina Egg Association
North Carolina Farm Bureau
North Carolina Grange
North Carolina Nursery & Landscape Association
North Carolina Potato Association
North Carolina Soybean Producers Association
North Central Weed Science Society
North Dakota Agricultural Association
North Dakota Corn Growers Association
North Dakota Dry Pea & Lentil Council
North Dakota Farm Bureau
North Dakota Grain Growers Association
North Dakota Soybean Growers Association
Northharvest Bean Growers Association
Northeast Agribusiness & Feed Alliance
Northeast Dairy Producers Association
Northeastern Weed Science Society
Northern Canola Growers Association
Northern Pulse Growers Association
Ohio AgriBusiness Association
Ohio Corn & Wheat Growers Association
Ohio Farm Bureau
Ohio Soybean Association
Oklahoma Cotton Council
Oklahoma Farm Bureau
Oklahoma Soybean Association
Olive Grower Council of California
Oregon Association of Nurseries
Oregon Potato Commission
Oregon Seed Council

Oregon Wheat Growers League
Oregon Women for Agriculture
Oregonians for Food and Shelter
Pacific Northwest Canola Association
Pacific Seed Association
PennAg Industries Association
Pennsylvania Cooperative Potato Growers
Pennsylvania Corn Growers Association
Pennsylvania Farm Bureau
Pennsylvania No-Till Alliance
Plains Cotton Growers, Inc.
Potato Growers of Michigan, Inc
Professional Dairy Managers of Pennsylvania
Public Lands Council
Red River Valley Sugarbeet Growers Association
Rhode Island Farm Bureau Federation
RISE (Responsible Industry for a Sound Environment)
Rolling Plains Cotton Growers
Snake River Sugarbeet Growers Association
South Carolina Corn and Soybean Association
South Carolina Farm Bureau Federation
South Dakota Agri-Business Association
South Dakota Farm Bureau
South Dakota Soybean Association
South Texas Cotton & Grain Association
Southern Crop Production Association
Southern Idaho Potato Cooperative
Southern Kansas Cotton Growers Coop
Southern Montana Sugarbeet Growers
Southern Rolling Plains Cotton Growers Assn
Southern Weed Science Society
Synergistic Hawaii Agriculture Council
Tennessee Farm Bureau Federation
Tennessee Nursery & Landscape Association
Tennessee Soybean Association
Texas Farm Bureau
Texas International Produce Association
Texas Soybean Association
Texas Vegetable Association
Texas Wheat Producers Association
U.S. Beet Sugar Association
U.S. Canola Association
U.S. Durum Growers Association
U.S. Peanut Federation
US Dry Bean Council
US Pea & Lentil Trade Association
USA Dry Pea & Lentil Council
USA Rice
Utah Farm Bureau Federation

Venture Dairy Cooperative
Virginia Agribusiness Council
Virginia Cattlemen's Association
Virginia Farm Bureau
Virginia Grain Producers Association
Virginia Soybean Association
Washington Asparagus Commission
Washington Association of Wheat Growers
Washington Blueberry Commission
Washington Farm Bureau
Washington Friends of Farms and Forests
Washington Grain Commission
Washington Mint Growers Association
Washington Potato & Onion Association
Washington Pulse Crops Commission
Washington State Dairy Federation
Washington State Potato Commission
Weed Science Society of America
Western Plant Health Association
Western Alfalfa Seed Growers Association
Western Pulse Growers Association
Western Sugar Cooperative
Western Tree Nut Association
Wisconsin Agri-Business Association
Wisconsin Farm Bureau
Wisconsin Potato & Vegetable Growers Association
Wisconsin Soybean Association
Wyoming Ag Business Association
Wyoming Crop Improvement Association
Wyoming Farm Bureau Federation
Wyoming Wheat Growers Association