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April 4, 2025

Ms. Jean Overstreet
Director, Pesticide Re-Evaluation Division
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001

Submitted electronically via Federal eRulemaking Portal

RE: Updated Mitigation Proposal for the Atrazine Interim Registration Review Decision (EPA-HQ-OPP-2013-0266, Case Number 0062)

Dear Ms. Overstreet:

The National Association of State Departments of Agriculture (NASDA) submits the following comments on the Updated Mitigation Proposal for the Atrazine Interim Registration Review Decision EPA-HQ-OPP-2013-0266, Case Number 0062.

NASDA represents the commissioners, secretaries, and directors of the state departments of agriculture in all 50 states and 4 U.S. territories. State departments of agriculture are responsible for a wide range of programs, including food safety, combating the spread of disease, and fostering the economic vitality of our rural communities. Conservation and environmental protection are also among our chief responsibilities. In 43 states, the state department of agriculture is a co-regulator with EPA and is responsible for administering, implementing, and enforcing the production, labeling, distribution, sale, use, and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Crop protection tools are a vital component of agricultural operations and public health programs nationwide. NASDA supports the science-based and comprehensive regulatory framework FIFRA provides to pesticide-related environmental and public health protection.

Atrazine was first approved in 1958 and its effectiveness and safety have been studied over 7,000 times, more than any other herbicide registered for use in the United States. NASDA appreciates EPA's commitment to FIFRA's risk-benefit mandate, as acknowledged in this docket, by recognizing that atrazine is "economical, has a flexible use pattern, long residual herbicidal activity, is effective against a broad spectrum of weeds, and is an important tool in management of herbicide-resistant weeds."

Furthermore, NASDA appreciates the improvements EPA has made since the 2022 Proposed Revisions to the Atrazine Interim Registration Review Decision, with respect to both the revised Concentration-Equivalent Level of Concern (CE-LOC) and the expanded suite of mitigations for runoff and erosion. NASDA commends EPA's commitment to fair and principled scientific rigor

by incorporating the findings of the 2023 FIFRA Scientific Advisory Panel (SAP) into the determination of a new CE-LOC of 9.7 micrograms per liter. In addition, by expanding the suite of mitigations to be consistent with the final Herbicide Strategy, NASDA believes EPA is approaching a more realistic and enforceable atrazine label.

However, NASDA maintains its concerns about the methodology that has informed the final CE-LOC calculation. As numerous other public comments point out, the continued inclusion of the flawed Pannard *et al.* (2009) study distorts the otherwise improved calculation of the CE-LOC following the SAP, which called for the removal of 11 other flawed microcosm and mesocosm studies. The continued inclusion of that study, coupled with the reliance on a conservative 95% prediction interval from the Watershed Regressions for Pesticides for multiple pesticides (WARP-MP) model, results in an overly broad map of predicted watersheds that exceed the CE-LOC.

The implications of using flawed studies as a basis for decision-making include unreasonably large portions of corn, sorghum, sugarcane, and other warm-season grass crops that must implement mitigation measures. As NASDA has repeatedly stated in public comments and through other federal/state dialogue, state lead agencies (SLAs) do not presently possess the clarity and resources to enforce these requirements meaningfully.

While NASDA appreciates the efforts taken by EPA to align the atrazine mitigation list with the final Herbicide Strategy by expanding from 12 to 40 mitigation options, our longstanding concerns remain regarding the ability of SLAs to prove or disprove that applicators were compliant with these mitigations, many of which are fundamentally subjective, at the time of application. NASDA members have a legal duty as co-regulators to enforce rules promulgated by EPA equitably, and many SLAs are concerned that the requirement to implement such subjective criteria will result in the erosion of trust between the regulated community and state departments of agriculture.

Therefore, it is paramount that, should EPA move forward with the proposed CE-LOC and mitigation measures for atrazine, it must be prepared to provide SLAs with both enforcement discretion and the necessary clarity through education, training, and additional resources. While enforcement discretion will allow SLAs and the regulated community time to develop systems to implement and enforce these rules, achieving underlying clarity on these requirements is possible through consistent and candid dialogue among federal and state regulators and stakeholders. For instance, meaningful improvements were made to the Bulletins Live! Two application following robust technical consultation between EPA and the Association of American Pesticide Control Officials (AAPCO) and State FIFRA Issues Research & Evaluation Group (SFIREG). This model of stakeholder engagement between EPA and SLAs must be continued if EPA and NASDA's shared goal of effectively enforcing pesticide regulations is to be achieved.

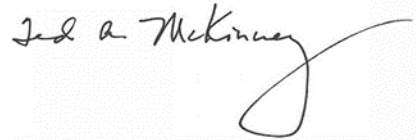
Conclusion

NASDA appreciates the improvements EPA has made in the Updated Mitigation Proposal for Atrazine Interim Registration Review, particularly with respect to the CE-LOC and the suite of mitigation measures. As co-regulators, NASDA's members share EPA's goal of promulgating enforceable, risk- and science-based pesticide regulations.

We look forward to continuing to work with the EPA to refine its methodologies further and stand ready to facilitate robust, constructive dialogue between the agency and the state lead agencies tasked with enforcing these regulations, ensuring positive outcomes for farmers, human health, threatened and endangered species, and the environment alike. Should you have any questions, please contact Patrick Wade, Director of Public Policy, at patrick.wade@nasda.org.

Thank you for considering our comments on this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Ted a McKinney". The signature is written in a cursive style with a large, sweeping loop at the end of the name.

Ted McKinney
Chief Executive Officer
NASDA