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July 20, 2026

Amy Blankinship, Acting Director
Environmental Fate and Effects Division
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-001

Submitted via www.regulations.gov

RE: Draft Fungicide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Fungicides; Docket ID No. EPA-HQ-OPP-2026-2973

Dear Acting Director Blankinship,

The National Association of State Departments of Agriculture (NASDA) submits the following comments on the Draft Fungicide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Fungicides (EPA-HQ-OPP-2026-2973).

NASDA represents the commissioners, secretaries, and directors of the state departments of agriculture in all 50 states and four 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.

Progress on Endangered Species Act Workplan

NASDA appreciates the significant work that EPA has invested in responding to stakeholder feedback and public input when finalizing the Herbicide Strategy and Insecticide Strategy. In this process, EPA has been transparent and responsive, making changes from the draft strategies to their final versions that NASDA believes improve opportunities for pesticide applicators to comply with new on-field practice and documentation requirements while still meaningfully mitigating the impact of pesticide runoff, erosion, and drift on listed species.

NASDA has been encouraged by the iterative progress made by EPA throughout the development of the strategies. Notably, the final Herbicide Strategy broadened the suite of mitigation measures available to pesticide users, and the final Insecticide Strategy expanded this by recognizing the potential for existing, qualified conservation plans to contribute to pesticide runoff and erosion mitigations.

Throughout this process of expanding mitigation options, NASDA has urged EPA to recognize that state lead agencies will ultimately be tasked with interpreting, implementing and enforcing these mitigation measures. We appreciate the efforts made by EPA to participate in dialogues with state lead agencies regarding unclear, ambiguous, or potentially unenforceable mitigation measures. We also appreciate EPA's efforts to refine documentation processes and requirements for both pesticide users and inspectors through improvements to Bulletins Live! Two (BLT) and other tools like the Pesticide App for Label Mitigations (PALM).

Importance of Collaboration with States

As EPA moves to finalize this draft Fungicide Strategy and continues to place mitigation measures on newly registered and re-registered pesticide products, it is paramount that the Agency prioritizes robust collaboration with state lead agencies. States are not just stakeholders, but co-regulatory partners with EPA under FIFRA. Existing forums for engagement between EPA and the states - including the Association of American Pesticide Control Officials (AAPCO) and the State FIFRA Issues Research & Evaluation Group (SFIREG) – are critical to ensuring these strategies are enforceable and effective.

In support of these efforts, NASDA and its 501(c)(3) nonprofit NASDA Foundation have taken the initiative to establish multiple educational partnerships aimed at providing greater clarity for state lead agencies' implementation and enforcement obligations for ESA-related mitigations.

In 2023, the NASDA Foundation was awarded a five-year cooperative agreement with EPA to administer the Pesticide Inspector Residential Training (PIRT) program. Under this cooperative agreement, the NASDA Foundation convened a workshop in September 2024

to identify expected challenges inspectors may face when enforcing ESA-related mitigations. This workshop generated publicly-available resources that have helped establish a roadmap for ESA implementation needs.

Building on that effort, in May 2026, PIRT held another workshop to draft an Inspector Guidance document, intended to help state pesticide inspectors interpret ambiguous or complex mitigations from finalized strategies that have since appeared on new pesticide labels. The NASDA Foundation and SFIREG are presently working to refine the draft guidance developed in this workshop, and NASDA urges EPA to maintain robust engagement with this process and provide adequate consultation and resources needed to develop a meaningful resource for state pesticide inspectors.

In addition to the PIRT activities, the NASDA Foundation also recently entered into a cooperative agreement with USDA's Office of Pest Management Policy (OPMP) to develop educational materials and trainings related to state-level ESA implementation. These resources will build on the extensive efforts presently taking place across grower organizations, pesticide safety educators, extension and certified crop consultants, pesticide registrants, and other industry stakeholders to develop uniform and accessible educational resources. NASDA and the NASDA Foundation have participated in those ESA stakeholder forums and fully supports the resources they have generated.

In each of these efforts, the NASDA Foundation and other affected stakeholders are stepping up and taking initiative to resolve outstanding challenges related to ESA implementation. It is paramount that EPA supports these efforts through consultation, resources, and, most critically, direct engagement. Direct, in-person participation from EPA's Office of Pesticide Programs and Office of Enforcement and Compliance Assurance at the PIRT workshops was essential to the development of a practical and enforceable draft guidance document. NASDA appreciates EPA's recognition of this co-regulatory partnership on page 63 of the draft Fungicide Strategy:

"EPA continues to work with regulatory partners and stakeholders, such as the states through the State FIFRA Issues Research and Evaluation Group (SFIREG) and the Association of American Pesticide Control Officials (AAPCO), to discuss enforcement and potential implementation challenges."

NASDA urges EPA to uphold this commitment to robust engagement with state lead agencies through all established forums as we continue these collaborative efforts to ensure the enforceability and practicality of the strategies.

Novel Proposals in Draft Fungicide Strategy

NASDA encourages EPA to prioritize clearly defined, verifiable, and enforceable mitigation measures across all ESA strategies. Specifically, NASDA recommends EPA respond to concerns raised by state lead agencies regarding inconsistencies in this draft Fungicide Strategy of terms and definitions present across the mitigation menu, pesticide labels, and BLT.

In addition to those considerations, as EPA notes, the draft Fungicide Strategy also contains two elements that are unique to this strategy: the expansion of spray drift adjuvants as a mitigation option and considerations of the impacts of treated seeds on on-field vertebrates.

Spray Drift Adjuvants

NASDA supports efforts by EPA to account for new technologies and innovations, such as, but not limited to, drift reducing agents. Their inclusion in the draft Fungicide Strategy expands growers' access to robust, cost-effective mitigation options. The drift buffer reductions accompanying the use of spray drift adjuvants reflects data from ground rig applications and aerial applications, but not airblast applications. NASDA encourages EPA to work with appropriate stakeholders to explore expanded spray drift buffer reduction options related to the use of airblast applications, which can be common for fungicides.

Treated Seeds

NASDA believes seed treatments can offer considerable benefits for U.S. producers by providing precise application of biological organisms, products, and/or chemical ingredients to suppress detrimental pests and pathogens during a key developmental stage in a plant's lifecycle. Protecting seeds by suppressing pathogens, insects, or other pests fosters plant viability and health from the moment it is planted through its development. Seed treatments can also greatly reduce off-target exposure and reduce the overall pesticide application that a crop will experience by minimizing the need for traditional broadcast sprays.

NASDA supports the existing regulatory framework for pesticides under FIFRA, including EPA's determination that treated seeds are considered "treated articles and substances" as provided by FIFRA section 25(b)(2) and upheld by federal court in 2024.

NASDA recommends EPA recognize existing stewardship practices related to treated seeds when considering measures to mitigate impacts on on-field vertebrates. For decades, U.S. producers have participated in a wide range of Integrated Pest Management and other best management practices. Any consideration of additional regulations for treated seeds should account for these existing practices, as well as the agronomic conditions that inform producers' decisions related to seed planting depths.

Lastly, NASDA encourages EPA to engage in meaningful dialogue with state lead agencies regarding questions of enforceability of potential mitigation measures related to treated seeds. States often lack both the explicit authority and the necessary resources to regulate treated seeds, which are subject to regulations by USDA's Agricultural Marketing Service under the Federal Seed Act after EPA conducts its regulatory findings. These considerations will need to be accounted for should the Agency choose to implement novel mitigation measures related to on-field vertebrates.

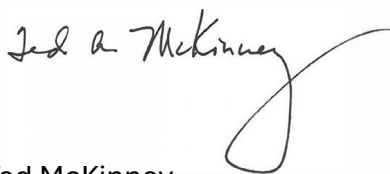
Conclusion

NASDA is encouraged by EPA's iterative progress to develop strategies that are in compliance with the Agency's FIFRA obligations. As co-regulators, state departments of agriculture share in the EPA's commitment to enforceable, science- and risk-based pesticide regulations.

We recommend the EPA uphold its commitments to collaborate with state lead agencies to develop mitigation measures that are clearly defined, verifiable, and enforceable. EPA's robust participation in collaborative forums with the states will be critical in this process. As EPA considers novel mitigations in the draft Fungicide Strategy, we recommend the Agency continue to account for cost-effective technological innovations and recognize existing stewardship practices.

We look forward to continuing to work with EPA on our shared co-regulation of pesticides to ensure positive outcomes for farmers, communities, 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, reading "Ted McKinney". The signature is fluid and cursive, with a large loop at the end of the last name.

Ted McKinney
Chief Executive Officer
NASDA