



## *“Creating Solutions Together”*

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October 20, 2023

Jan Matuszko  
Director, Environmental Fate and Effects Division  
Office of Pesticide Programs  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Submitted electronically via [regulations.gov](https://www.regulations.gov)

**RE: Draft Herbicide Strategy Framework to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Herbicides, Docket ID: EPA-HQ-OPP-2023-0365**

Dear Ms. Matuszko,

On behalf of the Nebraska Agri-Business Association (NeABA), a trade organization representing agricultural retailers, distributors, and manufacturers of agriculture input products, I would like to provide these comments on the U.S. Environmental Protection Agency’s (EPA) Draft Herbicide Strategy Framework.

Our members sell and provide commercial application of crop protection products for Nebraska farmers and ranchers that are essential to protect their crops from weeds and yield loss. As the state’s largest industry, agriculture is vitally important to the strength and stability of Nebraska’s economy. We are concerned the broad nature of the Draft Herbicide Strategy Framework threatens to limit the economic use of productive Nebraska farmland with little or unknown environmental benefits.

As a highly regulated industry, our association and members work closely with our state department of agriculture to provide the necessary training and communication about the importance of following the pesticide label, keeping proper records, obtaining required licensing and re-certification training continuing education credits. We are concerned the Framework will add additional regulations and require increased inspections for state departments that currently struggle to remain fully staffed and have strained budgets.

Additional questions regarding the enforcement of the Framework still need to be addressed. How EPA will handle penalties and compliance for violations is unclear. Our applicators provide a service for their farmer customers and follow the label requirements for the registered product used. NeABA and our members are concerned about the potential liability commercial applicators

could face for spraying on farms they are not in the position to ensure the landowner will remain in compliance with EPA's mitigation standards.

In an industry full of challenges, weed resistance remains a leading threat to crop yield. A diverse selection of crop protection products is absolutely vital to combat and prevent herbicide resistance. We are concerned the proposed mitigation strategy of rate reduction for applications will increase weed resistant challenges, further reducing the tools available to our growers. We would strongly suggest looking at expanding the mitigation options, to include adjuvant and nozzle technology that has shown to reduce drift but maintain the effectiveness of the product.

We believe certainty and a consistent, multi-year label are important for farmers making long-term, effective agronomic decisions. Growers' seed and pesticide buying decisions occur many months prior to the planting and spraying season. Allowing the EPA to post additional mitigation requirements after the retailer and grower have finalized their growing plan could have negative financial impacts on farmers and agricultural retailers. For an industry with extreme seasonal logistical requirements, the supply chain implications of changing mitigation requirements are also highly concerning.

As a solution to reduce the significant economic impact on Nebraska farmers, NeABA recommends ensuring the maps and data used to identify areas with potential endangered species and habitats be greatly refined. County-wide restrictions are often far too extensive to achieve the intended result and ultimately the overly conservative measures are borne by the farmer and landowner. We believe the USDA, US Fish and Wildlife Services, Nebraska Department of Agriculture and University of Nebraska Extension should collaborate to develop accurate maps and data to achieve the intended results.

We are eager to work with EPA and other stakeholders to meet the obligations of the Endangered Species Act and find solutions that address the legal requirements but are also workable solutions for agriculture in Nebraska.

Thank you for the opportunity to provide comments. Please feel free to contact me if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink that reads "Scott Merritt". The signature is written in a cursive, slightly stylized font.

Scott Merritt  
President