



MISSISSIPPI FARM BUREAU® FEDERATION

The Voice of Agriculture®

Mike McCormick
President

March 21, 2019

Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Re: EPA-HQ-OPP-2018-0805

On behalf of Mississippi Farm Bureau Federation (MFBF), I appreciate this opportunity to urge the Environmental Protection Agency (EPA) to reject the petition for rulemaking or formal agency interpretation of the Treated Article Exemption for seed treatments. MFBF is the largest general farm organization in Mississippi, representing approximately 192,000 member families. Many of those members are engaged in row crop production and would be directly affected by EPA's decision. Seed treatments are vitally important to corn, cotton, and soybean growers in Mississippi protecting seeds from soil borne pest to ensure good stands, prevent replanting, and reduce pesticide inputs at planting.

Research conducted at Mississippi State University's (MSU) Delta Research and Extension Center (DREC) has shown a reduction of 2.5 bushels per acre in soybeans without seed treatments. Our climate and soils are conducive to hosting many soil borne pest that threaten yields. Without the protective seed treatments, the seed and developing plant becomes vulnerable. It would make insecticide and fungicide applications behind the planter absolutely necessary.

The pesticides used for treated seeds are all registered by EPA and have undergone all relevant risk assessments, including the Human Health Risk Assessment, Ecological Risk Assessment, Bee Health Risk Assessment, Aggregate and Cumulative Risk Assessment, and Occupational Risk Assessment. Furthermore, we believe that seed treatments are clearly covered as intended by FIFRA 40 CFR §152.25 (a) which states:

"Treated articles or substances. An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example paint treated with a pesticide to protect the paint coating, or wood products treated to protect wood against insect or fungus infestation), if the pesticide is registered for such use."

In addition to the FIFRA language, Title I of the Federal Seed Act (FSA, 7 U.S.C. 1551-1611) defines "treated" as:

"The term "treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pest which attack seeds or seedling growth therefrom."

Also, the Plant Protection Act (PPA, 7 U.S.C. 7702) defines "plant" as:

“The term “plant” means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

It is our belief that the language in FIFRA clearly requires EPA to conduct all relevant risk assessments before registering any pesticide or fungicide. The Treated Article Exemption authorizes EPA to allow registered pesticides to be applied for the protection of an article without the unnecessary burden of additional and duplicative review. The Federal Seed Act and Plant Protection Act are clear that Congress has intended for this exemption to apply to seeds and plants derived from seeds.

MFBBF believes the current EPA guidance regarding the application of the Treated Article Exemption is more than sufficient and is correctly applied. We do not believe a rulemaking or additional formal EPA interpretation is necessary or appropriate. We urge EPA to deny the petition.

Sincerely,

A handwritten signature in cursive script that reads "Mike McCormick".

Mike McCormick
President