



TENNESSEE FARM BUREAU FEDERATION

February 8, 2024

Susan Bartow
Chemical Review Manager
Pesticide Reevaluation Division
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

RE: Docket No. EPA-HQ-OPP-2023-0420; Pesticides: Review of Requirements Applicable to Treated Seed and Treated Paint Products; Request for Information and Comments

Dear Ms. Bartow:

The Tennessee Farm Bureau Federation (TFBF) submits these comments on the proposed rule titled *Pesticides: Review of Requirements Applicable to Treated Seed and Treated Paint Products; Request for Information and Comments* (Proposed Rule). We appreciate the opportunity to provide comments pertaining to treated seed and urge the Environmental Protection Agency (EPA) to consider these comments and comments submitted by the American Farm Bureau Federation.

TFBF is a general farm organization of over 690,000 members whose purpose is to represent the many diverse commodity producers across Tennessee. TFBF policy is developed through a grassroots network of members who identify, research, deliberate, vote on, and adopt policies on various issues, including crop protection products and practices. Tennessee farmers produce a variety of crops including corn, soybeans, cotton, wheat, tobacco, fruits and vegetables, nursery crops, and hay. Protection of these crops begins with the seed. Many different types of seeds are treated with pesticides to prevent damage from insects, fungus, and other threats.

Since 1988, pesticide-treated seed has been exempted from requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) through the treated article exemption. This was done with the understanding that, when undergoing their review under FIFRA, EPA's assessment of the treating pesticide comprehensively addresses the use of and exposure to the treating pesticide to include pesticide-treated seed.

In 2017, EPA was petitioned by the Center for Food Safety to either create new rulemaking on or publish a formal agency interpretation of the treated article exemption due to human health and safety concerns. The Center for Food Safety requested clarity that the exemption does not apply to seeds for planting coated with pesticides intended to kill pests of the plant rather than pests of the seed itself. In response, the EPA issued this Advance Notice of Proposed Rulemaking seeking information on pesticide seed treatments and their usage.

The relationship between FIFRA and the treated article exemption has worked for many years. EPA's regular assessment process through FIFRA creates a thorough review of all the different uses of pesticides, including pesticide treatments. TFBF believes this process should remain and FIFRA should continue to be the engine for regulation and registration of pesticides. Additional rulemaking specific to treated articles is not necessary when FIFRA obligations already address pesticide treatments. Current label instructions for pesticide-treated seeds properly prevent human health and safety risks. Concerns about uses of treated seed contrary to label instructions should be enforced by the proper entities, not through supplementary rulemaking.

Additionally, the Center for Food Safety's petition for additional rulemaking on the treated article exemption focused heavily on human health and environmental concerns. In response to their petition, EPA clearly states amending the treated article exemption to require registration of pesticide-treated seed would provide "little to no human health or environmental benefits." Because of this, we believe there is not a need for additional regulations on pesticide-treated seed.

Farmers take pride in being stewards of the land bestowed upon them to produce the world's food, fuel, and fiber. Farmers use many tools, including pesticide-treated seed, to help protect their crops and grow top-quality, high-yielding crops. TFBF urges EPA not to change the treated article exemption and impose additional unnecessary regulations on pesticide-treated seed.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eric Mayberry". The signature is written in black ink and is positioned above the typed name and title.

Eric Mayberry
President
Tennessee Farm Bureau Federation