



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY AND  
POLLUTION PREVENTION

September 6, 2023

**MEMORANDUM**

**SUBJECT:** Memorandum to Extend the Public Comment Period for the "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. Herbicide Strategy Framework Document"

**FROM:** Jan Matuszko, Director  
Environmental Fate and Effects Division  
Office of Pesticide Programs

This memorandum extends the comment period on the draft Herbicide Strategy Framework and accompanying documents currently posted to the public docket at <https://www.regulations.gov>, docket number EPA-HQ-OPP-2023-0365. The comment period is extended for 30 days, from September 22 to October 22, 2023.

On July 24, 2023, EPA released the draft Herbicide Strategy Framework and accompanying documents for public review and comment. The original deadline for submitting comments on these documents was 60 days from the date of posting, or September 22, 2023. To date, EPA has received several requests from stakeholders, including the Pesticide Policy Coalition; the National Association of State Departments of Agriculture (NASDA); Crop Life America (CLA); over 15 national or state crop specific organizations; and the Agricultural Retailers' Association to extend the comment period by 60-90 days citing the complexity and length of the draft Framework and associated documents.

After careful consideration of these requests, EPA has determined that an extension of 30 days (total of 90 days of public comment) is appropriate for the following reasons: 1) the draft strategy and its supporting documents are lengthy and complex, totaling nearly 900 pages; and 2) the draft strategy is one of our first attempts across pesticides to work differently and address potential impacts to listed species earlier in the process in a different, more efficient manner. EPA has determined that an extension for more than 30 days is not appropriate for the following reasons: (1) EPA already released one of the major supporting documents titled, Draft Technical Support for Runoff, Erosion, and Spray Drift Mitigation to Protect Non-Target Plants and Wildlife (USEPA, 2023a) for a 45-day comment period prior to releasing it along with the draft Framework document; and 2) EPA has made public commitments to finalize the Herbicide Strategy by Spring 2024, and 3) finalizing this strategy in Spring 2024 is important to ensure that future actions protect listed species before effects determinations and consultations are completed. To consider any changes and finalize the Herbicide Strategy in time, EPA regretfully

cannot accommodate more than a 30-day comment period extension, especially given that EPA also needs to work on other ESA initiatives during the same timeframe (e.g., vulnerable species, rodenticide strategy).

EPA also notes that the Draft Strategy, once finalized itself would not impose any requirements on growers/applicators. It is a framework that EPA intends to incorporate into the existing mechanisms it uses to register and re-evaluate pesticides. For example, when finalized, when EPA evaluates an herbicide with agricultural uses it would employ the herbicide strategy to identify when mitigations are needed as well as the level and geographic extent of those mitigations. As is already the case, EPA would propose those mitigations in a Proposed Interim Decision or a Proposed Decision, which would provide stakeholders with additional opportunities to for comment.

Finally, EPA appreciates the engagement of such a broad range of stakeholders and particularly growers in our ESA efforts. EPA is willing to meet with stakeholders and organizations to answer questions you may have about the draft Herbicide Strategy so that you or your organizations can focus any related comments to be submitted to the Agency during the public comment period.