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July 8, 2024

Via email: pesticidequestions@epa.gov

U.S. Environmental Protection Agency
Pesticide Re-evaluation Division
Office of Pesticide Programs
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Feedback on the Mitigation Menu Website

The National Cotton Council (NCC) is the central organization of the United States cotton industry.

NCC appreciates EPA's efforts in moving forward in a new and revised direction intended to foster a streamlined process for registering pesticides in a manner that is protective of human health and the environment. NCC also appreciates the June 18th webinar, *Understanding the Mitigation Menu Website*. As requested during that webinar, NCC offers the following concerns and suggestions for consideration in improving the proposed process.

COMMENTS & QUESTIONS:

1. EPA needs to develop a step-by-step guide for navigating the process. As presented, a three-step procedure is too simplistic. For growers to successfully follow the program, they will need a detailed guide to make the process as easy as possible to complete in a timely manner. This guide could be coupled with point number two below.
2. It would be simpler if there was one resource, as opposed to the Menu Website, the USDA soil site, two Excel spreadsheets, followed by a review of Bulletins Live! Two (BLT). This procedure adds enormous complexity in addition to the physical label directions. At a minimum, NCC suggests combining the Menu Website with BLT.
3. More work needs to be completed before implementation and enforcement. While these comments are specific to the Menu Website, it is instructive to note that BLT has been functioning for months and there are still problems with that site. A recent workshop in Washington and Oregon noted, "There are significant technological challenges to successfully

navigate from a pesticide label, through BLT, to the appropriate bulletins."¹ The Menu Website is adding to that complexity.

4. Will similar mitigations in the Menu Website and BLT be uniform and compatible with NRCS conservation practices?

5. Internet accessibility is a problem. NCC has noted to the agency on several occasions that BLT was not performing well on tablets and phones. The agency is now adding more internet activity that may need to be performed on multiple types of user interfaces in areas of low internet capability. Per USDA's website, "Unfortunately, 22.3 percent of Americans in rural areas and 27.7 percent of Americans in Tribal lands lack coverage from fixed terrestrial 25/3 Mbps broadband, as compared to only 1.5 percent of Americans in urban areas, according to a recent report by the Federal Communications Commission."² While the agency stated in the webinar that growers/applicators could go to internet hubs such as a public library it should be noted that these hubs do not exist everywhere, they may still be subject to low connectivity and it requires travel off the farm to perhaps many miles away in order to implement the required review for each potential pesticide application.

6. Another issue is the technological knowledge of the farming population. According to USDA, "The average age of all U.S. farm producers in 2022 was 58.1 years, up 0.6 years from 2017, continuing a long-term trend of aging in the U.S. producer population. Producers also tend to be experienced; they have been farming an average of 23.4 years."³ First you have a population that has not been immersed from youth in the social media and tech culture to which we are moving. Second, they are likely to have been farming for a lengthy period and may be less able to quickly adapt, especially to a complex process of checking multiple websites for endangered species mitigations, pesticide use limitation areas (PULAs), and now interim ecological mitigations (IEMs). EPA should give more thought into how to address this and the connectivity issue.

7. How many days/weeks/months prior to application can growers use the websites to verify their use of particular products?

8. How will growers keep records to prove they reviewed the proper websites? Will there be a 'Printable Records' button for ease of consolidating on-farm recordkeeping and verifying check-off of relevant pesticide IEM data?

¹ <https://aapco.org/wp-content/uploads/2024/06/WA-OR-ESA-30MAY2024.pdf>

² <https://www.usda.gov/broadband#:~:text=Unfortunately%2C%2022.3%20percent%20of%20Americans,by%20the%20Federal%20Communications%20Commission.>

³ https://www.nass.usda.gov/Publications/Highlights/2024/Census22_HL_FarmProducers_FINAL.pdf

9. What will happen if, as in the dicamba case, a court order halts use of a product immediately prior to its use? Will growers need to go through the process to verify potential alternatives at the last minute?

10. Will there be outreach, and in what form, when Version 2.0 is rolled out in Fall 2024?

Sincerely,

A handwritten signature in black ink that reads "Steve Hensley". The signature is written in a cursive, flowing style.

Steve Hensley
National Cotton Council