

Comments submitted to the Federal Register Notice entitled “Draft Guidance for Pesticide Registrants on Pesticide Drift Labeling” [74 FR 57166, 11/4/2009, Docket No. EPA-HQ-OPP-2009-0628] and Federal Register Notice “Petition to Protect Children from Pesticide Drift” [74 FR 57168, 11/4/2009, Docket No. EPA-HQ-OPP-2009-0825].

The National Association of Wheat Growers is a not-for-profit trade association representing growers in 21 state associations. We strictly oppose removing the scientifically-based standard of risk assessment in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and replacing with it with a speculative, nonscientific and theoretical standard of zero tolerance. Unlike the FIFRA risk standard set and repeatedly confirmed by Congress, EPA’s proposed spray drift policy adopts a precautionary principle approach and effectively replaces FIFRA’s risk-benefit standard with a new zero-risk standard.

This standard has the potential to remove valuable cropland from production by restricting farmers’ use of crop protection products, resulting in higher levels of pest and disease and reduced yields. At a time when production agriculture needs to begin looking for ways to increase production, necessary to feed 9 billion people in the next 30 or 40 years, this outcome is unacceptable.

EPA’s enforcement guidance for the new spray drift FIFRA label language would force states to become assessors of theoretical risks, and applicators to risk lawsuits every time they work. State agencies generally do not have the toxicology endpoints, or risk assessments at their fingertips to make these decisions. Major private-sector advances have been made in drift-reduction technology including GPS guided shutoff nozzles, low drift spray tips and product formulations, foaming agents and adjuvants.

Thus, we strongly urge EPA to maintain FIFRA's scientific-based risk assessment of "no unreasonable adverse effects" and remove the vague, unenforceable and unmanageable concepts of "could cause" or "may cause" adverse effects or "harm" from the Drift PRN. We also urge EPA to continue to acknowledge that some small level of pesticide drift is unavoidable in many common situations, and does not pose an "unreasonable adverse effect."

Mark Gaede, Director of Government Affairs

Comment tracking number: **80aaf8e0; 80aaf8e4**

Submitted Feb. 25, 2010