FLORIDA FARM BUREAU FEDERATION
THE VOICE OF AGRICULTURE

September 23, 2024

Mr. Jake Li
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Docket ID Number: EPA-HQ-OPP-2024-0299

RE: Draft Insecticide Strategy to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Insecticides

Dear Deputy Assistant Administrator Li:

The Florida Farm Bureau Federation (FFBF) appreciates the opportunity to submit comments regarding the United States Environmental Protection Agency (EPA) draft insecticide strategy framework to reduce exposure of federally listed endangered and threatened species and designated critical habitats from the use of conventional agriculture insecticides (EPA-HQ-OPP-2024-0299) (Insecticide Strategy or Strategy).

FFBF is a grassroots organization representing 132,000 member-families, a majority of whom we anticipate being impacted by the proposed Insecticide Strategy. FFBF has serious concerns with the current proposed Insecticide Strategy due to Florida's subtropical and tropical climates. These conditions are ideal for insect pests during its long growing seasons, which can exacerbate insect resistance and intensify challenges with mitigation. The Strategy is both complex and unworkable for United States agriculture, as it will result in substantial regulatory and financial burdens at the expense of the producer. On behalf of Florida agriculture, we are concerned that this Strategy will ultimately jeopardize the future of farming across not only the State of Florida, but also across the United States.

FFBF recognizes the ongoing challenges the EPA is facing regarding the Endangered Species Act (ESA) and supports the agency in meeting these statutory requirements. Furthermore, FFBF is committed to working with the agency to find a path forward that will maintain accessibility of registered use products, decrease off-target movement, and provide producers with the necessary toolkit to protect their crops.

Below, we make recommendations the agency should seriously consider and highlight the environmental stewardship in which Florida's farmers and ranchers are actively engaged. We believe this program, administered by the Florida Department of Agriculture and Consumer Services (FDACS), would satisfy the agency's ESA obligations while minimizing the regulatory burden on the EPA and the burden on farmers and other pesticide users.

With that being said, we cannot support the EPA implementing a proposal that would significantly and irreparably harm thousands of farming operations, regardless of any timeframes to which the agency is committed. To that end, we oppose the Insecticide Strategy as proposed and strongly urge the agency to consider alternatives for meeting the ESA compliance and statutory obligations.

Benefits of Insecticides

Insect pressure across the country can significantly impact crop yields, quality, and profitability. Due to Florida's tropical and sub-tropical climates, insects maintain an ideal breeding environment nearly year-round, resulting in high reproductive rates and continuous breeding. Without the appropriate access and use of insecticides, a producer is at risk for significant reductions in crop yield and quality, which further jeopardizes an affordable, domestic, and safe food supply.

Insecticides have proven to be an essential and highly effective integrated pest management (IPM) tool in the toolkit of Florida producers. Without insecticidal tools, producers will be left with less effective management tools and consequently could require multiple treatments for the same issue. Furthermore, with a high presence of insect pests in the state, Florida producers require a breadth of risk management tools, including insecticides, to combat insect resistance and crop losses.

For example, Florida has suffered staggering losses since Huanglongbing (HLB), or citrus greening, was first detected in 2005. HLB is a bacterial disease, endemic to Florida, vectored by the Asian citrus psyllid (ACP) and can kill a tree within two years. Citrus greening adversely affects the vascular system of citrus trees by limiting nutrient uptake. The symptoms of HLB can include decreased fruit size, yield, and quality of the fruit.

To put this into perspective, Florida's all citrus production in the 2021-2022 season was 45.1 million boxes, down by 22 percent from the previous season, with an

overall 90 percent decline since 2005. Florida orange growers produced 15.85 million boxes in the 2022-2023 season, representing the smallest harvest since 1936. This decline is undoubtedly attributed to the effects of HLB.

This is just one example of how without effective IPM tools, including insecticides, insect pests can cause secondary viral or bacterial diseases. As seen within the Florida citrus industry, this can cause devastating impacts to not only the crop itself, but the local and state economies.

Costs and Challenges with Implementing the Insecticide Strategy

Implementation of the Insecticide Strategy will reveal a myriad of stressors on an operation, that will go beyond the financial burden of an individual producer. This will hold particularly true for those who are in one or more of the designated pesticide use limitation areas (PULA), which covers a large majority of the State of Florida.

Producers who utilize crop rotations and grow more than one commodity, which is very common in Florida, present further challenges when implementing the mitigation practices in their fields. If a grower produces more than one commodity, they must consider every possible insect pest they may face for all their crops, what tools would be needed to manage those pests, and how many points they may need for each. Failing to predict the emergence of infrequent or novel insect pests that a grower has not previously managed, could mean not having enough efficacy points on a field to use the necessary tools to control that pest. This could potentially lead to significant crop damage. This scenario is highly likely in Florida and across the country, as growers look for opportunities to diversify their farm in order to maintain profitability.

Furthermore, another scenario that is not addressed in the draft Insecticide Strategy is growers who lease their farmland. Many of the runoff practices are very costly and require physical field modifications, which they may not have the authority to install. Without this ability, many producers may find themselves unable to earn adequate mitigation points, involuntarily forfeiting their ability to comply with the Strategy. Ultimately, this jeopardizes a grower's ability to apply necessary insecticidal tools.

Erosion/Run-off Exemptions

FFBF appreciates and agrees that producers under site-specific erosion/run-off conservation plans should be exempt from these requirements. However, a concern that arises is if a producer operates a large-scale operation, it is likely

that only a small portion of their acreage would fall under these site-specific plans. This would consequently leave most of the operation under the costly and complex erosion/run-off regime of the Insecticide Strategy.

Additionally, FFBF appreciates the EPA's efforts to allow for qualifying conservation programs, working with technical experts, and maintaining records of such practices to count for mandatory mitigation points. However, due to the high number of points a producer may need to comply with the label and the low number of points these comprehensive conservation programs will satisfy, two to three points is not enough to lift the burden of efficacy points off a producer. Furthermore, two to three points do not accurately reflect the highly effective environmental practices that these programs require. This is especially true when a field or farm resides in a PULA.

To address these concerns, we urge the agency to consider and explain additional means of data and compliance standards needed to exempt a producer from the mitigation points, if they are participating in and documenting their approved practices in a qualifying conservation program.

In the State of Florida, FDACS administers the most extensive Best Management Practices (BMP) program in the nation, in which many of Florida's farmers and ranchers participate. In this program, which is approved and regulated by the Florida Department of Environmental Protection (FDEP), BMPs are required for producers in basin management action plans (BMAP) and are offered on a voluntary basis to producers that are not within a BMAP area. FDACS works in tandem with the FDEP, water management districts (WMDs), industry experts, and academic institutions to evaluate the environmental and agronomic impacts addressed by BMPs. It is important to note that a majority of FFBF's members voluntarily operate under the BMP program because they understand their deep responsibility to nurture the land and environment for generations to come.

The BMP program operates under three main goals: (1) nutrient management, (2) irrigation management, and (3) water source protection. Under these three goals, the BMP program is consistent with the goals of the Insecticide Strategy and the agency's obligations to the ESA.

FFBF understands the EPA's concerns and inability to allow for a voluntary program to satisfy a grower's requirements under the Insecticide Strategy and the ESA. Due to this concern, FFBF proposes that if a producer chose to use a qualifying conservation program, such as FDACS's BMP program, to satisfy the

mitigation points, they are "opting in" to give up their voluntary status. The producer would then be *required* to maintain compliance with the BMP program in order to maintain compliance with pesticide labels. FFBF believes that this would reduce the regulatory and enforcement burden of the EPA while also giving the grower additional effective options to protect federally endangered and threatened (listed) species and their critical habitats. This would not take away the option to implement the Finalized Strategies as written, but rather give growers flexibility to choose which program is most effective for their respective operations.

For example, at Florida Blue Farms, through a partnership with FDACS under the BMP program and the St. John's River Water Management District (SJRWMD), the farm owners were able to install a 4-acre tailwater recovery pond. This tailwater recovery pond serves two purposes: (1) to receive, store, and recycle 25 to 70 percent of the groundwater withdrawn during freeze events with a 50 percent overall long-term reduction goal and (2) to serve as a treatment site for farm drainage, filtering any nutrients from the water prior to discharges from the property.

Additionally, the farm's layout is centered around a conservation plan which seeks to provide filtration and avoid erosion through the installation of several basins and ponds. This is accomplished through grassy filter strips throughout the farm which absorb already minimized nutrients and sediments as surface drainage channels to the tailwater recovery pond. Florida Blue also utilizes highly efficient fertigation systems which apply nutrients directly to the root zone as needed. Combined with an IPM approach to field monitoring, applications of crop protection materials are minimized.

Due to Florida Blue Farms' partnership with FDACS under the BMP program and the SJRWMD, they discharge water cleaner than how they received it. Florida Blue Farms is just one of the over 12,000 farms across Florida that operate under the extensive BMP program. Well over three fifths of Florida's agricultural production is already in compliance with the BMP program, proving Florida's commitment to protecting environmentally critical species and natural resources.

Because of the qualities of the BMP program, which closely aligns with the EPA's position of a qualifying conservation program, FFBF believes the BMP program would and should satisfy the EPA's obligations to the ESA. The qualities include significant involvement from technical experts, who meet the EPA's

qualifications; site-specific guidance tailored to the farm's location and crops; documentation of enrollment; and verification of implementation. Furthermore, the BMP program upholds many of the key principles of the Strategies: nutrient reduction, irrigation management, run-off/erosion control, and protection of environmentally critical lands and waterways.

To reiterate, FFBF respectfully requests the EPA consider and explain what additional data and compliance standards they would require to allow a program, like the FDACS BMP program, to satisfy the mitigation points proposed in the Strategies.

Rural Broadband Challenges

FFBF is highly concerned about a grower's ability to readily access the Bulletins Live! Two (BLT) website. While FFBF appreciates the EPA granting a six-month window to obtain a bulletin before a pesticide is applied, growers may make their crop plans up to a year in advance. Given the uncertain nature of weather and insect outbreaks, coupled with the planning timeline growers may engage in, the six-month window does not encompass realistic planting seasons.

Due to the many variables of farming, supplemental online labeling will present as a challenge to the many growers who live in rural communities with little broadband capacity.

Inter-Industry Relationships

FFBF fosters strong inter-industry relationships with various state agencies (ex: FDACS, FDEP, Florida FWC, etc.) and environmental groups (ex: The Nature Conservancy, Audubon, etc.). Because FFBF was founded on grassroots principles, these relationships play a fundamental role in ensuring FFBF members maintain continued education to make decisions that are in accordance with current and scientifically-sound principles. Additionally, FFBF serves as a key resource for thousands of producers across the State of Florida for advocacy.

Furthermore, FFBF solicits the expertise of technical advisors on each of its sixteen commodity and issue-based advisory committees. These technical advisors, who are often from the aforementioned state agencies and environmental groups, serve as expert liaisons to their respective areas (ex: Water/Natural Resources) and guide FFBF's policies through education. This is one example of the many ways FFBF strives to *proactively* address critical environmental issues.

Conclusion

FFBF understands the EPA is complying with its legal obligations under the ESA. However, we cannot support the Insecticide Strategy as proposed. This incredibly complex, costly, and burdensome proposal presents an unworkable solution to the United States' agricultural industry in the lower 48 states.

This decision's impacts will go far beyond Florida, as Florida's farmers and ranchers are the primary supplier of food and fiber to the eastern half of the United States during the winter months. The proposed Insecticide Strategy will risk sacrificing national security without the proper tools for the United States to provide an affordable, safe, and sustainable food supply domestically.

Additionally, with the intense pressure for development in Florida with 800-1,000 people translocating daily to the state, removing the narrow edge of profitability of working agricultural lands highly exacerbates development removing environmentally critical lands forever.

As we have proposed above, FFBF believes there are different means in which the EPA can operate under their statutory obligation to the ESA. FFBF welcomes the opportunity to work alongside the agency to develop a more science-based and feasible solution. FFBF cannot support the proposed Insecticide Strategy, and strongly urges the EPA to consider alternative means for meeting its legal obligations.

We greatly appreciate your time and consideration on this matter.

Sincerely,

Jeb S. Smith
President
Florida Farm Bureau Federation