February 8, 2024

Susan Bartow
Chemical Review Manager
Pesticide Reevaluation Division
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Submitted via regulations.gov

Re: Docket 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 National Barley Growers Association (NBGA) writes to submit comments regarding the importance of seed treatments and the EPA's review of requirements applicable to treated seed. The NBGA is comprised of state grower organizations, breweries, and maltsters who have come together to enhance and maintain the vitality of the U. S. barley industry.

NBGA appreciates the opportunity to offer comments supporting the current labeling requirements for treated seed and to reiterate the need for effective seed treatments for barley growers. The ability to treat seed provides an efficient, precise, and safe means to control insects, diseases and other pests that can attack seed from sprouting to the plant's early seedling stage.

Indeed, the use of treated seed is an invaluable tool for the control of one of barley's more serious early season pests, wireworms. A large wireworm can kill two or more seedlings by feeding on germinating seeds and burrowing into stems. An infested field is likely to simultaneously contain wireworms at all growth stages and can cause stand reductions resulting in reduced yields. The only way to treat wireworms is through seed treatments as there are no effective foliar insecticides available to treat a wireworm infestation in a crop once it has emerged. It takes three to four years for wireworms to reach adulthood, and once a field is infested, treatment is required annually to manage wireworm populations.

Many producers have adopted reduced tillage or no-till practices to prevent erosion, while others have increased use of cover crops to improve soil health, nutrient sequestration, and water quality. However, these conservation practices can also result in an increase in many soil insects including wireworms. Without the availability of effective seed treatments to protect against soil pests, we could see an increase in tillage resulting in more soil erosion, run-off and loss of wildlife habitat.

It is also important to reiterate that all pesticides approved for use as seed treatments in the United States are subject to rigorous, scientifically robust review under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Seeds treated with pesticides that have undergone this rigorous review have long been interpreted by EPA to be "of a character which is unnecessary" to be subject to FIFRA in order to carry out FIFRA's purposes, and thus exempt from registration under FIFRA's Treated Article Exemption. The narrow criteria of the Treated Article Exemption, which already limits its application to treated seeds used in accordance with the registered pesticide product label, makes any further rulemaking unnecessary to prevent unreasonable risk.

The NBGA is encouraged that the EPA is seeking input from producers regarding the review of requirements applicable to treated seed. The NBGA believes EPA's current label review process for treated seed is sufficient and working and does not need to be revised or clarified. Directions for the use, storage and disposal of treated seed are sufficiently straightforward and clear and do not need clarification as there are no issues with noncompliance of the label directions.

Once again, NBGA appreciates the opportunity to offer comments supporting the current labeling requirements for treated seed and to reiterate the need for effective seed treatments for barley growers.

Respectfully yours,

Chris Engelstad
President, National Barley Growers Association