May 23, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

We write to express our grave concern with a recent change in long-standing policy regarding the regulation and labeling of pesticide products relied upon by farmers and other users. At a crucial time when American farmers are striving to feed a world threatened by food shortages and insecurity, the likes of which we have not seen in decades, this reversal of policy greatly risks undermining the ability of U.S. agricultural producers to help meet global food needs. This policy also poses significant risks to farmers and other herbicide users for whom these tools are essential to combat climate change and other environmental challenges. With so much at stake, it is vital that we have durable, predictable, science-based policy on this matter that does not fluctuate between administrations. We strongly urge you to withdraw the brief establishing this new policy, fully considering the implications it holds for global food security, environmental sustainability, and the future of science-based regulation.

On May 10, 2022, Solicitor General Elizabeth Prelogar submitted a brief to the U.S. Supreme Court advising the Court against hearing a case, arguing that federal pesticide registration and labeling requirements do not preclude states from imposing additional labeling requirements, even if those requirements run counter to federal findings. This position, a stunning reversal from numerous past administrations, Democratic and Republican alike, poses great risks to our science-based regulatory system and global food systems. The product label at issue in this case involves the herbicide glyphosate. Nearly every pesticide regulatory body in the world, including the U.S. Environmental Protection Agency, has conducted robust scientific evaluations of glyphosate and reached the conclusion it is not a carcinogen and can be safely used.

The Solicitor General's brief adopts a position that permits states to mislabel glyphosate – or any pesticide – with cancer warnings despite overwhelming scientific evidence that it does not pose a cancer risk. The Federal Insecticide, Fungicide, and Rodenticide Act, the primary statute governing pesticides, is quite clear that "a pesticide is misbranded if its labeling bears any statement… which is false or misleading in any particular." The dangerous reversal in position defies this federal statute, decreases access for farmers and other users to much-needed tools to produce food, fiber, and fuel safely and sustainably, and presents threats to science-based regulation and international trade.

Science-based regulation has always been a central tenant of U.S. trade policy. This new position undermines this standard and has already drawn criticism from our trade partners and foreign customers. Some U.S. trade partners resort to protectionist measures, including setting unjustifiable pesticide residue limits based on poor science, to limit market access to U.S. goods. The Administration adopting its own unscientific approach to pesticide labeling will only serve

to weaken the position of U.S. trade negotiators and bolster those seeking to use unscientific, protectionist policies to prevent U.S. access to foreign markets. These potential trade implications will likely not be limited to just crops in which glyphosate is used, but also for other pesticides.

Moreover, the Solicitor General's conclusion risks undermining how herbicide tools help farmers to produce more and do so sustainably. By opening the door to an impractical patchwork of state pesticide labeling requirements, farmer and user access to these tools would be threatened. Such action would reduce crop yields at a time when lives depend on us producing every bushel possible. It would also reduce the use of conservation practices that help to fight climate change, such as cover crops and decreased soil tillage.

We are concerned this monumental change in the federal government's policy will not just threaten science-based regulation, but it risks undercutting food production and important environmental practices at a time when we cannot afford to hinder either. We strongly urge your Administration to withdraw the brief and to consult with the U.S. Department of Agriculture regarding the implications of this decision for food production, environmental sustainability, and science-based regulation.

Sincerely,

Agricultural Retailers Association
Alabama Farmers Federation
Aquatic Ecosystem Restoration Foundation
Aquatic Plant Management Society
AmericanHort
American Farm Bureau Federation
American Soybean Association
American Sugar Alliance
Arizona Farm Bureau Federation
California Citrus Mutual
California Farm Bureau
California Specialty Crops Council
Cherry Marketing Institute
CropLife America
Far West Agribusiness Association
Florida Fertilizer & Agrichemical Association
Florida Fruit and Vegetable Association
Georgia Agribusiness Council
Golf Course Superintendents Association of America
International Fresh Produce Association
Iowa Farm Bureau Federation
Missouri Farm Bureau
National Agricultural Aviation Association
National Alliance of Independent Crop Consultants
National Alfalfa & Forage Alliance

National Asparagus Council
National Association of Landscape Professionals
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Barley Growers Association
National Black Grower Council
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Onion Association
National Pest Management Association
National Sorghum Producers
National Sunflower Association
North Central Weed Science Society
North Dakota Grain Growers Association
Northeastern Weed Science Society
Oregonians for Food & Shelter
RISE (Responsible Industry for a Sound Environment)
South Carolina Farm Bureau
Southern Weed Science Society
Southwest Council of Agribusiness
Tennessee Farm Bureau Federation
USA Rice
U.S. Canola Association
U.S. Peanut Federation
Washington Friends of Farms & Forests
Weed Science Society of America
Western Growers Association
Western Society of Weed Science