



Figure 1. Revised analysis of pesticide runoff vulnerability at the county level.

EPA published its final Herbicide Strategy on Tuesday, including a map of county-level pesticide runoff vulnerability it intends to use to determine the mitigation burden for herbicide users. (Map courtesy of EPA)

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JEFFERSON CITY, Mo. (DTN) -- On Tuesday, the Environmental Protection Agency released its final Herbicide Strategy, the first step in the agency's plan to meet its obligations under the Endangered Species Act (ESA). The release comes 10 days ahead of a Aug. 30 deadline mandated by a court settlement, which had been previously extended by three months.

The strategy outlines how the agency intends to protect threatened and endangered species and their critical habitats from herbicide exposure through spray drift and/or runoff or soil erosion.

"Finalizing our first major strategy for endangered species is a historic step in EPA meeting its Endangered Species Act obligations," said Jake Li, deputy assistant administrator for Pesticide Programs for the Office of Chemical Safety and Pollution Prevention, in an agency news release. "By identifying protections earlier in the pesticide review process, we are far more efficiently protecting listed species from the millions of pounds of herbicides applied each year and reducing burdensome uncertainty for the farmers that use them."

EPA released its first draft of the herbicide strategy in July 2023, receiving more than 18,000 comments during the public comment period. In response to comments, the agency said it made many improvements to the draft, with the primary changes falling into three categories:

-- Making the strategy easier to understand and incorporating up-to-date data and refined analyses.

- Increasing flexibility for pesticide users to implement mitigation measures in the strategy.
- Reducing the amount of additional mitigation that may be needed when users either have already adopted accepted practices to reduce pesticide runoff or apply herbicides in an area where runoff potential is lower.

According to EPA, the final strategy includes more options for mitigation measures compared to the July 2023 draft, while still protecting listed species. The strategy also reduces the level of mitigation needed for applicators who have already implemented measures identified in the strategy to reduce pesticide movement from treated fields into habitats through pesticide spray drift and runoff from a field. The measures include cover crops, conservation tillage, windbreaks and adjuvants.

Further, some measures, such as berms, are enough to fully address runoff concerns. Growers who already use those measures will not need any other runoff measures. EPA stated that it identified these options for growers through its collaborations with USDA under its February 2024 interagency Memorandum of Understanding (MOU) and through more than two dozen meetings and workshops with agricultural groups in 2024.

The agency said the final Herbicide Strategy also recognizes that applicators who work with a runoff/erosion specialist or participate in a conservation program are more likely to effectively implement mitigation measures. These conservation programs include the USDA's Natural Resources Conservation Service practices and state or private stewardship measures that are effective at reducing pesticide runoff.

"The strategy reduces the level of mitigation needed for applicators who employ a specialist or participate in a program," EPA wrote. "Geographic characteristics may also reduce the level of mitigation needed, such as farming in an area with flat lands, or with minimal rain such as western U.S. counties that are in the driest climates. As a result, in many of those counties, a grower may need to undertake few or no additional runoff mitigations for herbicides that are not very toxic to listed species."

According to EPA, refinements in the final strategy will allow the agency to focus herbicide restrictions only in situations where they are needed.

"The final strategy itself does not impose any requirements or restrictions on pesticide use," the agency wrote. "Rather, EPA will use the strategy to inform mitigations for new active ingredient registrations and registration review of conventional herbicides."

INDUSTRY REACTION

News of the strategy's release left the nation's soybean growers worried about the feasibility of the plan and its overall effects on farming.

"While there are clear improvements to the final Herbicide Strategy over what was first proposed, we are disappointed EPA chose to leave so many opportunities on the table to make this strategy workable for U.S. agriculture," said Josh Gackle, president of the American Soybean Association (ASA) and a soybean farmer from North Dakota, in a statement released by the commodity organization. "We remain concerned with the complexity of this framework and whether growers and applicators will be able to clearly understand how to implement it.

"Likewise, we continue to have concerns as to the type and affordability of runoff mitigations EPA has provided, the potential distance of spray drift buffers, the number of mitigations farmers will need to adopt, and whether these requirements are supported by the best available science, as the law requires," the statement continued. "As finalized, the Herbicide Strategy is likely to cost U.S. farmers billions of dollars to implement and could result in significant new hurdles to farmers accessing and using herbicides in the future."

ASA said EPA has largely not addressed how the agency evaluates whether pesticides pose a genuine risk to endangered species, noting that the current process is "unduly conservative, greatly overestimates risks and demands farmers adopt far more restrictions than are truly necessary to protect species. Disappointingly, the final Herbicide Strategy does little to address these concerns."

In a separate statement, the Agricultural Retailers Association (ARA) said the organization plans to review the final Herbicide Strategy to "gain a better understanding of the full impact it will have on America's agricultural industry."

"We appreciate the EPA's efforts to make continuous improvements to earlier drafts that would have been unworkable for agricultural retailers, pesticide applicators and farmers," said Richard Gupton, ARA senior vice president of public policy and counsel, in the statement. "ARA members support efforts to protect endangered species; an improved registration system that ensures the availability of essential pesticide products; and mitigation measures that are easy to understand, economical and achievable. The real test will be when new 2025 pesticide label registrations are implemented by EPA."

The primary 79-page strategy and its supporting documents can be found here: <https://www.regulations.gov/...>

Read more on DTN about the EPA Draft Herbicide Strategy: