



November 9, 2020

Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: The National Corn Growers Association comments on the EPA's Draft Proposal to Address Resistance Risks to Lepidopteran Pests of Bt; Docket ID: EPA-HQ-OPP-2019-0682

Dear Sir/Madam:

The National Corn Growers Association (NCGA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) Draft Proposal to Address Resistance Risks to Lepidopteran Pests of Bt. Founded in 1957, NCGA represents nearly 40,000 dues-paying corn farmers nationwide and the interests of more than 300,000 growers who contribute through corn checkoff programs in their states. NCGA and its 50 affiliated state organizations work together to create and increase opportunities for corn growers.

U.S. corn growers have successfully used Bt products for more than 20 years to control critical pests. The protection offered by Bt traits have increased yields for corn growers while affording them the ability to use fewer in-season insecticide applications. The value of this technology to corn growers cannot be overstated.

However, NCGA also recognizes that Bt technology is not foolproof. It must be stewarded carefully to ensure that the technology is available for future generations of corn growers facing the same pests of their predecessors. We appreciate EPA's efforts to collaborate with a variety of stakeholders to find workable solutions for the corn grower that address resistance risks.

NCGA asks EPA to consider the following comments and suggestions when completing its framework to address resistance risks in lepidopteran pests.

Resistance Monitoring through Sentinel Plots and Proposed Mitigation Strategies

NCGA supports EPA's proposal to have registrant-established sentinel plots placed in high risk areas. NCGA believes, as many other stakeholders have indicated, that this approach can be a useful tool in detecting resistance more quickly and effectively than current methods. However, NCGA believes EPA needs to provide many more details on how such a program will be structured and implemented, including the size and number of plots required per county, state or other defined region. We ask EPA to work with the registrant and academic community to establish parameters around such a program. And most importantly, we ask EPA to make those guidelines available to all stakeholders so they may better understand the scope and implementation of such a program.

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Phase out of Single-Trait and Non-Functional Pyramid Products

NCGA is not opposed to EPA's proposal to phase out single-trait products. We believe these products are at a higher risk for resistance development than pyramid products. And as EPA acknowledged in the proposal, single-trait products are used on relatively few acres so this phase out would not have major impacts on hybrid availability for corn growers.

For multiple reasons, NCGA does not support EPA's proposed phase-out of certain pyramids. First, this will limit corn products in the South to only those products containing the Vip3A trait. Restricting grower choice to only these products will increase the use of Vip3A products and, therefore, risk of resistance development to this critical product.

Second, we feel that EPA fails to consider the effectiveness of these pyramids against other pests, such as European Corn Borer. We do not want to limit grower access to products that remain effective against other concerning pests.

Finally, some of the yield genetics most sought-after by our grower members are included in the hybrids listed for potential phase-out. Many of these growers still choose to purchase these hybrids for their yield potential despite the fact that they may be less effective in controlling certain pests.

Existing Refuge-in-a-Bag Standards

NCGA does not support a nationwide increase in all pyramided refuge-in-a-bag (RIB) options to 10 percent refuge. EPA writes that it "does not anticipate that an increase to 10 percent refuge in seed blends will negatively affect IRM for other Bt pests" for those products with combined control for lepidopteran pests and corn rootworm. We believe a proposed increase, without first thoroughly evaluating the impacts on all target pests and the potential benefits or impairments to resistance management, is far too great a risk to corn growers.

Refuge Compliance

NCGA acknowledges that structured refuge compliance in the south remains a challenge, for multiple reasons, but questions the impact of both existing and proposed enforcement measures. Current strategies do little to incentivize growers to follow refuge guidelines, who often feel they are being economically penalized for planting less superior non-Bt seed. NCGA frequently hears from its members that the availability of high-quality, non-Bt seed continues to be a problematic issue. However, neither NCGA nor EPA can require any seed company to produce a particular type or standard of seed. Instituting requirements for registrants to report production of adequate refuge seed will not address issues of seed quality, nor will it present an accurate picture of grower compliance as registrants have always maintained that growers can source their refuge seed from any supplier.

NCGA does not support the mandatory compliance monitoring measures EPA proposes. The process of registrant-led auditing will potentially put growers at odds with trusted business advisors and associates, and may not be effective as representatives of the registrant will be

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unwilling to jeopardize customer relationships. Additionally, EPA has not addressed how such an auditing process will be implemented when factoring in the complex systems through which registrants license traits to other seed providers and growers source seed via a variety of channels that may or may not have a direct relationship with the registrant.

Withholding seed from farmers found out of compliance may be effective in encouraging compliance for some, though EPA has acknowledged that they have no authority to prevent farmers from sourcing the same traits from a different seed provider.

For these reasons, NCGA asks EPA to reconsider the possibility of a 20 percent RIB standard for southern corn-growing states. NCGA understands that the research on such a system is still evolving, though we believe it does show signs of promise. We acknowledge that RIB is not a perfect system for pest and resistance management. However, we believe this is the most clear-cut path for increased compliance and that the benefits of such a system are valuable when weighed against the potential risks.

If EPA is not willing to consider an 80/20 RIB blend for southern corn-growing states, we urge the agency to work with stakeholders on other potential options that may impact compliance. One option we would ask the agency to consider is that a seed supplier must confirm grower proof-of-purchase of refuge seed via a non-refundable receipt before any Bt seed can be delivered prior to each growing season. This gives the grower the option to purchase refuge seed from any provider he or she chooses and such a check can be performed during the course of normal business dealings prior to planting, instead of a separate and additional compliance check during the growing season. If EPA considers this option, NCGA asks that the agency collaborate with corn growers, registrants and other stakeholders to finalize implementation details.

EPA has stated that it has not yet taken a position on three key topics in the proposal, including a phase out of products, increasing RIB standards and instituting mandatory compliance measures, and will do so only after considering all stakeholder feedback. We are concerned by the lack of detail EPA provides in the proposal, especially related to these three options. Implementing any or all of these changes would substantially impact the nation's corn growers. As such, we feel strongly that corn growers must be represented in any future deliberations and discussions EPA makes on this topic. NCGA asks and urges EPA to be transparent in its deliberations and to include a wide variety of stakeholders before issuing any final decisions. NCGA is ready to be a resource for the EPA as the agency continues work on this issue.

NCGA thanks the EPA for considering these comments when finalizing its plans to address resistance risks in lepidopteran pests. Our goal remains continued corn grower access to effective products that address in-field pressures. We appreciate EPA's commitment to ongoing collaboration with agricultural stakeholders to offer safe and effective solutions for pest management.

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Sincerely,

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