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March 11, 2014

Docket No. APHIS-2013-0042  
Regulatory Analysis and Development  
PPD, APHIS  
Station 3A-03.8  
4700 River Rd, Unit 118  
Riverdale, MD 20737-1238

**RE: Draft Environmental Impact Statement for Dow Agrosiences  
Petition for Determinations of Nonregulated Status for 2,4-D Resistant  
Corn and Soybean Varieties**

Dear Sir or Madam:

**Board of Directors**  
President Jana Linderman,  
*Cedar Rapids*  
Vice President Thomas Burkhead,  
*Des Moines*  
Suzan Erem, *West Branch*  
John Gilbert, *Iowa Falls*  
Sally Gran, *Nevada*  
Jerry Peckumn, *Jefferson*  
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Jerry Rosman, *Harlan*  
Marvin Shirley, *Minburn*  
Anthony Thompson, *Elkhart*  
Donna Winburn, *Grinnell*

On behalf of the members of the Iowa Farmers Union (IFU), thank you for accepting our written comments regarding the draft Environmental Impact Statement (EIS) prepared by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) regarding the petitions by Dow AgroSciences for determinations of nonregulated status for 2,4-D resistant corn and soybean varieties. IFU is deeply concerned with the potential for adverse impacts that would result from widespread adoption of these seed varieties, and we strongly urge APHIS to more closely examine the full range of these impacts in a final EIS and to fully and appropriately consider them as part of any final decision in this matter.

Our farmer members represent a diversity of farm types, including: corn and soybeans (conventional, non-GMO and organic varieties), small grains, hay and forage crops, livestock, dairy, and fruits and vegetables. Our membership includes many farmers who have chosen to use glyphosate resistant corn and soybeans as part of their farming operations. While we appreciate certain benefits to farmers from the availability of these seed varieties, we also have witnessed the many negative impacts that have resulted from long-term, widespread use of glyphosate resistant seeds and the widespread application of glyphosate to corn and soybeans, as well as to many small grain crops.

**Herbicide Resistant Weeds**

The draft EIS correctly recognizes that the almost ubiquitous adoption of glyphosate resistant varieties among corn and soybean growers has led to widespread problems with glyphosate resistant weeds. These super-weeds have had an adverse impact on all types of farms and have moved farms away from no-till and other conservation practices that were originally highlighted as potential benefits of the glyphosate resistant seed varieties. We are deeply concerned that the immediate solution identified for this problem is the proposed adoption of an almost identical technology that likely will lead to an identical set of problems with the chemical 2,4-D. Continuing to develop and approve herbicide resistant varieties of seeds ignores the lessons of

the past and moves our farms toward a future where no chemical will be able to kill the superweeds that we have allowed to develop unchecked.

In comparing the relative impacts of the no action/preferred action alternatives in the draft EIS, it is not reasonable for APHIS to assume that farmers who choose to adopt 2,4-D resistant varieties of corn and soybeans will avoid the negative consequences of a new strain of superweeds by adopting better production practices. Glyphosate resistant weeds have been a recognized problem for a period of years, yet farms generally have not modified production practices (i.e., constant rotation of glyphosate resistant crops, overuse of pesticides containing glyphosate) until forced to do so by the appearance of glyphosate resistant weeds in their own fields. This is not owing to any ill intent or lack of due diligence on the part of the farmer. Rather, individual farmers lack an adequate incentive for early adoption of preventive practices unless the wider farming community follows suit. One farmer incurring the time and expense to follow recommendations for best management practices, such as improved crop rotation, will see all the cost but very little of the benefit from those practices if neighboring farms fail to follow the recommendations and allow herbicide resistant weeds to infiltrate the neighborhood.

It also is not reasonable for the draft EIS to assume that adoption of 2,4-D resistant varieties of corn and soybeans would directly correlate to beneficial conservation practices such as no-till, while keeping 2,4-D out of the marketplace would have the opposite impact. In fact, conservation and tillage practices vary widely by neighborhood within our state and largely reflect the social behavior of farmers choosing to follow what they see their neighbors doing. It certainly is the case that glyphosate resistant seed varieties have created the opportunity for the adoption of no-till and other conservation practices, but the reality is that many farmers using glyphosate resistant seed varieties have chosen not to adopt those practices. This is evident in the continuing problem of topsoil loss in Iowa, despite the large number of acres currently being planted to glyphosate resistant corn and soybeans across the state. At the same time, farmers choosing to plant non-glyphosate resistant varieties of corn and soybeans have a variety of methods available to avoid relying heavily on tillage for weed control, including pre-emerge herbicides, crop rotations and cover crops.

### **Contamination of Non-Herbicide Resistant Crops and Seed Varieties**

The draft EIS fails to adequately address the potential for adverse impacts related to contamination of non-herbicide resistant crops and seed varieties. Many of our farmer members have chosen to grow non-glyphosate resistant varieties of corn and soybeans, including organic varieties. These corn and soybean varieties may require increased labor and expense on the part of the farmer, but generally result in a significant price premium paid to the farmer when the crop is marketed. In many cases across the state of Iowa, non-glyphosate resistant and organic crop varieties are grown next to fields containing glyphosate resistant strains of corn and soybeans. Contamination of non-GMO and organic crops by genetically modified seed or pollen results not only in the loss of the farmer's price premium, and possibly the loss of the farm's organic certification, but also in the loss of seed that could be used in future growing years. The more this contamination is allowed to occur, the more obstacles farmers will face in finding uncontaminated seed and successfully growing and harvesting certified non-GMO and organic varieties to meet market demand.

## Negative Impacts of 2,4-D on Natural and Biologic Resources

Finally, we note our concern that APHIS has decline to analyze or consider the cumulative adverse impacts on natural and biological resources, including non-herbicide resistant crops, that will result from the widespread application of the 2,4-D chemical accompanying the adoption of these seed varieties. APHIS takes position in the draft EIS that because chemical regulation is outside the scope of the agency's regulatory authority, it would be inappropriate to consider those impacts as part of this docket. We respectfully disagree.

The National Environmental Policy Act (NEPA) does not direct the acting agency to examine only those impacts that fall within the scope of the agency's regulatory authority, but rather to examine any serious environmental impacts that might reasonably result from an agency's action. APHIS already has acknowledged in the draft EIS that it is appropriate to examine the cumulative impacts of 2,4-D application in the context of 2,4-D resistant weeds. While we appreciate that the U.S. Environmental Protection Agency (EPA) will be conducting its own review of the 2,4-D chemical, that does not and should not excuse APHIS from completing a full NEPA analysis of all environmental impacts stemming from this action, including the adverse impacts on natural and biological resources resulting from the widespread application of 2,4-D. We request that APHIS include such an analysis in the final EIS and consider those impacts in any final decision in this docket.

Thank you for your consideration of these comments.

A handwritten signature in black ink, appearing to read 'J.M. Linderman', with a long horizontal flourish extending to the right.

Jana M. Linderman  
President