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OPP Docket
Environmental Protection Agency Docket Center
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

RE: Docket No. EPA-HQ-OPP-2013-0676; Draft Guidances: Consideration of Spray Drift in Pesticide Risk Assessment

Dear Sir or Madam:

On behalf of the members of Iowa Farmers Union (IFU), thank you for accepting our written comments regarding the two draft guidance documents prepared by the U.S. Environmental Protection Agency's Office of Pesticide Programs (OPP) to assess the risk from off-site spray drift in the review process for pesticide products:

- *Guidance on Modeling Offsite Deposition of Pesticides Via Spray Drift for Ecological and Drinking Water Assessments* ("Ecological & Drinking Water Assessment") and
- *Residential Exposure Assessment Standard Operating Procedures, Addenda 1: Consideration of Spray Drift* ("Residential Exposure Assessment").

Iowa Farmers Union is the oldest farm organization in the state of Iowa. Our family farmer members represent a diverse mix of farming types, including conventional corn and soybean farms, livestock and dairy operations, organic farms, and direct market fruit and vegetable operations.

Many of our conventional commodity farmers rely on commercial pesticides as a standard part of their farming operations, and we recognize the integral role of responsibly deployed pesticides and spraying technology in modern production agriculture. At the same time, our membership includes an increasing number of organic farms and direct market fruit and vegetable farms that are vulnerable to significant and costly damages from off-site pesticide spray drift. In 2013, there were nearly 800 certified organic farms in Iowa, a number that has increased significantly in recent years. Many of our beginning farmer members in particular rely on high-value organic, fruit and vegetable, and specialty crops that allows them to start their farming operations on a relatively small number of acres.

As more of Iowa's conventional commodity production is inter-mixed with small parcels of organic, fruit and vegetable, and specialty crops, we have witnessed a greatly increased need for improvements to the rules and best management practices for pesticide use that will allow a more diverse mix of farming operations to exist and thrive side-by-side. Even a modest amount of off-site spray drift can cause

catastrophic damages, including losses to the current crop, loss of organic certification, loss of business reputation with local consumers, and potential health impacts for the farm family and farm workers. We have received reports from farmers, faced with both economic losses and negative health impacts from multiple instances of off-site spray drift, who have been unable to continue farming. Where one farm's success comes at the expense of the welfare of neighbors, no one benefits.

We support the continued efforts of OPP to more fully assess the impacts and identify improved preventive measures for off-site spray drift. Farm neighbors should not be forced to hash out these frequently contentious issues on their own, often after damages have already occurred. Leadership by OPP and other responsible agencies will be critical in charting the proper course for making pesticide use safe, responsible and effective and providing the clearest possible guidance for all parties involved.

OPP's risk assessments should recognize that farm families live where they work and face unique potential for exposure to pesticides from off-site spray drift.

The Residential Exposure Assessment focuses primarily on a model scenario where human exposure to off-site spray drift occurs in a hypothetical residential setting, e.g., a child playing on a contaminated lawn. The assessment's modeling should recognize that in a farm setting, the farm homestead generally is co-located with the farm business, and the risk for human exposure to off-site spray drift can be significantly different than in a typical non-farm residential setting.

The risk assessment should take into account the cumulative amount of time that farmers, their family members (including children) and farm workers spend in an environment where they face potential exposure to off-site spray drift, as well as the types of activities engaged in during the active farming season. Farm families often live on the farm site, and farmers, their family members and to a lesser extent their employees are in constant close proximity to areas at risk for off-site spray drift. The risk is particularly high for labor-intensive fruit and vegetable operations where farmers, family members and farm workers spend much of the day engaged in active physical labor, in the open air, in direct physical contact with potentially contaminated plants, soil and water. Any spray drift that occurs from off-site often does not become apparent until effects are visible in the form of damaged crops, making it difficult to quickly mitigate or avoid contamination. This is very different from a hypothetical scenario where a child spends a short time playing with a ball on a contaminated lawn.

The risk to farm families and farm workers from off-site spray drift comes both from indirect contact with pesticides via contaminated plants, soil and water, as well as direct contact with pesticide drift carried by air from a neighbor's field. OPP notes in the draft Residential Exposure Assessment that pesticide labeling already prohibits direct human contact with application sprays. While this certainly is an important preventive measure, it is quite difficult in practice to control for unpredictable factors such as changes in wind direction and speed, particular where farm workers are at work in a neighbor's field without the knowledge of the pesticide applicator. Reported incidents of direct human exposure to pesticides via off-site spray drift do occur despite the label requirement. Given the serious health consequences of this type of direct exposure, these reports indicate a need for additional layers of protection such as improved buffer zones.

OPP's risk assessments should recognize that pesticide applications frequently are carried out by third party commercial applicators with limited knowledge of neighboring farms and little financial or legal accountability for damages that may occur from off-site spray drift.

In the past, it was common practice for Iowa farmers to apply pesticide to their own fields. In that scenario, it would be at least somewhat reasonable to assume that the farmer applying the pesticide would have knowledge of neighboring operations, and as a responsible neighbor, may even have had conversations with adjacent farmers about the timing of the application and the type of pesticide being used. As farms have grown larger and spray technology has changed, it has become much more common for farmers to contract with a third party commercial applicator - often an aerial applicator - to apply pesticides to fields. In this scenario, it is not reasonable to assume that the applicator has any particular knowledge of neighboring farms, or that neighbors have been made aware of the timing and type of pesticide applications. Iowa currently has no notification system to educate either commercial applicators or farmers about the location of neighboring organic, fruit and vegetable, or specialty crops that may be adversely impacted by pesticides designed for use on conventional commodity crops. Similarly, no system exists for applicators to provide advance notice to the neighborhood about the timing of applications and the type of chemicals being applied. This mutual lack of knowledge undermines the ability of applicators to anticipate and avoid harmful exposure to neighboring fields, farmers and farm workers. There is similar difficulty for neighboring farmers wishing to avoid direct human exposure to drift or mitigate damages where drift occurs.

The incentives for a third party commercial applicator to become educated about the neighborhood and take proactive steps to avoid off-site spray drift also are undermined by a lack of meaningful financial or legal accountability when drift occurs. While commercial insurance policies may cover some amount of actual crop loss due to off-site spray drift, in practice there is little if any financial liability for loss of organic certification, damage to business reputation for farms that sell directly to local consumers, or impacts to human health. At the state level, Iowa levies only nominal fines for these types of drift incidents. The only remaining alternative is a costly and uncertain civil suit, a remedy that many farmers are reluctant to pursue. Because commercial applicators lack the personal accountability of a neighbor, as well as any meaningful financial or legal accountability for damages from off-site spray drift, it is particularly vital for OPP to provide multiples layers of clear and meaningful protections and protocols to prevent off-site spray drift from occurring.

OPP's modeling should recognize that off-site spray drift often is underreported.

Iowa has developed a protocol for reporting incidents of off-site spray drift via the Iowa Department of Agriculture and Land Stewardship (IDALS). The perception among many of our farmer members is that the process of reporting off-site spray drift to IDALS is cumbersome, slow, and unlikely to result in a meaningful remedy. As a result, we have received reports from impacted farmers who have suffered damages from off-site spray drift but have declined to report the incident to IDALS. This is particularly common where damages to a crop were covered by the applicator's insurance policy, or where the applicator makes a direct payment to the damaged party to avoid having to make an insurance claim. The resulting lack of accurate reporting data makes it difficult to accurately model and assess risk from off-site spray drift. OPP's modeling should assume that available reporting data for incidents of and damages from off-site spray drift are at best fairly conservative estimates of actual occurrences.

OPP's risk assessments should recognize that in an agricultural setting there are unique ecological impacts from off-site spray drift, including potential harm to the diversity and safety of our food system.

The Ecological and Drinking Water Assessment focuses on modeling impacts to terrestrial and aquatic organisms from off-site spray drift. The OPP guidance documents should recognize that the ecological risks posed by off-site spray drift take on a unique character where the drift impacts a farming operation. When a farm is contaminated by spray drift, more than a residential lawn is at stake. For example, if a diversified direct market farm is contaminated by off-site spray drift, the ecological consequences could include contamination of fruit and vegetables intended for sale to local consumers, harm to poultry, dairy animals and livestock intended for human consumption, and contamination of soil and water resources vital to the production of safe and healthy food.

The ability of our farmers to successfully engage in a wide variety of farming types is critical to the future of family farming, as well as the diversity, abundance and safety of our food supply. This diversity in agriculture depends on the ability of farmers to minimize incidents of harmful off-site spray drift and to easily and fully recoup their losses when drift does occur. Toward that end, it is absolutely vital that OPP and other responsible agencies craft a model for the approval of pesticides and pesticide use that provides the clearest set of rules and and protocols for all parties involved. Without this leadership from OPP regarding the standards for pesticides and pesticide use, we will see increasing incidents of damages to human health and ecological resources from off-site spray drift. These continuing incidents threaten the economic viability of our family farms, as well as undermine the diversity and safety of our food system.

Thank you for your consideration of these comments.

Sincerely,

Jana M. Linderman
President