

Director of Science Policy Report  
WSWS Summer Board Meeting  
July 25, 2016

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1. Tank Mix Prohibitions / Herbicide Synergism Uncertainties

The National and Regional Weed Science Societies (WSSA, APMS, NCWSS, NEWSS, SWSS, & WSWS) commented on the tank mix prohibitions proposed by EPA for two new herbicide registrations: 1) dicamba-tolerant cotton and soybean; and 2) halauxifen-methyl. The comment period for both those registrations closed at the end of May. EPA is considering whether they will continue to propose tank mix prohibitions on all new registrations and re-registrations going forward due to uncertainty about potential tank mix synergism effects on non-target organisms.

We’re opposed to the proposed tank mix prohibitions because the benefits of tank mixing outweigh any “uncertainty” about potential tank mix synergism effects on non-target organisms. EPA recognizes the benefits from tank mixes and states: *“The practice of tank mixing can result in **significant economic benefits to the grower** by allowing control of a wider variety of pests in a single application without incurring the expense of sequential applications. Additionally, by reducing the number of visits to the agricultural field, the grower is also **reducing fossil fuel use** and emissions from large agricultural equipment, **as well as the potential exposure to pesticides** that can result from multiple visits to the same area being treated. It is also widely accepted that the practice of **mixing products with different modes of action is essential to the management of weed resistance**. Because weed resistance is known to have a very costly impact to overall crop yields, which in turn negatively impacts growers’ harvests and the price of commodities to the consumer, tools that aid in the prevention of resistance are considered to be a very important benefit to agriculture”*.

Yet, despite these recognized benefits, EPA has proposed a tank mix prohibitions for both dicamba and halauxifen-methyl. In addition, EPA’s “uncertainty” about the effects of herbicide synergism on non-target organisms is a divergence from the [2013 National Academy of Sciences \(NAS\) report: “Assessing Risks to Endangered and Threatened Species from Pesticides”](#). The NAS report is the gold standard for how EPA and the Fish and Wildlife Service are supposed to make endangered species assessments. The NAS report recognizes that *“The toxicity of a chemical mixture probably will not be known, and it is not feasible to measure the toxicity of all pesticide formulations, tank mixtures, and environmental mixtures. Therefore, combined effects must be predicted on the basis of models that reflect known principles of the combined toxic*

*action of chemicals*". The 2013 NAS report emphasizes that the complexity of assessing the risk posed by chemical mixture (i.e. tank mixing herbicides) "**should not paralyze the process**".

The National and Regional Weed Science Societies comments are at: <http://wssa.net/wp-content/uploads/Weed-Science-Societies-comments-on-dicamba.pdf> and <http://wssa.net/wp-content/uploads/Weed-Science-Societies-comments-on-Halauxifen-methyl.pdf>

The tank mix prohibition situation does not appear to be going away anytime soon and is impacting all pest management disciplines. This started with a patent office claim on Enlist Duo from last fall. Registrants have filed 100's of herbicide synergism patents with the Patent Office going back to the 1960's to "control the business space". The first one was approved by the Patent Office in 1969 (before EPA). We need to show EPA that the benefits of tank mixes with multiple herbicide MOA's outweigh any potential synergistic effects from a tank mix on non-target organisms.

Bryan Young, Purdue, gave an excellent presentation to EPA staff on June 1 in a talk titled "Herbicide Interactions: A Weed Science Perspective" (please see attached powerpoint). It was standing room only with over 50 people in the room. Bryan is also developing a symposium for the WSSA meeting in Tucson, AZ in 2017 titled "Understanding and Reducing the Impact of Herbicide Off-Site Movement: Technologies and Tank Mix Interactions".

Another possibility to address this is developing some WSSA white papers or possibly a CAST issue paper that would address the benefits of herbicide mixtures. These papers would address economics, herbicide resistance management, practical weed management, sustainability, and environmental benefits of tank mixing. Some parts might be a review while others (e.g. economics) may be some new analysis.

## **2. EPA Herbicide Resistant Management Plan / Labeling**

On May 31, the National and Regional Weed Science Societies (WSSA, APMS, NCWSS, NEWSS, SWSS, & WSWS) submitted comments on EPA's proposed herbicide resistance management plan, which was first proposed as part of the dicamba-tolerant cotton and soybean registrations. EPA's proposal presents a significant change in how resistance is monitored, mitigated and communicated to weed management stakeholders.

While the National and Regional Weed Science Societies complimented EPA on these proactive resistance management measures, we provided many suggestions and recommendations on how to improve the plan. It will be important for EPA to communicate to the weed management community what their expectations are for the plan, how much it will cost to implement, and how will success (and failure) be measured. In addition, we consider the plan a first iteration that will need adaptation and evolution with our experience with it. The comments are at: <http://wssa.net/wp-content/uploads/Weed-Science-Societies-Comments-on-EPA-11-element-Resistance-Mgmt-Plan.pdf>

One of our concerns was that this was included as part of the proposed dicamba registration and not as a separate Pesticide Registration (PR) Notice by itself. However, just as the dicamba registration comment period was closing at the end of May, EPA did issue two separate PR Notices for the Resistance Management Plan on June 2<sup>nd</sup>. The first PR Notice (PR Notice 2016-X) is titled "[Draft Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling](#)" and the second PR Notice (PR Notice 2016-XX) is titled "[Draft Guidance for Herbicide Resistance Management Labeling, Education, Training, and Stewardship.](#)"

Draft [PR Notice 2016-X](#), which revises and updates [PR Notice 2001-5](#) (the first labeling update in 15 years), applies to all conventional agricultural pesticides (*i.e.*, herbicides, fungicides, bactericides, insecticides and

acaricides). The updates in PR Notice 2016-X focus on pesticides labels and are aimed at improving information about how pesticide users can minimize and manage pest resistance. Updates fall into the following three categories: (1) additional guidance to registrants and a recommended format for resistance-management statements or information to place on labels; (2) references to external technical resources for guidance on resistance management; and (3) instructions on how to submit changes to existing labels in order to enhance resistance-management language.

Draft [PR Notice 2016-XX](#), which only applies to herbicides, communicates EPA's current thinking and approach to address herbicide-resistant weeds by providing guidance on labeling, education, training, and stewardship for herbicides undergoing registration review or registration (*i.e.*, new herbicide actives, new uses proposed for use on herbicide-resistant crops, or other case-specific registration actions).

The National and Regional Weed Science Societies will be submitting comments for both PR Notices. The first PR Notice has some discrepancies in the definitions used among the pest management disciplines that need to be corrected. There is also the subject of trying to get the entire weed science community to use the same herbicide MOA classification scheme, whether that be HRAC's or WSSA's. Preliminary discussion with relevant stakeholders indicated that this is something we should not rush into, but is a possibility over the long term.

For the second PR Notice, we will resubmit our comments for EPA's proposed herbicide resistance management plan, which was first proposed as part of the dicamba-tolerant cotton and soybean registrations. One thing we might do differently is submit separate comments for herbicide resistance management in aquatic systems. The main issue is that using full label rates is not often recommended in aquatic systems because of the nature of treating a volume of water and for maintaining flexibility in species selectivity and non-selectivity. In addition, NPDES regulation of aquatic pesticide applications mandates that the lowest possible discharge be conducted.

To view and provide comments on these draft Pesticide Registration Notices and any supporting material, please visit [EPA-HQ-OPP-2016-0242](#) for PRN 2016-X and [EPA-HQ-OPP-2016-0226](#) for PRN 2016-XX. The comment period for each closes on **August 2, 2016**, however WSSA and others have asked for a **60 day extension**. As of July 25, EPA has not verified if they will extend the comment period.

### **3. Draft Ecological Risk Assessments for Triazines**

Below are links to the draft ecological risk assessments for atrazine, propazine and simazine and their supporting documents.

- Atrazine ([EPA-HQ-OPP-2013-0266](#))
  - [Preliminary Ecological Risk Assessment for Atrazine](#)
  - [Supporting Documents](#)
- Propazine ([EPA-HQ-OPP-2013-0250](#))
  - [Preliminary Ecological Risk Assessment for Propazine](#)
  - [Supporting Documents](#)
- Simazine ([EPA-HQ-OPP-2013-0251](#))
  - [Preliminary Ecological Risk Assessment for Simazine](#)
  - [Supporting Documents](#)

There are significant concerns with EPA's draft ecological risk assessment and the models they used, especially for atrazine. EPA used data and findings previously deemed "flawed" by EPA's 2012 Scientific Advisory Panel (SAP) on atrazine. EPA is recommending aquatic life level of concern (LOC) be set at 3.4 parts per billion (ppb) on a 60-day average. The EPA's current LOC for atrazine is 10 ppb. However, scientific evidence points to a safe aquatic life LOC at 25

ppb or greater. The proposed level cuts average field application rates down to approximately 1/4 pound per acre – which effectively eliminates it.

The National and Regional Weed Science Societies will be commenting on the ecological risk assessments for the triazines. **Is APMS aware of any concerns expressed about the aquatic use of simazine?** The 60-day comment period closes on August 5, 2016. However, I believe a 60 day extension was just granted so the comment period will now end on **October 4, 2016**.

#### **4. Glyphosate- IARC/NIH funding**

Advocacy groups in Europe used the International Agency for Research on Cancer's (IARC) report on glyphosate to lobby member state governments to block the EU's reauthorization of glyphosate. As discussed previously, the IARC study conclusions are the result of a significantly flawed process. Of the 900+ things IARC has analyzed, IARC has determined that they all could cause cancer (except yoga pants), which is often at odds with the conclusion of U.S. regulators. EPA's Cancer Assessment Review Committee completely discredits IARC findings in their review of glyphosate (but EPA has been sitting on that report since Oct. 1, 2015- and is a whole other issue). **The problem is this- the National Institutes of Health (NIH) gave IARC \$859,000 in U.S. taxpayer dollars to conduct its flawed study.** Any study by IARC, regardless of its credibility, benefits from association with the U.S. NIH and its reputation as a premier research organization. Unfortunately, because the glyphosate study was funded through the NIH, the conclusions will be taken more seriously than they might have been. Rep. Bob Aderholt, chairman of the House Ag Appropriations Subcommittee is investigating this with NIH Director Francis Collins. In addition, the American Association for the Advancement of Science (AAAS) has recently pushed back against IARC, saying that IARC reports create mostly confusion because they only look at hazard, not risk, which is poorly understood by consumers.

#### **5. FFAR Update**

The Foundation for Food and Agriculture Research (FFAR) was established in the 2014 Farm Bill. Congress provided \$200 million for the Foundation that must be matched by non-federal funds as the Foundation identifies and approves research projects. The Foundation operates as a non-profit entity, completely separate from USDA and is governed by 15 Board members. The FFAR Board's initial research target areas were:

- More productive, sustainable agriculture
  - Improving plant efficiency
  - Optimizing agricultural water use
  - Transforming soil health
  - Enhancing sustainable farm animal resilience, productivity, and health
- Better health through food
  - Achieving a deeper understanding of nutrition and healthy food choices
  - Managing food production systems for enhanced human nutritional outcomes
  - Spurring food system innovation

Over the past year, FFAR has been hiring staff, including their executive director, Dr. Sally Rockey, and holding listening sessions. WSSA [submitted research priorities](#) to FFAR last fall. FFAR announced a “New Innovator in Food and Agriculture Research” and “Rapid Response Program” this spring, but have not made any formal requests for applications for the research target areas above. We expect FFAR to make some of those announcements this fall.

#### **6. FY 2017 USDA Appropriations**

The House and Senate Agriculture Appropriations Subcommittees released their proposed budgets for FY 2017. In both budgets, many of the USDA agencies that receive funding for weed research and management

were proposed to receive modest increases compared to FY 2016. Agencies with proposed increases include: APHIS, ARS, NIFA, and NRCS. Within NIFA, the AFRI Competitive Grants program, both the House and Senate recommended an increase of \$25 million over the FY 2016 appropriation of \$350 million. However, most of the other NIFA line items relevant to weed science were held constant to the FY 2016 levels. This included Hatch Act, McIntire-Stennis, Smith Lever b & c, IR-4, SARE, and Crop Protection and Pest Management. Unfortunately, it appears any action or approval of FY 2017 appropriation's bills will be pushed well into next year after the presidential inauguration. Thus, we can probably expect a continuing resolution for funding based on FY 2016 levels until March 2017.

	FY 2014	FY 2015	FY 2016	FY 2017 House	FY 2017 Senate
<b>USDA AGENCY</b>	----- \$ millions -----				
ARS	1,122.4	1,132.6	1,143.8	1,151.8	1,177.9
ERS	78.0	85.3	85.3	86.0	86.7
NASS	161.2	172.4	168.4	168.4	169.6
NIFA	1,277.1	1,289.5	1,326.4	1,341.1	1,363.7
APHIS	821.7	871.3	894.4	930.9	939.2
NRCS	812.9	846.4	850.8	855.2	864.4
<b>NIFA Programs</b>					
Research and Education Activities	772.5	786.8	819.6	832.8	851.4
-Hatch Act (Experiment Stations)	243.7	243.7	243.7	243.7	243.7
-Cooperative Forestry Research	33.9	33.9	33.9	33.9	33.9
-AFRI Grants Program	316.4	325.0	350.0	375.0	375.0
-Sustainable Ag Res. & Education	22.6	22.6	24.6	24.6	27.0
-IR-4 Program	11.9	11.9	11.9	11.9	11.9
Extension Activities	469.1	471.6	475.8	477.3	476.2
-Smith-Lever Act, Section (b) & (c)	300.0	300.0	300.0	300.0	300.0
Integrated Activities	35.3	30.9	30.9	30.9	36.0
-Crop Protection & Pest Mang't	17.1	17.2	17.2	17.2	20.0

There are also various instructions and recommendations included in both the House and Senate Ag Appropriations bill related to weed science. I have included them in my July 2016 WSSA newsletter. Here are three examples:

- **Herbicide Resistance**-The Committee reminds NRCS of the challenges many producers are facing due to the spread of herbicide-resistant weeds and encourages it to ensure agency staff, partners, and producers are aware of conservation practice standards, conservation activity plans to address herbicide-resistant weeds, and financial assistance available through conservation programs to assist producers in their efforts to control these weeds.
- **Sage Steppe Restoration Science**- The Committee includes an increase of \$1,000,000 for ARS to advance sagebrush habitat restoration science in the Northern Great Basin including cooperative research, testing and deploying precision restoration methods to restore habitat Impacted by significant disturbance such as wildfire and invasive species.
- **Pollinator Health and Monarch Recovery**.- The Committee reiterates its concern for the need to address threats posed to pollinator health, and urges the Department to continue to support the Fish and Wildlife Service's Monarch Conservation Strategy. The Committee directs NRCS to leverage

resources, relationships and partnerships, including with non-governmental organizations that are perceived positively by the private land and agriculture communities and that possess experience working directly with agricultural producers and other conservation partners. The Committee recommends the Department continue to support monarch conservation on private lands in fiscal year 2017 and expects to see a multi-year recovery effort undertaken, focusing on the deployment of conservation practices.

## **7. WOTUS Rule Update.**

In June 2015, the EPA and Army Corps of Engineers finalized their waters of the United States (WOTUS) rule, which expands which waters are covered under the jurisdiction of the Clean Water Act (CWA). The rule will reportedly add some two million acres of streams and 20 million acres of wetlands. Over 30 states subsequently filed lawsuits in multiple federal courts seeking to block the administration's WOTUS rule. In August 2015, the District of North Dakota stayed the rule nationwide. In October 2015, the Sixth Circuit Court (not district court) claimed they have jurisdiction over the rule. Since then, there have been numerous jurisdictional battles between opponents and proponents of the rule in both District and Circuit courts. When it's all said and done, the Supreme Court will likely be issuing a final verdict on whether the WOTUS rule is "arguably unconstitutionally vague" under the CWA.

In a separate Supreme Court case ruling regarding CWA determinations on May 30, the Supreme Court ruled unanimously against the government in a case deciding when landowners can challenge certain decisions about water permits in court. The case, *Army Corps of Engineers v. Hawkes Co. Inc.*, centers on a North Dakota peat mining company that wants to challenge a government determination that its mining plans would require costly Clean Water Act permits. Property rights advocates and industry contend that landowners should be able to contest those decisions in court and the Supreme Court unanimously agreed. Chief Justice John Roberts wrote the court's opinion, finding that a jurisdictional determination approved by the Corps is indeed a "final agency action" that is subject to judicial review. [Click here](#) to read the Supreme Court opinion.

In yet another CWA court case, the Eastern District Court of California ruled that a wheat farmer and nursery operator violated the CWA because he plowed his field. I'm not going to go into the details here, but there is a nice little write-up in Farm Futures by Gary Baise at: <http://farmfutures.com/blogs-plowing-polluting-wheat-farmer-loses-clean-water-case-11059>

## **8. NPDES Fix Bill Update**

On May 24, the House passed H.R. 897, the Zika Vector Control Act (formerly the Reducing Regulatory Burdens Act- a.k.a. the "NPDES Fix" bill) [by a vote of 258-156](#). This is the 3<sup>rd</sup> time in five years the House has passed this bill. This version of H.R. 897 contains the same language as the original legislation, but included a 2 year sunset provision that we opposed. The Zika Vector Control Act (H.R. 897) was rolled into H.R. 2577, which also includes the Military Construction and Veterans Affairs Appropriations Bill as well as the Zika Response Funding bills.

The National and Regional Weed Societies [joined over 100 other organizations in a letter](#) urging House and Senate Conferees to support the inclusion of H.R. 897 in the final conference agreement for H.R. 2577 and to remove the sunset provision. The good news is that part of the NPDES fix language made it into the House – Senate Conference Agreement that includes a \$1.1 billion Zika virus response package and the FY 2017 Military Construction-VA appropriations bill. The bad news is that there is only a waiver from NPDES permits for mosquito control, not aquatic weeds. Plus the waiver is only for 180 days, and then sunsets. The House did pass the conference agreement (H.R. 2577), but then it blew up in the Senate, plus Obama promised to veto it.

In other words, it's back to the drawing board because even if Congress does pass a Zika Response bill after their August recess, the verbiage that is in there for an NPDES-fix is worthless (and useless).

### **9. National Survey of Most Common and Troublesome Weeds- Update**

I have received a lot of positive feedback from the national survey of the most common and troublesome weeds. There were nearly 700 responses from 49 states, Puerto Rico, and eight Canadian provinces. The plan is to conduct this survey every year, but split it into a 3-year rotation. The 2016 survey covers the most common and troublesome weeds in broadleaf crops (i.e alfalfa, canola, pulse crops, etc...), fruit & nut crops, and vegetables and is still open at: <https://www.surveymonkey.com/r/2016weeds>. So far, 145 individuals have submitted just over 200 survey responses for weeds in broadleaf crops. In 2017, the survey will cover weeds in grass crops/pasture/turf. In the 3rd year of the rotation in 2018, the survey will cover weeds in aquatic/non-crop/natural areas.

One concern was how to reference the survey data. For the short term (next couple of years), please use the following suggested website citation:

Van Wychen L (2016) 2015 Survey of the Most Common and Troublesome Weeds in the United States and Canada. Weed Science Society of America National Weed Survey Dataset. Available: [http://wssa.net/wp-content/uploads/2015-Weed-Survey\\_FINAL1.xlsx](http://wssa.net/wp-content/uploads/2015-Weed-Survey_FINAL1.xlsx).

After we get two or three complete weed survey data sets for the 26 different crops, non-crops, aquatic, and natural areas, I would expect that WSSA will analyze and publish that data in one of the weed science journals.

### **10. Milkweed and Monarchs**

On February 27, the World Wildlife Fund and the Mexican National Commission of Protected Natural Areas reported that the total forest area in central Mexico occupied by overwintering monarch colonies was 4.01 hectares, which was more than triple the 1.13 hectares in 2015 and six times greater than the low of 0.67 hectares reported in 2014. This year's reported population is estimated to be 200 million monarchs compared to the long-term average of 300 million. The National Strategy to Promote the Health of Honey Bees and Other Pollinators has set a short-term target of 225 million monarchs overwintering in Mexico (approximately six hectares of covered forest) by 2020 through national/international actions and public/private partnerships. Unfortunately, only 2 weeks after the monarch population numbers were announced in February, a March 11 snowstorm with subfreezing temps and 50 mph wind gusts hit Mexico's overwintering grounds, **killing somewhere between 3 – 50% of the overwintering population.**

The *Oikos Journal* published a Cornell study online on April 27 titled "[Linking the continental migratory cycle of the monarch butterfly to understand its population decline](#)". **Abstract:** Recent analyses have linked the monarch decline to reduced abundance of milkweed host plants in the USA caused by increased use of genetically modified herbicide-resistant crops. To identify the most sensitive stages in the monarch's annual multi-generational migration, and to test the milkweed limitation hypothesis, we analyzed 22 years of citizen science records from four monitoring programs across North America. We analyzed the relationships between butterfly population indices at successive stages of the annual migratory cycle to assess demographic connections and to address the roles of migrant population size versus temporal trends that reflect changes in habitat or resource quality. We find a sharp annual population decline in the first breeding generation in the southern USA, driven by the progressively smaller numbers of spring migrants from the overwintering grounds in Mexico. Monarch populations then build regionally during the summer generations. **Contrary to the milkweed limitation hypothesis, we did not find statistically significant temporal trends in stage-to-stage population relationships in the mid-western or northeastern USA. In contrast, there are statistically significant negative temporal trends at the overwintering grounds in Mexico,** suggesting that monarch

success during the fall migration and re-establishment strongly contributes to the butterfly decline. **Lack of milkweed, the only host plant for monarch butterfly caterpillars, is unlikely to be driving the monarch's population decline.** Conservation efforts therefore require additional focus on the later phases in the monarch's annual migratory cycle. We hypothesize that lack of nectar sources, habitat fragmentation, continued degradation at the overwintering sites, or other threats to successful fall migration are critical limiting factors for declining monarchs.

### **11. NISAW and Invasive Species Advisory Committee (ISAC) Update**

Planning for National Invasive Species Awareness Week (NISAW) 2017 is underway. Scott Cameron, President of the Reducing Risk from Invasive Species Coalition (RRISC) replaced Phil Andrezzi from the National Invasive Species Council (NISC) as my fellow co-chair for NISAW. Last February, we organized most of the NISAW events so that they occurred online. See [www.nisaw.org](http://www.nisaw.org). Other main organizing committee members include Hilda Diaz-Soltero – USDA, Stephen Phillips - Pacific States Marine Fisheries Commission, Leigh Greenwood - Nature Conservancy, Hilary Smith - Department of the Interior, Jason Goldberg – FWS, Priya Nanjappa – AFWA, Chuck Bargeron-Bugwood, and Peg Brady- NOAA. We meet once a month and are currently working to identify DC seminar topics and recruit seminar speakers. We have also discussed what is the best venue on Capitol Hill for a NISAW fair and reception. **NISAW will be held Feb. 27 – Mar. 3, 2017.**

NISC solicited nominations for the 9<sup>th</sup> Invasive Species Advisory Committee (ISAC). Janis McFarland was reappointed for a 2<sup>nd</sup> two year term. Joe Ditomaso retired from ISAC. The Science Policy Committee nominated Jacob Barney and Rob Richardson, but unfortunately neither was selected at this time. For a complete list of new and reappointed members of ISAC, please go to:

<https://www.doi.gov/invasivespecies/members-isac-9>

### **12. BLM “Should Finally” Approve 3 New Herbicide Vegetation Treatments in 17 Western States**

The BLM leadership has been dragging their feet on final approval of a Vegetation Treatments Programmatic Environmental Impact Statement (EIS), which evaluated the use of three herbicides as new treatments for invasive and noxious weeds on public lands in 17 Western states. The herbicides evaluated in the Programmatic EIS are aminopyralid (Milestone), fluroxypyr (Vista), and rimsulfuron (Matrix). The full Programmatic EIS for these vegetation treatments are at: <http://blm.gov/3vkd>.

This process has been going on for almost six years. The final public comment period on BLM's approval of the new vegetation treatments closed in May. Now we are just waiting around for some BLM signatures on the final Record of Decision (ROD).

### **13. Paraquat Mitigation Comments Submitted**

As part of the Registration Review process for paraquat that was initiated in 2011, EPA proposed the following five additional mitigation measures to minimize human health incidents:

1. Developing paraquat-specific applicator training material that emphasizes that the chemical must not be transferred to or stored in improper containers
2. Changes to the pesticide label and warning materials to highlight the toxicity and risks associated with paraquat
3. Use of a closed-system (similar to the lock-and-load system) for transferring paraquat out of all product containers
4. Restricting the use to certified pesticide applicators only, thus prohibiting application by individuals working under the supervision of a certified applicator.
5. Prohibiting applications from hand-held equipment

WSSA commended EPA for taking steps outlined in mitigation measures #1 and #2. WSSA expressed concerns about the increased costs that would be associated with mitigation measures #3, #4, and #5, which would potentially eliminate the use of paraquat as an alternative MOA.

WSSA's greatest concern is that prohibiting paraquat applications from hand-held equipment would essentially eliminate the weed science community's ability to do small plot research with paraquat. If the Agency decides to adopt this prohibition, **WSSA strongly recommended there be an exemption for weed research work with paraquat.** For this particular weed science research exemption, the WSSA would support that anyone who applies paraquat with handheld or backpack sprayer equipment must possess a certified pesticide applicators license.

WSSA comments are at: [http://wssa.net/wp-content/uploads/WSSA-comments-on-paraquat-mitigation\\_FINAL.pdf](http://wssa.net/wp-content/uploads/WSSA-comments-on-paraquat-mitigation_FINAL.pdf)

#### **14. GMO Food Labeling Bill Expected to Become Law (yes- there is still hope for Congress)**

On June 23, Sen. Pat Roberts (R-KS) and Sen. Debbie Stabenow (D-MI), chair and ranking member of the Senate Ag Committee, unveiled a bipartisan proposal to protect the use of agriculture biotechnology and to ensure consumers have access to the information they want. [Click here](#) to read the legislative text. Key provisions of the bipartisan proposal include:

- **Pre-emption:** immediately prohibits states or other entities from mandating labels of food or seed that is genetically engineered.
- **National Uniform Standard:** the U.S. Department of Agriculture establishes through rulemaking a uniform national disclosure standard for human food that is or may be bioengineered. This will occur over the next two years and is where the anti-GMO groups will now focus their attention (and lawsuits)
- **Disclosure:** requires mandatory disclosure with several options, including text on package, a symbol, or a link to a website (QR code or similar technology); small food manufacturers will be allowed to use websites or telephone numbers to satisfy disclosure requirements; very small manufacturers and restaurants are exempted.
- **Meat:** foods where meat, poultry, and egg products are the main ingredient are exempted. The legislation prohibits the Secretary of Agriculture from considering any food product derived from an animal to be bioengineered solely because the animal may have eaten bioengineered feed.

After a couple of procedural votes in the Senate, the Senate passed the compromise GMO labeling bill 63-30 on July 7. House Ag Committee Chairman, Michael Conaway (R-TX), was silent on the Senate bill for several days, but eventually issued the following statement: *"After spending the past week and a half studying the legislation and meeting with agricultural producers, along with a variety of other stakeholders, I have come to the conclusion that the Senate bill is riddled with ambiguity and affords the Secretary a concerning level of discretion. I have sought written assurances from USDA on the more problematic provisions, and I appreciate the efforts of the Department to provide some level of clarity. While I will never fully support federally mandating the disclosure of information that has absolutely nothing to do with nutrition, health, or safety, it is my expectation that this legislation will be considered on the House floor next week, and it is my intention to support this bill."*

Following that statement, the House did indeed pass the Senate version of the bill on July 14 by a vote of 306-117. The president is expected to sign the bill, but has not done so as of July 25. Vermont's GMO labeling law went into effect on July 1 and there are reports that retailers have pulled over 3000 grocery products from the shelves.