



# PPC

**PESTICIDE POLICY COALITION**  
A Coalition Working for Sound Pest Management Policies

January 29, 2020

OPP Docket  
Environmental Protection Agency Docket  
Mail Code: 28221T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

*Submitted electronically via [www.regulations.gov](http://www.regulations.gov)*

**Re: Pesticides; Agricultural Worker Protection Standard; Revision of Application Exclusion Zone Requirements; Docket No. EPA-HQ-OPP-2017-0543, 84 Fed. Reg. 58666 (November 1, 2019).**

The Pesticide Policy Coalition (PPC or “the Coalition”) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency’s (EPA) proposed revision to Application Exclusion Zone (AEZ) requirements under its Agricultural Worker Protection Standards (WPS) announced in the Federal Register on November 1, 2019 (hereinafter “Proposed Revisions”). (84 Fed. Reg. 58666).

The PPC is an organization of food, agriculture, forestry, pest management and related industries, including small businesses/entities, which support transparent, fair and science-based regulation of pest management products. PPC members include: nationwide and regional farm, commodity, specialty crop, and silviculture organizations; cooperatives; food processors and marketers; pesticide manufacturers, formulators and distributors; pest and vector-control operators; research organizations; equipment manufacturers and other interested stakeholders. PPC serves as a forum for the review, discussion, development and advocacy around pest management regulation and policy.

## COMMENTS

The PPC applauds EPA’s efforts toward stakeholder outreach subsequent to the final 2015 revisions to the WPS. As part of that outreach, EPA learned of the myriad issues with the lack of clarity, regulatory uncertainty, and implementation challenges around the 2015 WPS revisions, including the AEZ requirements. Under the final 2015 WPS’ AEZ requirements, there were many practical challenges around complying with bystander notice requirements when an AEZ area extended beyond a farmers’ property. Additionally, the AEZ could at times include a farmers’ house and other structures on the farm property, and family occupants may have been required to vacate these structures during pesticide applications or risk noncompliance.

The PPC appreciated the EPA’s effort to provide additional guidance on implementation of the AEZ via subsequent guidance documents, graphics, and videos. However, this guidance fell short of the regulatory certainty that codified regulatory language provides. The PPC supports EPA’s action to now codify this clarifying guidance in the form of the Proposed Revisions.

The one item that could further improve implementation of AEZ without compromising the safety of workers is to make the AEZ wind directional based. Like buffer zones, the AEZ should only apply to the downwind side of the applicator as drift only moves downwind. Aerial applicators have the tools necessary to provide immediate onsite wind direction measurement so if wind direction does change during the application they can respond immediately. Labels for the newest formulations of 2,4-D and Dicamba, such as Enlist and Eugenia products, are reflective of this concept and offer evidence supporting the concept of wind directional based buffer zones. This same logic should also be applied to the AEZ.

The Proposed Revisions adequately address the implementation issues and lack of clarity with the 2015 AEZ regulatory language. EPA should move forward with finalizing the Proposed Revisions.

Thank you for considering the Coalition's input on this important regulatory action. Please contact us with any questions on our comments.

Sincerely,



Steve Hensley  
Chair, Pesticide Policy Coalition



Beau Greenwood  
Vice Chair, Pesticide Policy Coalition