Seed Treatment

Seed treatments deliver a very precise application that shields seeds from the insects and diseases that exist in the soil during early developmental stages. Seed treatments reduce the environmental impact of the production process by decreasing the number of spray applications of agrichemical products lessening exposure to non-target species, including humans, pollinators and the environment.

EPA currently regulates the pesticides used as seed treatments. A seed may not be treated with a pesticide unless EPA has specifically approved the pesticide for use as a seed treatment on that seed. Seed is regulated by USDA and individual states. There are additional requirements for language on the seed container for neonic-treated seed.

Treated Article Exemption Petition

Recently a group of NGO's led by the Center for Food Safety submitted a petition to EPA seeking to regulate treated seed itself as a pesticide instead of as a treated article. The petition follows a similar lawsuit that was dismissed by a Federal judge ruling in November 2016. The treated article exemption is a longstanding policy of EPA. An article is exempt from regulation under FIFRA by virtue of the treated article exemption if the following three conditions are satisfied: (i) the article contains or is treated with a pesticide; (ii) the pesticide is intended to protect the article itself; and (iii) the pesticide is registered for this use. Treated seeds meet all of these requirements.

Regulating treated seed as a pesticide, as desired by those filing the petition, would likely put an end to the use of seed treatments. It could put a tremendous burden on growers, as each planting will be considered a pesticide application. In addition, the regulations would become overwhelming as each treated seed may need to be registered as a pesticide pursuant to FIFRA. At the very least, each seed treatment formulation which typically contain a number of registered products, would need to have its own full registration.

The potential burden will not result in measurable benefits to the environment, which EPA has acknowledged. EPA has released pollinator assessments for neonic pesticides which all indicate low risks from seed treatment uses.

Next steps

ASTA would welcome the opportunity to provide input to EPA on the potential impact of the petition either through a public comment process or through other means.

Seed Treatment Stewardship

In numerous recent documents EPA has shown strong support for voluntary stewardship methods to reduce exposures during the planting of pesticide treated seed. ASTA and our members take our role in promoting seed treatment stewardship very seriously. Since the inception of the initiative, building grower awareness has been our highest priority.

Program Update - In the last few months we created new content around the 5 Basic Steps for Stewardship of Treated Seed which has been promoted through social media, earned media, handouts at Commodity Classic

and announcements on farm radio through a partnership with National Association of Farm Broadcasters. At the same time, we refreshed and reorganized our website with the goal of making information on stewardship and pollinators easier to access.

On April 26th ASTA, National Corn Growers Association and the Association of Equipment Manufacturers hosted a Planter Demonstration Day for EPA, USDA and Hill staff. The day was a huge success. USDA and EPA staff were very appreciative of the opportunity to get outside and see their work come to life. The day included sessions on the benefits of seed treatment and how seed is treated and planted so that fugitive dust is minimized. Speakers from Bayer, Syngenta, BASF, Monsanto and DuPont Pioneer participated along with Crop Production Services, John Deere, Great Plains and other equipment companies. A video of the event is on YouTube.

Biological Seed Treatments

The term biologicals encompasses many different types of products that can be classified under three buckets: biopesticides, biostimulants, and biofertilizers. Which bucket it falls under is determined by the claims made by the seller but generally these are naturally occurring microbes that can be applied to seeds. Even within those 3 types of products, they can be regulated under FFRA by EPA (biopesticides, and biostimulants that are considered Plant Growth Regulators (PGR's)) or by the state fertilizer authorities (biofertilzers and non-PGR biostimulants). Since FIFRA regulated products have clear and predictable regulatory requirements, we are seeking federal oversight with streamlined regulations that are proportionate to risk for biostimulant products. EPA has drafted guidance documents on claims associated with biostimulants.

Next Steps:

ASTA, BPIA, and the Biostimulant Coalition recently sent a letter to Nancy Beck asking EPA to release their guidance ASAP.

PBI

Plant varieties improved with the latest breeding methods are subjected to the same critical performance evaluations and processes that breeders have used for decades to create new plant varieties that are safe to grow and eat. If the plant varieties developed with the newer tools meet the same standards as those developed with more traditional breeding methods, they should be subject to the same treatment under the law.

It is important that USDA, EPA and FDA, the three regulatory agencies, closely coordinate their activities to ensure consistency.

EPA has consistently stated that its intent is to focus its regulatory efforts for Plant Incorporated Protectants (PIPs) to those plant defense mechanisms that are new to plants and may present novel, unknown and/or unfamiliar toxicological profiles. EPA further recognized the safety record of plant breeding in the United States. Based on this safety record, EPA exempted PIPs derived through conventional plant breeding and stated that it did not want to unnecessarily supplant the self-regulating aspects of plant breeding.

ASTA submitted comments to the EPA's Docket on Evaluation of Existing Regulations on May 15th stating PIPs developed through certain gene editing applications meet the definitions under the EPA's existing exemption for conventional breeding and EPA should explicitly clarify this.

Next steps:

ASTA would like to have further dialogue with EPA Office of General Counsel on a legal interpretation for plant breeding innovation.