



February 10, 2022

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Administrator Regan:

Our organizations are greatly concerned about the USEPA's recent decision to prohibit the use of Enlist Duo and Enlist One herbicides in certain counties as part of issuing new seven-year registrations for those two products.

Twelve counties in Ohio are listed including Athens, Butler, Fairfield, Guernsey, Hamilton, Hocking, Morgan, Muskingum, Noble, Perry, Vinton, and Washington. We believe the ban impacts nearly 270,000 soybean acres in Ohio. In total, the new label for Enlist Duo bans use of the product in 217 counties in 21 states, with the bulk falling in Arkansas, Florida, Kansas, Nebraska, Ohio, Oklahoma and Texas. Enlist One is prohibited from use in 169 counties in 14 states.

The restriction on use in certain counties came with no warning to producers and no logical implementation plan. Farmers who have already purchased the product went to bed on January 10th thinking they had secured a crucial input in a time of scarce supply, only to wake up the next morning to find the EPA has prohibited its use. What are farmers who have made thousands of dollars in investment in this product supposed to do without time to account for this new regulatory restriction?

In addition to the financial hit the EPA is handing down to these farmers, the decision leaves them without many options for soybean weed control. Very few products on the market can replace Enlist, and with current supply chain disruptions that continue to plague our country's entire economy, the products that can are in extremely short supply.

The decision by the EPA also comes with virtually no communication and no answers to important questions. How were counties selected? How are the endangered species identified to trigger a prohibition of use selected? Why are portions of counties in some states subject to the ban while other states are facing whole county prohibitions on use?

We also understand the EPA has recently received new data regarding the status

of the American Burrowing Beetle (ABB) and any potential effects of Enlist on this species. We urge EPA to review this new data as expeditiously as possible in the event it might improve clarity on any effects to ABB. Further, we urge EPA to swiftly make a registration amendment addressing the need for these county-level prohibitions should this new data find them unwarranted.

Farmers are angry, and rightly so. The Biden Administration needs to start to communicate with producers about these questions and account for the competitive disadvantage their decision has placed on farmers in these counties. In addition, the administration must create a more open and transparent process as to how they intend to use the Endangered Species Act to evaluate agricultural products in the future.

Respectfully,



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Tadd Nicholson
Executive Director
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Association



Kirk Merritt
Executive Director
Ohio Soybean Association

Cc: Ohio Congressional Delegation
U.S. Senator Sherrod Brown
U.S. Senator Rob Portman
Zippy Duvall, President, American Farm Bureau Federation
Governor Mike DeWine