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The following information is provided to you from the Western Integrated Pest Management Center regarding EPA's proposal to require 50- and 350-foot buffers, respectively, for ground and aerial chlorsulfuron applications to small grains. This response provides input from the six-state Pacific Northwest region comprised of Alaska, Idaho, Oregon, Montana, Utah, and Washington and is being sent in response to your request to Rick Melnicoe, Western Integrated Pest Management Center Director, on April 12, 2005.

As stated in our October 29, 2004 letter, submitted to Susan Jennings of EPA, chlorsulfuron is an important herbicide in wheat production in our region in areas planted in a wheat/fallow rotation. It is our understanding that EPA wishes to impose mandatory buffer zones to protect threatened or endangered (T/E) plant species. We understand that because sensitive species have not been identified, EPA is proposing buffers to protect "native plant communities." Wheat growers in our region support the idea of protecting T/E species but question the breadth of this language. Wheat growers experienced a similar situation recently with mesosulfuron-methyl. In this case growers discovered that one of the T/E plant species for which mitigation measures were proposed did not break dormancy until well after mesosulfuron-methyl applications were made, thus did not require the proposed protection. Growers feel it is very important that EPA first identify the species of concern before imposing mitigation measures.

Growers also question the assumption that current herbicide application practices in wheat growing regions are negatively impacting native plants. Native plant communities can be seen thriving in non-farmed areas adjacent to wheat fields; therefore, it is clear that, while some native plant species may be impacted by herbicide application, all are not. And of those impacted, which are impacted specifically by chlorsulfuron? Growers ask that EPA first quantify the problem by identifying the plant species of concern, assessing the potential for chlorsulfuron to harm these species, and specifying the counties in each state where these species are found. Once this is done a determination can be made as to whether current chlorsulfuron use practices will impact these species and appropriate mitigation measures can be established.

If EPA insists on going ahead with its proposal to put mitigation measures in place before identifying the T/E species of concern, then growers ask that the chlorsulfuron labels allow both ground and aerial applications with no buffer requirement when there are sustained winds blowing away from native plant communities and/or sensitive crops. Growers in Washington report safely making chlorsulfuron applications to wheat bordering blooming canola fields when sustained winds were blowing away from the canola. As canola is very sensitive to herbicide injury we believe that this adequately demonstrates chlorsulfuron applications can be safely made without the imposition of mandatory buffer zones. Because our applicators are both knowledgeable and responsible, label language allowing for no-buffer applications when sustained winds are blowing away from sensitive areas will be protective of T/E plant species and sensitive crops.

If EPA requires buffer zones regardless of the wind pattern, growers in our region ask that the buffers only be required on field borders adjacent to native plant communities or sensitive crops. It makes no sense to require a buffer on a field bordering fallow acreage or another wheat field.

We foresee the following problems with mandatory buffer zones:

- 1) Strip or Divided Slope Cropping – In some parts of our region strip cropping (wheat/fallow) is practiced on high contour areas where there are erosion concerns. If mandatory 50-foot ground and 350-foot aerial buffer zones are imposed for chlorsulfuron applications, this chemical will be entirely unusable in parts of our region. (It is estimated that in Oregon, Washington, and Idaho between 10 and 15% of the winter wheat acreage, where chlorsulfuron is primarily used, is planted in this manner.) These crops strips may be as narrow as 150 feet, average about 200 feet in width, and are only rarely greater than 300 feet wide. Thus the aerial application of chlorsulfuron won't be allowed. Further, if a grower must make an application of an alternative herbicide to the outermost 50 feet on the up-slope and down-slope border of one of these narrow fields, he or she won't take the time or trouble to make a chlorsulfuron application to the center of the field. Growers are concerned that the imposition of mandatory buffer zones will make chlorsulfuron unusable in all the areas where strip or divided slope cropping is practiced.
- 2) Application Timing/Product Efficacy – Growers are concerned that the imposition of 350-foot buffer zones for aerial applications of chlorsulfuron will seriously hamper weed control in wheat on several fronts.
  - Growers believe that the imposition of buffers will lead to delays in herbicide applications and are concerned that this will decrease herbicide efficacy. Growers typically make aerial herbicide applications to wheat because of field conditions and the time required to make applications using ground equipment. With the imposition of mandatory buffer zones, growers will have to rely on ground equipment to make chlorsulfuron applications to the field borders. Since weeds are typically more prevalent on field perimeters than in the middle of the field, the use of efficacious herbicides on field perimeters is very important. Because chlorsulfuron is applied in the spring, growers will have to wait for fields to dry sufficiently to allow access by ground equipment. As we stated in our October letter to EPA, Extension weed

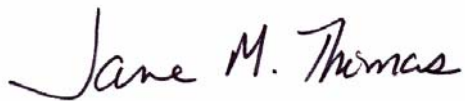
specialists are concerned about the timing of chlorsulfuron applications. When chlorsulfuron applications to field perimeters are delayed past normal aerial application timing, the product's effectiveness for control of some weed species decreases.

- Growers are concerned about the length of time it will take to apply herbicide with the imposition of mandatory buffer zones. It will take a grower between 4 and 7 passes (depending upon the size of the equipment being used) to treat the 350-foot area that could not be covered with aerial application of chlorsulfuron. (Growers will need to make several passes of the field perimeter with chlorsulfuron in a ground rig and then one additional pass on the field border with another chemical to treat the entire area with herbicide.) Making herbicide applications with ground equipment as described above is time consuming. Wheat growers are concerned that spring weather could interrupt the application causing additional delays, impacting herbicide efficacy.
- The imposition of buffers will force growers to use alternative products on field borders and growers have expressed concerns that these alternate products may not be as efficacious as chlorsulfuron.
- There was also some concern expressed by wheat growers that there may not be sufficient ground equipment available to make chlorsulfuron applications in a timely manner should mandatory buffers be imposed.

We appreciate the request for continued comment on EPA's mitigation proposal for chlorsulfuron. We are very concerned about the potential impact that the imposition of mandatory buffer zones for chlorsulfuron applications will have on wheat production in our region.

Thank you for giving us this opportunity to provide input into the reregistration process.

Sincerely,



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