



April 1, 2025

Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Nebraska Corn's comments on EPA's *Updated Mitigation Proposal for the Atrazine Interim Registration Review Decision*, Case Number 0062; Docket ID: EPA-HQ-OPP-2013-0266

Dear Sir/Madam:

On behalf of the Nebraska Corn Growers Association (NeCGA) dues paying members and the over 23,000 corn farmers in Nebraska who contribute to the state's corn checkoff program through the Nebraska Corn Board we appreciate the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) Updated Mitigation Proposal for the Atrazine Interim Registration Review Decision, Case Number 0062; Docket ID: EPA-HQ-OPP-2013-0266.

Nebraska Corn acknowledges the Environmental Protection Agency's (EPA) intention to provide the best guidance that balances the perpetuation of viable corn production systems while safeguarding biodiversity and the health of our natural resources. Let these comments reflect the desire of Nebraska Corn to encourage mindfulness in the use of this extremely effective product but also drive awareness as to the critical need for its continued availability to Nebraska producers.

Nebraska is a proud leader in no-till acres, effectively reducing erosion, mitigating nutrient loss, and improving soil health and biodiversity within agroecosystems. Atrazine is one of several tools that allow for the continued success of no-till farming practices. Third in the nation for corn production, Nebraska produced 1.8 billion bushels of corn across nearly 9.6 million acres in 2024. This level of production is largely attributed to the continued access to effective crop protection tools including Atrazine. According to the 2023 Nebraska Groundwater Quality Monitoring Report, conducted by the Nebraska Department of Environment and Energy, there have been 19,474 groundwater samples collected and analyzed for atrazine in the last 22 years. The average

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atrazine concentration among these samples is 0.08 micrograms per liter or $\mu\text{g/L}$, compared to the EPA's previous Maximum Contaminant Level of 3.4 $\mu\text{g/L}$.¹ Over 7,000 studies have documented atrazine's safety and effectiveness, supporting continued grower access to the product.

Despite access to many other herbicides over the past 60 years, farmers still rely on atrazine for weed control because of its economical effectiveness against a broad spectrum of weeds, its long residual period, and its ease of use. It is compatible with all registered corn herbicides and in herbicide-resistant weed cases like pigweed, is a critical additive for effective control. A grower's ability to use atrazine through mitigation measures – could mean the difference between profit and loss for many. Without atrazine, farmers would have to increase tillage and mechanical weeding, adding time, cost, and harming human health and the environment.

Nebraska Corn appreciates the EPA's decision to accept and incorporate the August 2023 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) conclusions in a revised concentration equivalent level of concern (CE-LOC) for atrazine. There remains concern about the inclusion of some studies and approaches taken to determine areas requiring mitigation outlined below. We direct EPA to the official comments submitted by the Triazine Network for additional details.

- The continued inclusion of the Pannard et al. (2009) microcosm/mesocosm study significantly affects the final CE-LOC. The CE-LOC is 9.7 $\mu\text{g/L}$ when the Pannard study is included, versus a science-driven 12 $\mu\text{g/L}$ CE-LOC without the study. This study is not representative of naturally occurring plant communities yet was given the same weight in the CE-LOC database as large mesocosm studies possessing much more diverse and accurate representations of typical aquatic plant communities.
- The WARP-MP model is not a suitable model for predicting atrazine concentrations. The WARP-MP model is useful for estimating vulnerability of watersheds to runoff, it was not designed to accurately predict atrazine concentrations in watersheds. A 95% prediction interval from the WARP-MP model versus the Standard Median Output vastly over-predicts real-world use, resulting in 60% of corn acres requiring mitigation. Using the more reasonable, but still conservative, WARP-MP medians result in 12% of corn acres requiring mitigation. Thus, the

¹ [2023 Nebraska Groundwater Quality Monitoring Report](#)

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impact of relying on WARP-MP UPLs on growers is huge. The EPA provided no response to previous concerns regarding the inappropriateness of the WARP-MP model itself, especially given that with an increased CE-LOC, the potentially effected acres map went unchanged. Without justification, we urge EPA to move toward a more accurate assessment tool, such as the USDA-ARS supported soil and water assessment tool (SWAT).

Nebraska Corn commends the EPA for expanding the atrazine mitigation list to be consistent with the Herbicide Strategy. The opportunity for greater choice in mitigations is extremely critical to successful implementation in that what constitutes effective, sustainable management varies greatly from one operation to another. Regarding the November 20th memorandum "Updated Mitigation Proposal for Atrazine Interim Registration Review Decision", Case Number 0062, Nebraska Corn highlights proposed atrazine labeling (Appendix A: Table 1) or herbicide mitigations (Appendix A: Table 2) that need to be further clarified or may prove detrimental or unworkable in a corn operation.

- **Proposed labeling: "Do not apply atrazine products when soils are saturated or above field capacity".** The statement is subjective and requires specificity for ease of implementation. We suggest providing additional information as has appeared on other recent labels.
 - "Do not apply when soil in the area to be treated is saturated or above field capacity (if there is standing water on the field or if water can be squeezed from soil)."
- **Proposed labeling: "Do not apply more than 2.0 lbs. ai/A/year".** Capping the maximum annual corn use rate from 2.0 lbs./acre from the previous rate of 2.5 lbs./acre could potentially increase weed resistance when emergency applications are needed. Historically, annual label rates higher than anticipated annual rate maximums were designed to accommodate a second pass application for emergencies, such as replanting. For example, the Nebraska USDA 2021 census stated producers applied an average rate of .914 lbs./acre, less than half the previous maximum rate. Moreover, the proposed reductions may also increase resistance issues with herbicide-tolerant weeds such as waterhemp and palmer amaranth. Since no science-based evidence has been provided to support a reduction in the maximum annual rate, we urge the EPA to consider retaining 2.5 lbs./acre/year or incorporating language that allows such use in emergencies.
- **Proposed Mitigation: Cover crops** is a management practice that has shown multiple benefits in certain cropping situations. While not workable for every farm, some rely heavily on this tool for weed control, moisture control, alleviating compaction, or livestock feed. Importantly, cover crop use is only practical if the cover can be effectively and promptly

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terminated allowing the cash crop to be planted without undue competition. The most common, effective, and economical cover crop termination method is herbicides, including atrazine.

- **Proposed Mitigation: Soil incorporation** of atrazine using tillage negates decades of soil conservation progress made using no-till and reduced tillage systems. Atrazine plays a large role in enabling these systems. As a leading state in no-till acres, it is frustrating to continually see soil incorporation pushed as a mitigative measure, when this practice does far more harm than good to the broader agroecosystem.
- **Suggested Mitigation for the list:** We urge EPA to reconsider providing exemptions for qualifying conservation programs, as it would provide a practical option for fulfilling runoff/erosion mitigation requirements for many growers. These programs hold great potential in helping growers meet mitigation benchmarks, support technical assistance, and ensure proper implementation of Best Management Practices. A true exemption for participation in select, qualifying conservation programs would benefit local conservation implementation goals and save time or prevent burden to growers, while ensuring mitigations were in place.

In closing, Nebraska Corn thanks the EPA for the significant improvements made to the mitigations proposal for atrazine. Given technical concerns persist, we urge the EPA to continue ongoing evaluation and improvement of science-based mitigation approaches. We ask EPA to consider the detrimental impacts of reducing access to atrazine particularly as it relates to no-till farming. We would like to emphasize our willingness to work with the EPA to find a balanced solution that will advance agricultural production while safeguarding natural resources. Additionally, we support the technical comments submitted by the National Corn Growers Association and the Triazine Network. We are thankful for the opportunity to comment on this revision and welcome future opportunities to provide input.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Dibbern".

Michael Dibbern, President
Nebraska Corn Growers Association

A handwritten signature in black ink, appearing to read "Brandon Hunnicutt".

Brandon Hunnicutt, Chairman
Nebraska Corn Board

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