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OPP Docket
Environmental Protection Agency
Docket Center (EPA/DC), (28221T)
1200 Pennsylvania Avenue NW, Washington, DC 20460-0001

Bayer US, LLC
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Washington, DC 20004

Re: Docket No. EPA-HQ-OPP-2024-0562 – Pesticides; Petition Seeking Rulemaking To Modify Labeling Requirements for Pesticides and Devices

To whom it may concern:

Bayer CropScience (Bayer) appreciates the opportunity to provide comments in response to the petition the U.S. Environmental Protection Agency (EPA) received from the Attorneys General of the States of Nebraska, Iowa, Alabama, Arkansas, Georgia, Indiana, Louisiana, Montana, North Dakota, South Carolina, and South Dakota. The petition requests that the EPA initiate rulemaking to amend the existing regulations under the Federal Insecticide, Rodenticide, and Fungicide Act (FIFRA).

These comments are submitted by Bayer with respect to docket EPA-HQ-OPP-2024-0562, published on January 21, 2025. Bayer is a global enterprise with core competencies in the life sciences, specifically health care and agriculture. The company is committed to food security by focusing on innovative crop solutions, including seed and trait products, microbials, crop protection products, and digital tools designed to increase productivity and provide sustainable agricultural solutions. Our vision of "Health for all, Hunger for none" is driven by our commitment to innovation and sustainability.

Bayer supports the Attorneys General's petition and agrees that any state labeling mandates inconsistent with the EPA's findings and conclusions from its human health risk assessment—such as a pesticide's likelihood of causing cancer, birth defects, or reproductive harm—constitute misbranding.

Despite FIFRA's clear statutory language and decades of judicial precedent, some states have attempted to regulate pesticide labeling in ways that directly contradict the EPA's long-standing conclusions regarding pesticide safety. To be clear, under the current regulatory framework, state requirements to warn that glyphosate-based herbicides cause cancer are preempted by FIFRA. See *Schaffner v. Monsanto*, 113 F.4th 364 (3d Cir.). Some courts, however, have misinterpreted the relevant law and regulatory framework, leading to nonuniformity of labeling in direct contravention of Congress's intent.

The Attorneys General petition seeks to end such nonuniformity and reinforce FIFRA's explicit prohibition against states enacting more stringent or different labeling requirements than those imposed by the EPA. If left unresolved, the consequences could be catastrophic for American farmers and U.S. food security.

As the petitioners note, the ambiguity created by some states and courts—through an interpretation of FIFRA that its plain language does not support—will undermine farmer access to herbicides such as glyphosate. Like the petitioners, Bayer's interest in seeking uniformity through this rulemaking extends beyond glyphosate. However, as the sole domestic producer of this critical agricultural input, Bayer underscores the importance of granting this petition for the benefit of American agriculture.

Glyphosate, which Bayer sells as Roundup®, is one of the most significant agricultural innovations of the past 50 years. It has been thoroughly evaluated and registered multiple times by the EPA, along with numerous global regulatory bodies, including the European Food Safety Authority.

Bayer-produced glyphosate is an entirely American production supply chain, spanning from phosphorus mines in Soda Springs, Idaho, to production and manufacturing facilities in Luling, Louisiana, and Muscatine, Iowa. This production employs thousands of people across the country. Domestic herbicide production also ensures that American farmers have the tools they need to put affordable food on our tables without relying on foreign countries.

Without Bayer-produced glyphosate, which accounts for approximately 40 percent of the global glyphosate market, American farmers would be forced to depend on foreign-produced glyphosate. Farmers need certainty regarding EPA-approved, science-based nationwide labels to secure the future of valuable crop protection tools and our agricultural supply chains. Unfortunately, the uncertainty created by state labeling requirements inconsistent with EPA findings jeopardizes the availability of domestically produced glyphosate.

If left unresolved, farmers will be left with two options: grow less food or rely on foreign supplies of the product. Without glyphosate, food inflation could more than double, forcing American consumers to pay even more at the grocery store.

Pesticides, in general, are critical to keeping food costs low, saving the average family up to 48 percent at the grocery store. Weeds cause up to 30 percent of agricultural losses worldwide. Without pesticides, U.S. farmers would need to double the current 400 million acres of cropland—already comprising 42 percent of the land area of the lower 48 states. Crop yields for fruits and vegetables could drop by 50 to 90 percent, leading to price increases of 35 to 45 percent.

Given the importance of ensuring U.S. farmers continue to have reliable access to crop protection products to maintain yields and protect domestic food security, it is essential that the EPA reinforces its role as the primary federal authority under FIFRA for making pesticide-related human health and safety findings. Therefore, Bayer supports the views in the Attorneys General petition.