

April 13, 2021

The Honorable Thomas Vilsack
The Honorable Michael Regan

Dear Secretary Vilsack and Administrator Regan:

Congratulations on your recent confirmations to serve as Secretary of the U.S. Department of Agriculture (USDA) and Administrator of the U.S. Environmental Protection Agency (EPA) respectively. The undersigned organizations represent the plant biostimulant industry and affiliated stakeholders who work to encourage science based research and innovation for enhancing nutrient use efficiency for farmers across the nation and to advance policy and regulatory frameworks that increase biostimulant market access and encourage research and innovation. The plant biostimulant industry and affiliated stakeholders are encouraged by the policies proposed under the new administration to address climate change and conservation goals in the United States. As you begin to develop and implement the President's agenda, we look forward to working with you to ensure that American farmers are provided with all of the tools necessary to sustainably grow the food, fuel and fiber to feed the world.

Plant biostimulants are agricultural products that improve natural plant nutritional processes, which can result in improved plant health; tolerance to abiotic and other environmental stresses; and improved overall growth, quality, and yield of crops. In doing so, biostimulant products can increase the uptake and utilization of existing and applied nutrients, thus reducing the potential for off-farm nutrient runoff into rivers, lakes, and streams or loss to the atmosphere as greenhouse gasses. The utilization of innovative plant nutrition technologies, such as enhanced efficiency fertilizers, plant biostimulants, and other sustainability management practices such as 4R Nutrient Stewardship, can be useful tools for enhancing carbon sequestration, conserving and replenishing soil health, reducing carbon emissions, and improving the nation's water quality¹.

Unfortunately, plant biostimulant products and technologies face several challenges that can hinder their uses in agriculture and turf and ornamental applications, thus reducing the sustainability enhancements these products offer. Foremost among these challenges is the lack of a consistent and predictable path to market for plant biostimulant products in the United States. To address this situation, the plant biostimulant industry is working on the following issues:

- Ability to use the term "biostimulants" in commerce and education
- Clarity on appropriate product claims
- A clear, consistent, predictable process to market
- Consistent regulatory guidelines that could include criteria such as: efficacy, safety, and product composition.

To achieve these goals, there must be alignment among all interested stakeholders including government, industry, farmers, and NGOs. With regard to USDA and EPA, regulatory and administrative actions that could help facilitate the ability of the plant biostimulant industry to provide American farmers with these important tools that play a role in promoting effective climate policies and agricultural innovations include the following:

¹ See Joint EPA-USDA Next Gen Fertilizer Challenge Project (<https://www.epa.gov/innovation/next-gen-fertilizer-challenges>)

1. The USDA moving forward with key 2018 Farm Bill directives as set forth in their 2019 Report to the President and Congress on plant biostimulants, including:
 - Convening and facilitating stakeholder meetings with state regulators and other relevant stakeholders to improve market access for biostimulant products.
 - Coordinating with EPA to endorse a consistent national definition of the term “plant biostimulant” to be utilized in any future federal or state legislation or regulations.
2. EPA should finalize its Draft Guidance document pertaining to label claims for plant biostimulant and plant regulator products.
 - Prior to issuing the Draft Guidance, EPA acknowledged confusion among registrants and the States as to what substances constitute plant biostimulants, how they should be distinguished from pesticides, and what label claims are applicable. Accordingly, the EPA published draft guidance to address these matters (on November 24, 2020) and provide further clarity and certainty. The industry and other stakeholders responded and submitted comments in December 2020. We believe that incorporation of our comments will vastly improve the usefulness of the guidance. By incorporating key comments and publishing the final revised guidance, EPA will help provide important clarity to the regulatory pathway for these products.
3. In the longer term: EPA should amend 40 CFR Part 152 through rule-making to:
 - Define Nutritional Chemicals
 - Modernize the related categories of products that are excluded from consideration as plant regulators in FIFRA based on the 50 years of advancements in agronomy, plant science and microbiology that have occurred since that language was originally constructed.

We stand ready to provide resources and work alongside your agencies in support of these and other federal regulatory and administrative actions which will help facilitate the ability of our industry to support American farmers in their mission to grow the world’s food in the most sustainable manner.

Thank you for your consideration.

Respectfully,

American Seed Trade Association (ASTA)
Biological Products Industry Alliance (BPIA)
Biostimulant Council (BC)
CropLife America (CLA)
The Fertilizer Institute (TFI)
Golf Course Superintendents Association of America (GCSAA)
Humic Products Trade Association (HPTA)
National Association of Landscape Professionals (NALP)
Responsible Industry for a Sound Environment (RISE)

Cc: Gina McCarthy, National Climate Advisor

Cc: Robert Bonnie, Deputy Chief of Staff for Policy and Senior Advisor, Climate,
Office of Secretary of Agriculture Tom Vilsack