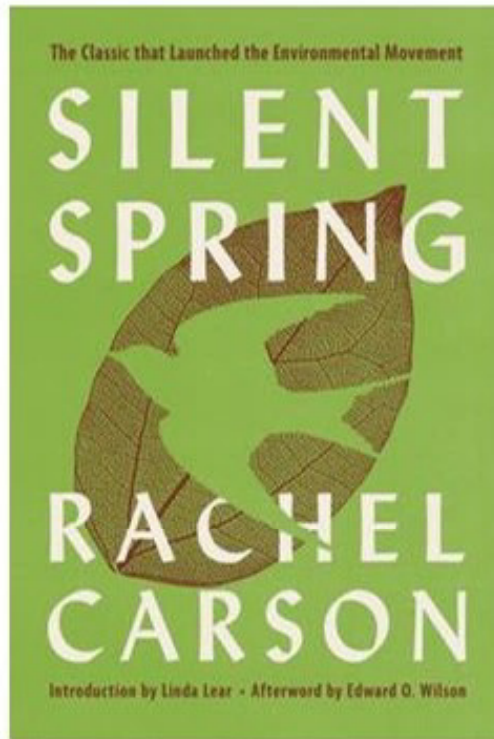




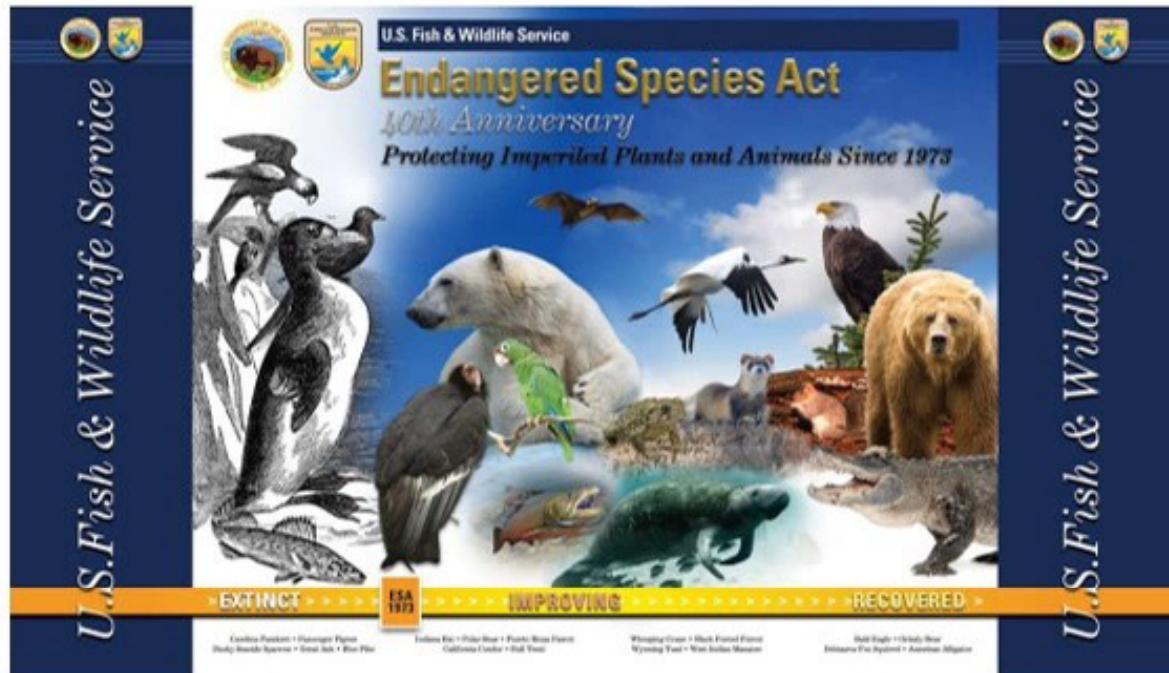
Endangered Species Act Overview & Implications

Don Parker, VP Technical Services

National Cotton Council



What is the Endangered Species Act?



Endangered Species Act of 1973



By: Ceci Tucker

What about this?



Endangered Species Act vs. FIFRA



ESA

- Mandates any Federal Action that may affect endangered species requires consultation with NMFS/FWS
- NMFS/FWS say they lack staff – slow process
- Develop Biological Opinion – less data driven
- No Risk/Benefits or Economic Consideration
- Lawsuits

FIFRA

- Mandates timely review of pesticide safety – deadline dates
- FQPA Drinking Water, Dietary, and combined; Human Health Risk Assessment; Ecological Risk Assessment based on data; Terrestrial, Aquatic, Pollinators
- Risk/Benefits mandate
- Consultation failure with the Services –deadline dates for review
- Lawsuits

NMFS and FWS = Services



ECOS: Home (fws.gov)



U.S. Fish & Wildlife Service

Search ECOS



ECOS Environmental Conservation Online System

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[Wildlife & Environmental
Contaminants Mapper](#)

[Information for Planning and
Consultation \(IPaC\)](#)

[Species Reports](#)

[Web Services](#)

Secure Applications

[Secure Login](#)

Related Sites

[FWS Endangered Species
Program](#)

[National Wildlife Refuge System](#)

Threatened & Endangered Species

ECOS serves a variety of reports related to FWS Threatened and Endangered Species. A selection of our most popular reports is listed below. See the [Species Reports](#) for the complete list.

- [All Threatened and Endangered Animals](#)
- [All Threatened and Endangered Plants](#)
- [Critical Habitat Report](#)
- [Section 7 Consultation Issued Biological Opinions](#)
- [Delisted Species](#)
- [Listed Species Summary \(Boxscore\)](#)
- [Reclassified Species](#)

OBTAINING AN OFFICIAL SPECIES LIST:

Use [IPaC](#) to identify your project location and receive an official species list (pursuant to 50 CFR 402.12) of T&E species that should be considered when evaluating the potential impacts of a project.

ADDITIONAL SEARCH TOOLS:

Search for a Listed species by name:

Search for a Listed species by County name:

Wildlife & Environmental Contaminants Mapper

The Wildlife & Environmental Contaminants Mapper displays the locations of over 100,000 samples from

- (Sec. 7.a.2) “Each Federal agency shall, in consultation with the with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter referred to as an “agency action”) is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species, which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted and exemption for such action by the Committee pursuant to subsection (h) of this section.”
- ESA’s prohibition to Take (defines as “to harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect, or to attempt to engage in any such conduct”)

U.S. Supreme Court

Tennessee Valley Auth. v. Hill, 437 U.S.

153 (1978) Tennessee Valley Authority v. Hill

No. 76-1701

Argued April 18, 1978

Decided June 15, 1978

- *Held:*
- 1. The Endangered Species Act prohibits impoundment of the Little Tennessee River by the Tellico Dam. Pp. 437 U. S. 172-193.
- (a) The language of § 7 is plain, and makes no exception such as that urged by petitioner whereby the Act would not apply to a project like Tellico that was well under way when Congress passed the Act. Pp. 437 U. S. 172-174.
- (b) It is clear from the Act's legislative history that Congress intended to halt and reverse the trend toward species extinction -- whatever the cost.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued September 15, 2022 Decided November 22, 2022

No. 21-1270

IN RE: CENTER FOR BIOLOGICAL DIVERSITY AND CENTER FOR
FOOD SAFETY,
PETITIONERS

FMC CORPORATION AND SYNGENTA CROP PROTECTION, LLC,
INTERVENORS

On Petition For Writ of Mandamus

Accordingly, we grant the writ. EPA is ordered to complete cyantraniliprole's effects determination and replace its previous order with an order consistent with the ESA by September 2023. To add bite to our writ, we will retain jurisdiction and monitor EPA's progress. EPA is directed to submit status updates every 60 days between now and September 2023. Should EPA fail to meet its September deadline, petitioners are free to renew their motion for vacatur of cyantraniliprole's registration order.



**ESA WORKPLAN
UPDATE:
Nontarget Species
Mitigation for Registration
Review and Other
FIFRA Actions**





Pick-List: New Label Compliance

Don Parker
V.P. Technical Services
National Cotton Council

Why are label requirements changing?

- The law requires that all pesticide registration be reviewed every 15 years to ensure the product meets the current registration requirements.
- As science and information advances, new requirements and refinements are developed for the risk assessment process.
- Products that may be registered currently may not be approved, or may require additional restrictions, to meet registration requirements.

NEED TO KNOW!: Two Major Changes

- Several, if not all, new labels will contain a list of conservation practices and require the product user to pick one or more of the practices to use the product.
- All labels will have a statement referring to Endangered Species with a REQUIREMENT to consult Bulletins Live! Two website.

Pick-List
Mitigations

Bulletins Live!
Two

Briefly Explained

- Bulletins Live! Two
- You are required to access the web site within 6 months of the application.
- On the provided map, identify the application area.
- Enter the month for the application and the EPA Registration Number.
- The site will generate a document, called a bulletin.
- Print the bulletin and comply. It is a legal part of your product label specific to the application area.
- Pick-List Mitigations
- The label will list several practices identified to reduce concerns of pesticide movement with water and/or sediment.
- The label will require you to identify which of these practices you have implemented prior to use of the product. It may require one or more of these practices.
- For your protection and legal compliance, maintain records that identify your pick-list items.

What Type of Items are on the Pick-List Currently?

- Vegetative filter strip (minimum width 30 ft for surface water runoff, 20 ft for soil erosion)
- Field border
- Field terracing/ contour buffer strips
- Contour farming
- Cover cropping
- No/reduce tillage
- Grassed waterways
- Riparian buffer zone/ riparian herbaceous zone
- Vegetative/grassed ditch banks
- Runoff retention pond/ water and sediment control basin/ sediment catchment basin/ constructed wetland
- Strip cropping
- Vegetative barriers
- Mulching with natural materials
- Alley cropping

Are there other label changes?

- Yes, there are several other changes that you may see on current labels. Some labels will have more restrictions associated with wind speed at the time of the application, types of nozzles, ground equipment and aerial application restriction, buffers, pollinator language, and more.
- Read and follow label instructions to protect yourself from legal repercussions.

A large field of cotton plants with white cotton bolls ready for harvest. The cotton bolls are in various stages of maturity, some are fully open and fluffy, while others are still closed. The plants are densely packed, and the background is a vast expanse of similar cotton plants stretching to the horizon.

What is BLT?

Don Parker
V.P. Technical Services
National Cotton Council

Don's BLT



EPA's BLT

Endangered Species Protection Bulletins

Endangered Species Protection Bulletins are a part of EPA's Endangered Species Protection Program. Bulletins set forth geographically specific pesticide use limitations for the protection of threatened and endangered (listed) species and their designated critical habitat.

- [Obtain Bulletins using EPA's Bulletins Live! Two application.](#)
- [Read the tutorial Bulletins Live! Two.](#)
- [Go to the quick start guide.](#)
- [View the April 2019 webinar for Bulletins Live! Two.](#)
- [Learn How to locate the EPA Registration number to search for product in Bulletins Live! Two.](#)

<https://www.epa.gov/endangered-species/endangered-species-protection-bulletins>

Bulletins Live! Two Website

1. Navigate to your intended pesticide application area by using the "Location Search" tool or panning and zooming on the map itself.
2. Select your Application Month from the Application Date dropdown.
3. Search for a specific pesticide product using the EPA registration number and

Unpin

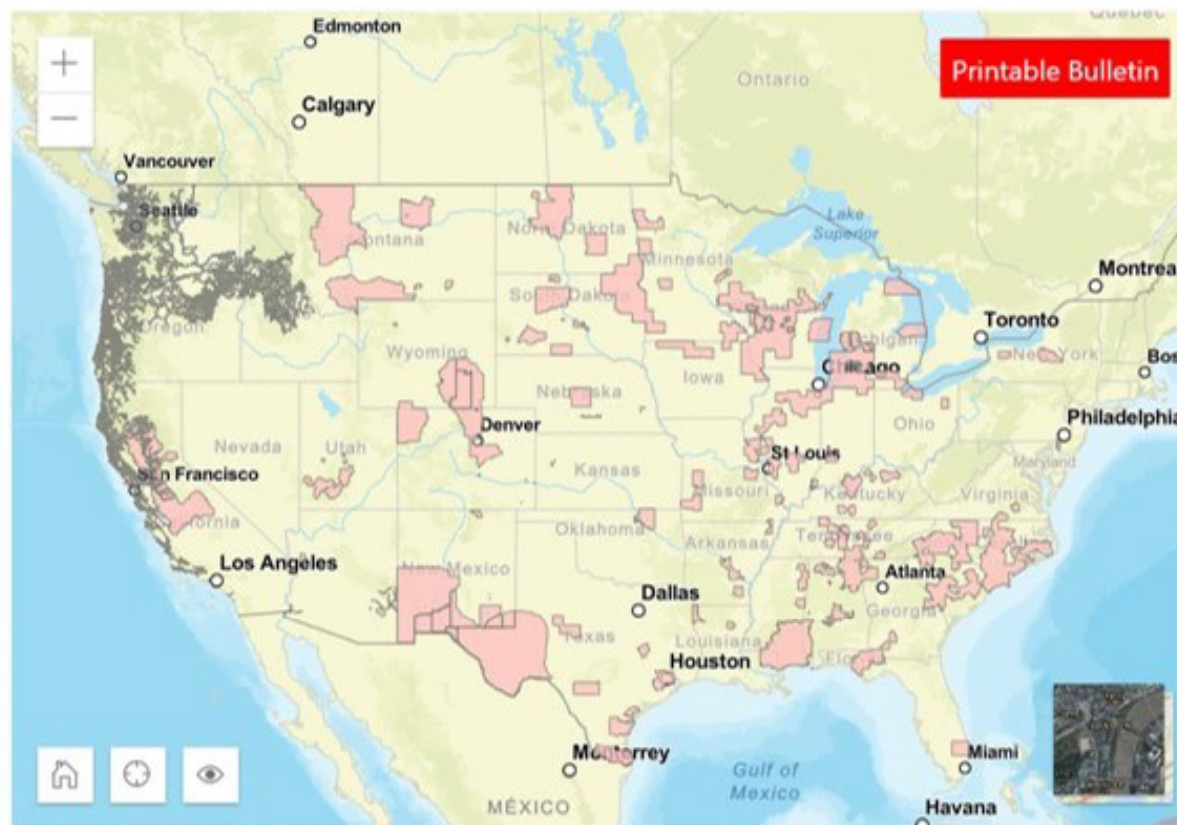
Location Search:

Find Place

Application Month:

March 2023

EPA Registration Number:



<https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

Who Should Access Bulletins Live! Two Website?

- **Everyone who maintains pesticide application records!**

Why Should I Access BLT?

- The Bulletins are a legal part of the pesticide label and are thereby a legal requirement!
- Bulletins allow EPA to identify and address pesticide use concerns based on location of the use rather than impose the same requirement for areas not of concern.
- BLT is an evolving database that identifies locations with proximity to endangered species and/or their associated habitat.
- EPA uses Bulletins to provide location-specific use requirement that are designed to be more protective of Endangered Species.
- EPA may be required to add restrictions when Fish and Wildlife Services and/or Marine and Fisheries Services finalized their Biological Opinion as required to comply with the Endangered Species Act.

What should I Do?

- Currently, BLT requires the EPA Registration number to identify the product you intend to use. This information may be located on the front or back of the label. An example is shown below. The example does not imply NCC partiality to the product or the registrant.



What Should I Do?

- At most, 6 months prior to the application access the BLT website.
- Enter the month you plan to make the application.
- Enter the EPA Registration Number for the product.
- Click on the map to locate where you plan to make the application.
- Wait for the red “Printable Bulletin” rectangle to turn green.
- Click on the green rectangle to download the bulletin.
- Print the Bulletin, read the requirements, and keep the bulletin filed with your records.

Bulletins Live! Two Website

1. Navigate to your intended pesticide application area by using the "Location Search" tool or panning and zooming on the map itself.
2. Select your Application Month from the Application Date dropdown.
3. Search for a specific pesticide product using the EPA registration number and

Unpin

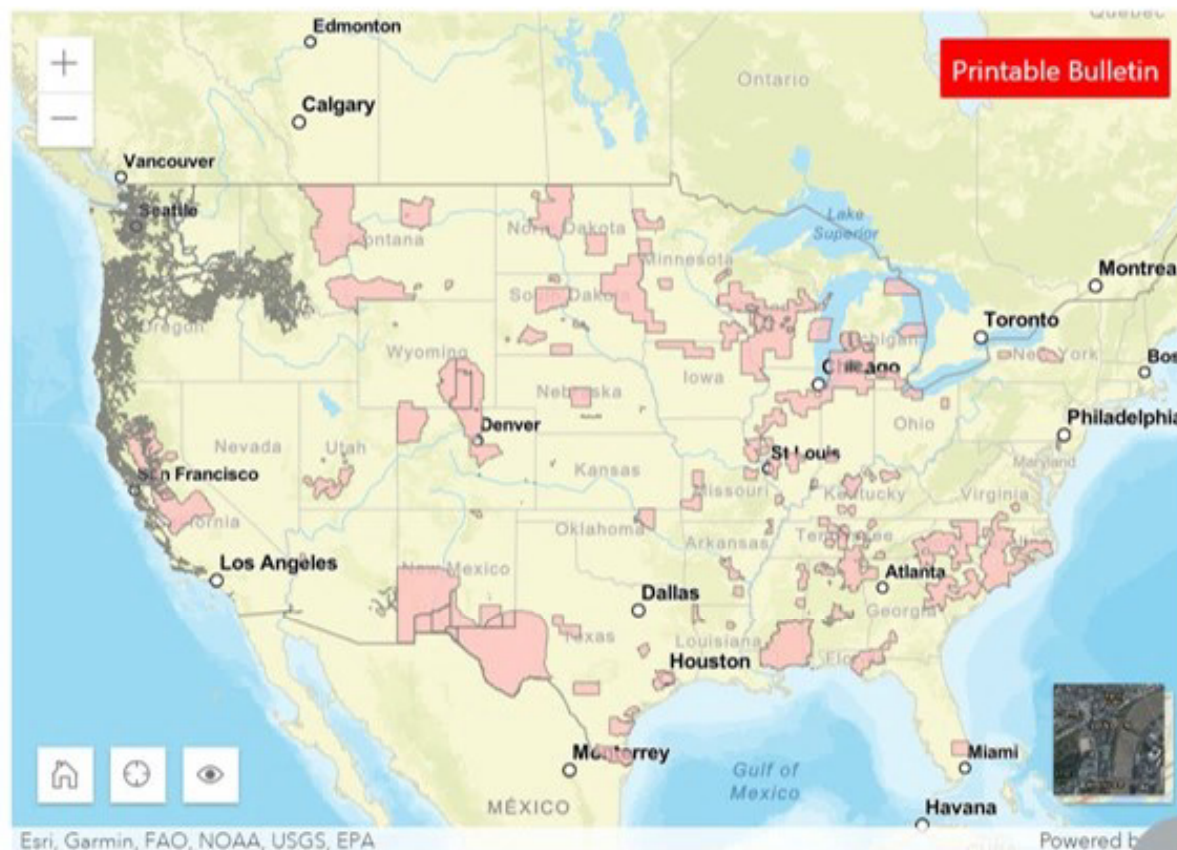
Location Search:

Find Place

Application Month:

March 2023

EPA Registration Number:



<https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

What if the bulletin does not have additional restrictions for me?

- Still print the bulletin and file in your records.
- The BLT database will be an on-going development as additional information is added. Your requirements may change over time.
- You are required to go to the web site and generate the bulletin within 6 months of the application. If your bulletin does not have requirements in addition to the label, it may at a later date. For this reason, you should always go to BLT, print your bulletin, and file it to show you complied with the requirements within 6 months of the application.

Where can I get additional Information?

- For additional Information, including tutorials, visit the following web site:
- <https://www.epa.gov/pesticides/epa-improves-online-application-protect-endangered-species>

IS THIS PROCESS PERFECT?

- No – do you have a better idea?



A large field of cotton plants with white bolls ready for harvest. The text is overlaid on the image.

Herbicide Strategy Example

Don Parker
NCC

8-1. General label spray drift mitigations identified for metolachlor. Mitigations Related to Single Maximum Application Rate, Application Method and Droplet Size.1

Single Maximum Application Rate (lb ai/A) ²	Identified Downwind Spray Drift Buffer Distances (ft)						
	Aerial Application			Ground Application			
				Very Fine-	Very Fine-	Fine-	Fine-
	Fine-	Medium-	Coarse-Very	Fine,	Fine,	Medium/	Medium/
	Medium	Coarse	Coarse	High	Low	Coarse,	Coarse,
				Boom	Boom	High Boom	Low Boom
2.67	25 ^a	20 ^a	20 ^a	20 ^b	None ³	None ³	None ³
1.9 – 2.0	10 ^a	None ³	None ³	None ³	None ³	None ³	None ³
1.0 – 1.2	None ³	None ³	None ³	None ³	None ³	None ³	None ³
Mitigation Measures the Pesticide Applicator can Elect to Reduce Buffer Distances ⁴	^a The applicator would achieve sufficient mitigation with a windbreak (release height below the top of the windbreak) alone without a buffer.			^b The applicator would achieve sufficient mitigation with a windbreak or hedgerow (release height below the top of the windbreak/hedgerow) or hooded sprayers alone without a buffer.			

8-2. PULAs 1-4 spray drift mitigations identified for metolachlor. Mitigations Related to Single Maximum Application Rate, Application Method, and Droplet Size.1

Single Maximum Application Rate (lb ai/A) ₂	Identified Downwind Spray Drift Buffer Distances (ft)						
	Aerial Application			Ground Application			
	Fine- Medium	Medium- Coarse	Coarse-Very Coarse	Very Fine-Fine, High Boom	Very Fine-Fine, Low Boom	Fine-Medium/ Coarse, High Boom	Fine-Medium/ Coarse, Low Boom
2.67	300 ft + windbreak ₃	300 ft + windbreak ₃	200 ft + windbreak ₃	175 _{e,g,h}	75 _{g,h}	50 _{g,h}	25 _i
1.9 – 2.0	300 ft + windbreak ₃	250 _{a,b,c}	175 _{a,b,d}	125 _{e,g,h}	50 _{g,h}	25 _i	20 _i
1.0 – 1.2	300 _{a,b,c}	175 _{a,b,d}	125 _{b,d}	75 _{g,h}	50 _{g,h}	20 _i	10 _i
Mitigation Measures the Pesticide Applicator can Elect to Reduce Buffer Distances ⁴	^a Buffers ≥175 ft could be reduced by 25 ft if crop height at application is ≥1 ft. ^b Windbreak (release height below top of windbreak) reduces buffer distance by half. ^c Buffers ≥250 ft could be reduced by 25 ft if relative humidity at application is >70% ^d Buffers 75-175 ft could be reduced by 25 ft if windspeed at application is 3-7 miles per hour			^e Buffers ≥100 ft could be reduced by 25 ft if relative humidity at application is >60% ^f Fine-Medium/Coarse-Low Boom buffers ≥75 ft could be reduced by 25 ft with coarse or coarser droplets ^g Windbreak/Hedgerow (release height below top of windbreak) reduces buffer distance by half ^h Hooded Sprayers reduce buffer distance by half ⁱ The applicator would achieve sufficient mitigation with a windbreak or hedgerow (release height below the top of the windbreak/hedgerow) or hooded sprayers alone without a buffer.			

8-3. General label spray drift mitigations identified for 2,4-D. Mitigations Related to Single Maximum Application Rate, Application Method, and Droplet Size.

Single Maximum Application Rate (lb ai/A) ³	Identified Downwind Spray Drift Buffer Distances (ft)						
	Aerial Application			Ground Application			
	Fine-Medium	Medium-Coarse	Coarse-Very Coarse	Very Fine- Fine, High Boom	Very Fine- Fine, Low Boom	Fine-Medium/ Coarse, High Boom	Fine-Medium/ Coarse, Low Boom
2.0	300 ^{a,b,c}	300 ^{a,b,c}	200 ^{a,b}	200 ^{f,g,h}	100 ^{f,g,h}	100 ^{f,g,h}	50 ^{g,h}
1.5	300 ^{a,b,c}	300 ^{a,b,c}	200 ^{a,b}	200 ^{f,g,h}	100 ^{f,g,h}	75 ^{g,h}	50 ^{g,h}
0.50	300 ^{a,b,c}	175 ^{a,b,d}	125 ^{b,d}	100 ^{f,g,h}	50 ^{g,h}	20 ⁱ	10 ⁱ
0.07	50 ^b	20 ^e	20 ^e	20 ⁱ	10 ⁱ	None ⁴	None ⁴
Mitigation Measures the Pesticide Applicator can Elect to Reduce Buffer Distances	^a Buffers ≥ 175 ft could be reduced by 25 ft if crop height at application is ≥ 1 ft. ^b Windbreak with a release height below top of windbreak reduces buffer distance by half. ^c Buffers ≥ 250 ft could be reduced by 25 ft if relative humidity at application is $>70\%$ ^d Buffers 75-175 ft could be reduced by 25 ft if windspeed at application is 3-7 miles per hour ^e The applicator would achieve sufficient mitigation with a windbreak (release height below the top of the windbreak) alone without a buffer.			^f Buffers ≥ 100 ft could be reduced by 25 ft if relative humidity at application is $>60\%$ ^g Windbreak/Hedgerow (release height below top of windbreak) reduces buffer distance by half ^h Hooded Sprayers reduce buffer distance by half ⁱ The applicator would achieve sufficient mitigation with a windbreak or hedgerow (release height below the top of the windbreak/hedgerow) or hooded sprayers alone without a buffer.			

8-4. PULAs 1 and 3 spray drift mitigations identified for 2,4-D. Mitigations Related to Single Maximum Application Rate, Application Method, and Droplet Size.

Single Maximum Application Rate (lb ae/A) ²	Identified Downwind Spray Drift Buffer Distances (ft)						
	Aerial Application			Ground Application			
	Fine-Medium	Medium-Coarse	Coarse- Very Coarse	Very Fine-Fine, High Boom	Very Fine-Fine, Low Boom	Fine-Medium/ Coarse, High Boom	Fine-Medium/ Coarse, Low Boom
2.0	300 + windbreak ³	300 ^{a,b,c}	200 ^{a,b}	200 ^{e,g,h}	100 ^{e,g,h}	100 ^{e,g,h}	100 ^{e,f,g,h}
1.5	300 + windbreak ³	300 ^{a,b,c}	200 ^{a,b}	200 ^{e,g,h}	100 ^{e,g,h}	100 ^{e,g,h}	100 ^{e,f,g,h}
0.50	300 ^{a,b,c}	300 ^{a,b,c}	200 ^{a,b}	200 ^{e,g,h}	100 ^{e,g,h}	100 ^{e,g,h}	50 ^{g,h}
0.07	175 ^{a,b,d}	125 ^{b,d}	75 ^{b,d}	50 ^{g,h}	20 ⁱ	10 ⁱ	10 ⁱ
Mitigation Measures the Pesticide Applicator can Elect to Reduce Buffer Distances ⁴	^a Buffers ≥175 ft could be reduced by 25 ft if crop height at application is ≥1 ft. ^b Windbreak (release height below top of windbreak) reduces buffer distance by half. ^c Buffers ≥250 ft could be reduced by 25 ft if relative humidity at application is >70% ^d Buffers 75-175 ft could be reduced by 25 ft if windspeed at application is 3-7 miles per hour.			^e Buffers ≥100 ft can be reduced by 25 ft if relative humidity at application is >60% ^f Fine-Medium/Coarse-Low Boom buffers ≥75 ft can be reduced by 25 ft with coarse or coarser droplets ^g Windbreak/Hedgerow (release height below top of windbreak) reduces buffer distance by half ^h Hooded Sprayers reduce buffer distance by half ⁱ The applicator would achieve sufficient mitigation with a windbreak or hedgerow (release height below the top of the windbreak/hedgerow) or hooded sprayers alone without a buffer.			

8-6. General Label: Runoff/erosion Points for Terrestrial Areas

UDL	2,4-D	Dicamba	Diuron	MCPA	Metolachlor	Metribuzin	Oxyfluorfen	Paraquat	Pendimethalin	Propanil	Thiobencarb	Trifluralin
Alfalfa	NA	NA	9	3	NA	6	NA	0	3	NA	NA	5
Citrus	3	NA	9	NA	NA	NA	5	0	3	NA	NA	5
Corn	6	6	6	NA	6	6	7	0	3	NA	NA	5
Cotton	NA	6	6	NA	6	NA	5	0	3	NA	NA	5
Grapes	3	NA	9	NA	NA	NA	7	0	5	NA	NA	5
Other Crops	NA	NA	NA	3	NA	6	NA	0	3	NA	NA	NA
Other Grains	6	3	6	3	1	6	NA	0	3	NA	NA	5
Other Orchards	6	NA	9	NA	NA	NA	5	0	3	NA	NA	5
Other Row Crops	6	NA	NA	NA	NA	NA	NA	0	3	NA	NA	5
Rice	NA	NA	NA	NA	NA	NA	NA	0	NA	0	0	NA
Soybeans	6	6	NA	NA	6	6	5	0	NA	NA	NA	5
VGF	6	6	6	3	6	6	5	0	3	NA	NA	5
Wheat	6	6	6	3	NA	6	NA	0	NA	NA	NA	5

8-7. General Label: Runoff/erosion Points for Wetland and Aquatic Areas

UDL	2,4-D	Dicamba	Diuron	MCPA	Metolachlor	Metribuzin	Oxyfluorfen	Paraquat	Pendimethalin	Propanil	Thiobencarb	Trifluralin
Alfalfa	NA	NA	9	3	NA	6	NA	0	5	NA	NA	3
Citrus	3	NA	9	NA	NA	NA	7	0	3	NA	NA	3
Corn	6	6	6	NA	6	6	7	0	3	NA	NA	3
Cotton	NA	6	9	NA	6	NA	7	0	3	NA	NA	5
Grapes	3	NA	9	NA	NA	NA	7	0	5	NA	NA	3
Other Crops	NA	NA	NA	3	NA	6	NA	0	3	NA	NA	NA
Other Grains	6	3	9	3	6	6	NA	0	3	NA	NA	3
Other Orchards	6	NA	9	NA	NA	NA	7	0	3	NA	NA	3
Other Row Crops	6	NA	NA	NA	NA	NA	NA	0	3	NA	NA	3
Rice	NA	NA	NA	NA	NA	NA	NA	0	NA	9	5	NA
Soybeans	6	6	NA	NA	6	6	5	0	NA	NA	NA	3
VGF	6	6	9	3	6	6	5	0	3	NA	NA	3
Wheat	6	6	9	3	NA	6	NA	0	NA	NA	NA	3

8-8. PULA 1: Runoff/erosion Points for Terrestrial Areas and Dicots

UDL	2,4-D	Dicamba	Diuron	MCPA	Metolachlor	Metribuzin	Oxyfluorfen	Paraquat	Pendimethalin	Propanil	Thiobencarb	Trifluralin
Alfalfa	NA	NA	9	3	NA	6	NA	General	5	NA	NA	General
Citrus	6	NA	9+	NA	NA	NA	7	General	5	NA	NA	General
Corn	6	9	9	NA	9	6	7	General	5	NA	NA	General
Cotton	NA	9	9	NA	9	NA	7	General	5	NA	NA	General
Grapes	6	NA	9+	NA	NA	NA	7	General	7	NA	NA	General
Other Crops	NA	NA	NA	3	NA	6	NA	General	5	NA	NA	NA
Other Grains	6	6	9	6	6	6	NA	General	5	NA	NA	General
Other Orchards	6	NA	9	NA	NA	NA	7	General	5	NA	NA	General
Other Row Crops	6	NA	NA	NA	NA	NA	NA	General	5	NA	NA	General
Rice	NA	NA	NA	NA	NA	NA	NA	General	NA	General	General	NA
Soybeans	6	9	NA	NA	9	6	7	General	NA	NA	NA	General
VGF	6	9	9	3	9	6	5	General	5	NA	NA	General
Wheat	6	6	9	6	NA	6	NA	General	NA	NA	NA	General

8-9. PULA 2: Runoff/erosion Points for Terrestrial Areas and Monocots

UDL	2,4-D	Dicamba	Diuron	MCPA	Metolachlor	Metribuzin	Oxyfluorfen	Paraquat	Pendimethalin	Propanil	Thiobencarb	Trifluralin
Alfalfa	NA	NA	9	3	NA	6	NA	General	5	NA	NA	General
Citrus	General	NA	9+	NA	NA	NA	7	General	5	NA	NA	General
Corn	General	General	9	NA	9	6	7	General	5	NA	NA	General
Cotton	NA	General	9	NA	9	NA	7	General	5	NA	NA	General
Grapes	General	NA	9+	NA	NA	NA	7	General	7	NA	NA	General
Other Crops	NA	NA	NA	3	NA	6	NA	General	5	NA	NA	NA
Other Grains	General	General	9	6	6	6	NA	General	5	NA	NA	General
Other Orchards	General	NA	9	NA	NA	NA	7	General	5	NA	NA	General
Other Row Crops	General	NA	NA	NA	NA	NA	NA	General	5	NA	NA	General
Rice	NA	NA	NA	NA	NA	NA	NA	General	NA	General	General	NA
Soybeans	General	General	NA	NA	9	6	7	General	NA	NA	NA	General
VGF	General	General	9	3	9	6	5	General	5	NA	NA	General
Wheat	General	General	9	6	NA	6	NA	General	NA	NA	NA	General

Runoff/Erosion Mitigation Menu

- **Field Management**

- Contour farming (2 points)
- Cover crop (1 point)
- Grassed waterway (1 point)
- In-field vegetative filter strip (3 points)
- Irrigation water management (1 point)
- Mulching with natural materials (3 points)
- Residue tillage management (2 points)
- Terrace farming (2 points)

- **Field Characteristics (1 point each)**

- Application to sand, loamy sand, or sandy loam soil without a restrictive layer
- Flat or nearly flat field (<2% slope)
- Fields in western farmland

- **Application Parameters**

- Rate reduction (points based on percent reduction in application rate)
- Soil incorporation (2 points)

- **Adjacent to the Field or In-between field and Habitat**

- 30-ft vegetative filter strip (2 points)
- Riparian area (3 points)
- Vegetated ditch (1 point)

- **Other Mitigations**

- Water retention system (2 points)
- Both on-field and adjacent to the field mitigation utilized (1 point)

PRODUCER LIABILITY

- Who will enforce?
- Who found Starlink in cereal?

