

Testimony of Dale Murden, President of Texas Citrus Mutual and Past Chairman  
of the National Sorghum Producers

United States Senate  
Committee on Agriculture, Nutrition & Forestry  
Public Hearing on Pesticide Registration under the Federal Insecticide, Fungicide,  
and Rodenticide Act: Providing Stakeholders with Certainty through the Pesticide  
Registration Improvement Act

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Thank you, Chairman Roberts, Ranking Member Stabenow, and members of the Committee for the opportunity to testify in front of you today. On behalf of the more than 700 commercial citrus growers in Texas and the nearly 50,000 sorghum producers nationally, I want to express our appreciation for convening this hearing and allowing me to share details about some of the challenges facing farmers in this country, particularly as it applies to crop protection tools.

My name is Dale Murden. I am the current President of Texas Citrus Mutual, Past Chairman of the National Sorghum Producers, Past State Director of the Texas Farm Bureau and a lifelong farmer. I spent the last 25 years operating a diversified irrigated 30,000 acre farm in Deep South Texas. I recently decided it was time to concentrate full time on my roots in the citrus industry and help where I could. My family and I currently still grow citrus, sorghum and cotton near Harlingen, Texas.

The Texas citrus industry is comprised of almost 30,000 acres across three counties in the Lower Rio Grande Valley where we grow more than 9 million cartons of fresh grapefruits and oranges each year and another 5 million cartons for fruit juice. The Farmgate value of Texas citrus is about \$100 million per year with approximately \$5 million of it coming from organic production.

The U.S. sorghum industry encompasses approximately 7 million acres, yielding over 500 million bushels of grain, most of which goes toward ethanol production and livestock feed. In addition, the sorghum industry has been successful in marketing our product internationally and now more than half of what we

produce is exported. These exports help chip away at our national trade deficit and strengthen our rural economy.

Citrus and sorghum growers face a broad range of challenges, many of which are unique to their crop. However, my testimony today will focus on issues and concerns they share, specifically the need for access to crop protection tools, which are safe and effective when used properly and as directed by the label. Both crops are threatened by new and invasive pests that have the potential to wipe out their viability. My intention is to illustrate the fact that farmers need tools, we need options for dealing with existential threats to our livelihood and our ability to produce the food and fiber necessary to feed the nation and beyond.

Fortunately, in this country we have a federal regulatory system and industries in place to help deliver on those needs. However, our system isn't perfect and there has been a general frustration in recent years that regulatory decisions and agency messaging has led to a shrinking toolbox and negatively impacting our ability to manage crop pests. If agriculture is to remain an important component of our national economy, farmers need the certainty that products to control damaging pests will be available because we are certain the pests will be there.

#### Pest Challenge Example 1: Huanglongbing (HLB or Citrus Greening)

Recent finds of the disease HLB and its vector, the Asian Citrus Psyllid (ACP), has growers of all sizes in south Texas extremely concerned. There is no known cure for this disease and we've learned from the experience of our friends in Florida that its impacts are devastating. Since HLB was first detected in Florida in 2005, we believe that 100% of production acres are now infected and production has been cut by more than half, costing the state nearly \$8 billion in revenue.

Greening was first discovered in a Texas grove in January of 2012. Five short years later, we have confirmed that trees located in over 100 groves valley-wide show signs of the disease. With the extremely long latency period of this disease, it is unclear how many more trees have already been infected.

What this has done to growers in terms of dollars is hard to quantify. When it was first discovered in Texas, we removed not only infected trees, but several of the surrounding trees as well. This translated to lost income, and with no HLB

resistant trees to plant, it equated to a loss of future income as well. Today, positive HLB finds have become so widespread, that most growers have discontinued tree removal.

In a desperate attempt to mitigate the effects of HLB, most growers have initiated aggressive psyllid spray programs to try to slow the spread of infestation until a cure can be found. This strategy requires treatments above and beyond our regular care programs and has increased our grove care expenses by almost \$400 per acre or 22%. However, these treatments are vital to prevent and slow the spread of the disease and, hopefully, allow our industry to weather the storm that was brought to us via the psyllid.

#### Pest Challenge Example 2: Sugarcane Aphid

For sorghum the sugarcane aphid (SCA), first confirmed in the U.S. in 2014, is driving up costs of production even as we see market prices decline. In 2016, the SCA reached the full extent of sorghum producing regions in the United States, impacting over 70 percent of the acres planted. The SCA has been shown to increase operating expenses by as much as \$40 per acre – an almost 30 percent spike in production costs. This translates into an additional \$200 million in expenses, nationally. When increased production costs are combined with resulting yield losses, we calculate the total burden incurred by U.S. sorghum farmers on account of the SCA approached \$430 million in the 2016 growing season alone. However, we know based on work done at the University of Mississippi that without treating for sugarcane aphid growers would see 81-100% yield loss. Any misstep in tackling this pest has the potential to break the back of the industry.

#### Importance of Regulatory Certainty – PRIA

The Asian Citrus Psyllid and Sugarcane Aphid are two examples of significant threats to their respective crops. But nearly every growing operation and every crop face pest and pathogen challenges. Farmers look toward federal and academic researchers, crop protection industries and regulators at the Environmental Protection Agency (EPA) to investigate, develop and approve tools that are safe and effective.

Farming is all about managing risk with the intention of maximizing benefit, which for us is yield, not just for one day, month or even a year but instead over the

course of a generation or more. It isn't easy work and the agriculture community recognizes that approving products like pesticides, which come with inherent risk isn't easy either. We need the EPA to be sufficiently staffed with smart, qualified and dedicated people who can properly evaluate products in a timely manner.

Pests and pathogens have the capacity to change over time, sometimes building resistance to some pesticide products and modes of action. That's why one tool in the toolbox is not enough. Farmers need options so that we can manage for resistance, using different active ingredients at different times. Without the necessary approvals for a diverse set of modes of action we can quickly lose our ability to manage damaging pests.

The Pesticide Registration Improvement Act (PRIA) helps to foster and create a smoother pathway for new and effective products to come to the market. Furthermore, crops like sorghum and specialty crops like citrus typically are not the primary targets of new registrations due to their smaller acreage. However, PRIA provides a level of certainty and accountability to the registrants allowing them to invest the resources to gain approvals for crops like the ones I grow.

For all of the reasons stated, I wish to express my strong support for the swift passage of the Pesticide Registration Improvement Act (PRIA-4). Because farmers need the certainty that the pipeline of new and innovative pest management products and the re-registration of existing products continues to flow, leading to the approvals of pesticides that meet the necessary benefits-to-risk thresholds. Without the certainty that I will be armed with the tools to tackle the pest challenges I am sure to confront it is hard to see how I would continue to farm.

#### Importance of Regulatory Certainty – FIFRA

While not wavering in my support for PRIA I do want to share my perspective that despite, perhaps, the best intentions of some statutes, regulations, guidance and agency actions there are a number of factors that have undermined regulatory certainty for the grower community.

In recent years we've seen the publication of preliminary risk assessments and associated press releases by EPA. In the absence of related benefits assessments these reports paint a negative picture of certain pesticide use patterns and undermine public trust in those products. Some recent decisions by EPA were

made without a full risk assessment having been completed and instead were based on the identification of hazards only without knowing exposure risk. These are significant departures from what is expected under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and have prevented some crops, including sorghum and citrus from receiving access to vital tools.

In addition, it seems that every time a new product is approved or re-registered the approval is challenged through litigation. This is completely contrary to an environment that creates a level of certainty and the very fact that these cases are commonplace suggests an underlying weakness in the process. FIFRA is the primary statute for the registration and regulatory approval of pesticides. These products are studied and evaluated by EPA for potential impacts to the environment, non-target organisms, and human health by some of the most knowledgeable individuals in these fields. However, the regularity of the lawsuits suggests that these products are subject to a double, perhaps triple jeopardy of sorts, sometimes pulling the rug from under what was anticipated to be a safe, cost efficient, and effective pest management tool for growers. I have to believe that our system can do better. It is important to remember that the registration and review process carried out by EPA through the authority provided under FIFRA is meant to assess and evaluate risk in combination with benefits and is not meant to eliminate or squelch innovation by accepting only “no risk” outcomes.

### Grower Engagement

I appreciate that we have a regulatory system at EPA that is largely transparent and encourages stakeholder engagement in the product review process. The trade organizations that I and many of my farming colleagues belong to often participate in many of these engagement opportunities to provide evidence and guidance on how the decisions made, including those by the Office of Pesticide Programs, will impact our industry. This is most typically done through the “comment period” of a “proposed rule.” However, the Notice document associated with a proposed rule often includes extensive supporting documentation that are so technical in nature that only toxicologists and risk modelers are suited to respond and therefore impact the decision making process. While experimental data and theoretical models are undoubtedly important they should not wholesale supplant real-world data and the results of field studies in risk assessments. Are ecological risk assessments meant to evaluate likely scenarios and potential impacts or are they meant to reflect only

the most conservative and precautionary vision that can be dreamed up? I believe that with greater interaction and more conversations with the communities that actually use the crop protection tools they are assessing, EPA will be able to include stronger and more realistic scenarios into their assessments. I know that Texas Citrus Mutual and the National Sorghum Producers stand ready to work with the agency toward that end.

#### Conclusion

Thank you again, Chairman Roberts and Ranking Member Stabenow, for holding this important hearing and the invitation to participate. We appreciate all of the work this Committee does on behalf of the American farmer. And once again, I urge the Committee and the Senate to take the necessary actions for the swift approval of H.R. 1029, PRIA-4.