



November 14, 2020

The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: RIN: 2070-ZA21, Guidance for Plant Biostimulant Products: Label Claims Excluded or Regulated under FIFRA as Plant Regulator Claims

Office of Management and Budget (OMB):

The Humic Products Trade Association (HPTA) is an industry association with knowledge on humic and fulvic acids, which may be included under the plant biostimulant category. Below are clarifying comments regarding topics discussed during our EO 12866 telephone conference on November 13th, 2020, for RIN: 2070-ZA2, Guidance for Plant Biostimulant Products: Label Claims Excluded or Regulated under FIFRA as Plant Regulator Claims.

As mentioned on the call, humic and fulvic acid products are ubiquitous in nature and are used in many different industries such as dietary supplements, cosmetics, and animal feed. Generally, in these industries, humic and fulvic acid use is to function as a source or carrier for trace minerals and other nutrients. This application serves as a ligand for nutrients, which is characteristic of other nutritional chemicals like chelates that are similarly used in animal, human, and plant nutrition.

Humates and their ingredients, like and humic acids, are already appropriately classified under List 4A along with other Minimal Risk Inert Ingredients, which are commonly consumed food items and animal feed ingredients. Other ingredients in List 4A, like citrate and acetate, are also used as a chelator or ligand for nutrition applications in multiple industries.

Chelates are used in many industries, including foliar application to plants. Because the mode of action is to improve nutrient availability and not otherwise affect or alter the behavior of a plant, classification as a plant regulator is not appropriate. Humic and fulvic acids are predominantly used in soil applications. Due to efficiency practices in agriculture, farmers also include humic and fulvic in foliar fertilizer sprays to help store nutrients, reduce runoff, and increase nutrient availability to plants.

A pesticidal classification for humic and fulvic acids could be detrimental to other markets where they are sold. Consumer perception in dietary supplements and cosmetics are especially sensitive to products containing ingredients perceived as regulated pesticides. The possible loss of sales and hindered innovation should bring into question the reason for including these products in pesticide rulemaking or guidance. Humic based products have a long history of safety for human contact.

HPTA suggests that items like humic and fulvic acids are included in Table 4 in error and should be exempted from consideration as a plant regulator as a nutritional chemical. Because Nutritional Chemicals are presently undefined, the Humic Products Trade Association suggests omitting products that exhibit direct plant nutrient interaction like chelation from Table 4. Humic and fulvic acids and their salts are commonly used as nutrient carriers and should not be classified in positive plant regulator lists like Table 4. We recommend removing humic and fulvic acids from Table 4 in draft guidance until such time that they can be evaluated by EPA as exempted under a Nutritional Chemical definition.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Taylor". The signature is fluid and cursive, with the first name "Russell" and last name "Taylor" clearly distinguishable.

Russell D. Taylor, MBA
President
Humic Products Trade Association