April Newsletter

Dear CPDA Member:

In 2004, Congress passed and President Bush signed the Consolidated Appropriations Act, which established a new system for registering pesticides, called the Pesticide Registration Improvement Act, or PRIA. PRIA created a fee-for-service program for pesticide registrations, amended registrations and tolerance actions. PRIA brought predictability and transparency to the registration process. For the very first time, registrants could submit a registration package or action and would know with some certainty when they would have an EPA decision.

Since then, Congress has reauthorized PRIA three times, the last time in 2019. Work has begun on PRIA V as PRIA IV will expire next year. To that end, CPDA is a member of the PRIA Steering Committee, which includes CropLife America, the American Chemistry Council, RISE, and others to craft a new PRIA.

The Steering Committee's primary focus is on improving EPA's implementation of PRIA. EPA is collecting fees but, in turn, registrants are getting little in return. CPDA's focus for PRIA V is in the following areas:

- EPA's resource issues have created a backlog of non-PRIA actions. CPDA is supporting a one-time EPA appropriation so they can clear the backlog.
- "Fast Track Amendments" that were once 90-day actions are now two-year decisions or longer. PRIA V must fix this.
- EPA is ignoring PR Notice 98-10 and reviewing notification items that should not require review. PRIA V must reinstate PR Notice 98-10 as EPA's official policy.
- Generic registrants without dedicated manufacturing facilities need flexibility in listing technical sources and inerts. Listing alternate sources of actives and inerts should remain by Notification.

- The PRIA Renegotiation process must be improved. It's common to see two or more renegotiations per action with an average of 120+ days beyond the original PRIA date, disrupting an already stressed supply chain and hurting growers.

CPDA and the Steering Committee are close to finalizing these changes and will meet with EPA leadership next week to discuss these measures.

PRIA Appropriations Requests

CPDA filed PRIA appropriations requests with the Chair and Ranking Member of the House and Senate EPA Appropriations Subcommittee. Requests were filed with Senators Jeff Merkley (D-OR) and Shelley Moore Capito (R-WV) and Representatives Chellie Pingree (D-ME) and David Joyce (R-OH). The requests seek $144 million for the pesticide program in 2023 as well as an additional one-time appropriation of $19 million to clear the non-PRIA backlog. President Biden's 2023 budget request for PRIA is $118 million.

Propylene Glycol Shortage

Covid-19 impacts, rising fuel prices, supply chain shortages and war in Ukraine has led to worldwide shortages of critical raw materials including propylene glycol, a key component of many inert ingredients. To address this, CPDA worked with EPA and state regulators for flexibility in listing alternatives to propylene glycol which was anticipated to expire in December 2021, but EPA extended the emergency exemption though 2022.

Maine Adjuvant Bill

Last month, a Maine legislative committee considered a bill that would require the Department of Agriculture to regulate adjuvants as pesticides. This bill was opposed by CPDA and a host of other organizations, including the Department of Agriculture themselves, who said they didn't have the resources to administer the bill. CPDA argued that the law was unnecessary as all adjuvants added to pesticides are already regulated and can only be created from USEPA approved inert ingredients. The committee voted down the measure by an 8-4 margin, which should have ended the measure for this year. Unfortunately, on April 5, Maine's House passed the minority report of the bill. It now heads to the Senate for consideration. CPDA and its allies will continue to oppose the bill. The Maine legislature adjourns for the year on April 20.

CPDA State Affairs Committee

Last week, the CPDA State Affairs Committee met to discuss happenings in the states. Here's a quick summary of the discussion:

- Maryland joined the list of states requiring the registration of adjuvants. In total, 11 states require adjuvant registration. All of them, except for California and Washington, use the registration process as a revenue source.
- In 2020, the Oregon Department of Agriculture (ODA) began requiring fertilizer labels to include "A guaranteed analysis…followed by the percentage of inert ingredients." ODA also indicated that they would require CAS number specificity in the naming of ingredients and the exact percentage of each, thereby divulging confidential company formulas. After discussions between CPDA and ODA, they announced late last year that this proposal was "on hold" and would resume sometime this year. CPDA will continue to monitor this issue.
- Problems persist in California as registration decisions continue to trickle out of the Department of Pesticide Regulation. This is due several factors to include:
    - Julie Morrison, DPR's Director, has only been on the job 4 months.
    - Many DPR staff and reviewers are still working virtually.

- DPR is being overshadowed by CAL-EPA Administrator Jared Blumenfeld and the Office of Environmental Health and Hazard Assessment.
- California is shifting from risk-based standards to hazard-based standards.