CPDA May Newsletter

May 3, 2022

CLA/RISE/CPDA Regulatory Conference Recap

More than 350 people attended the CLA/RISE/CPDA regulatory conference where participants heard from EPA leadership, industry affairs experts and others about international trade issues, Endangered Species Act effects, political attacks on FIFRA and other issues affecting the crop protection industry. Of particular interest to CPDA members was an update on the Pesticide Registration Improvement Act (PRIA), provided by the Office of Pesticide Program (OPP) leadership, led by Ed Messina, the Office Director. Messina outlined the reasons why EPA is missing PRIA deadlines. This includes:

CropLife America, RISE & CPDA Regulatory Conference April 20 - 22, 2022

- In 2008, OPP staff numbered more than 800 reviewers, biologists, chemists, and other professionals. Today, those numbers have dropped to around 500.
- OPP funding has steadily decreased from a high of $144 million in 2004 to $130 million today. EPA would like to add staff to improve PRIA performance, but funding is a limiting factor.
- Covid-19 impacts have affected productivity. Many staffers are still working from home. For some, the CLA/RISE/CPDA conference was the first in-person meeting they have been to since the start of the pandemic.
- Recruitment has been difficult. Working for OPP as a reviewer or scientist is not a dream job as poring over complex studies can be boring, tedious work.
- The cost of living in Washington DC and the surrounding area is high. While OPP salaries are competitive, the Beltway often loses out to other more attractive, less expensive areas.

Given this, CPDA's challenge for the next PRIA are focused on getting OPP the resources it needs to address the following areas of concern:

- There is a significant backlog of non-PRIA actions. CPDA is supporting a one-time EPA appropriation to clear the backlog.
- "Fast Track Amendments" that were once 90-day actions are now two-year decisions or longer.
- EPA is ignoring PR Notice 98-10 and reviewing notification items that should not require review.

- 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 is 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.

To that end, CPDA is seeking a total of $163 million for OPP's 2023 budget. This will allow OPP to clear the non-PRIA backlog while meeting other performance metrics contained in PRIA. By contrast, President Biden's proposed FY 2023 budget for OPP is $118 million.
What's next? The PRIA Coalition hopes to have a bill introduced before the August Congressional recess, followed by hearings in the fall, with the hope to have a new PRIA before the end of the year. If that's not possible, the focus shifts to 2023 in a new Congress where we will compete for scarce political capital during the farm bill debate.
On another note, CPDA's EPA Task Force has secured an in-person meeting with Ed Messina and other senior leaders to discuss PRIA and other issues. This meeting will occur in early July.

Maine Update
Maine Governor Janet Mills has announced she will not veto LD2019, nor will she sign the law. However, even absent her signature it will become law within 90 days. If this scenario plays out, the Department of Agriculture's Board of Pesticide Control will issue proposed rules and how they will implement the new law.
LD 2019 impacts CPDA members in two ways. First, it changes the definition of pesticide to include "Any substance or mixture of substances intended to be used as a spray adjuvant." This will require the registration of adjuvants in the state. Second, the bill bans the distribution of pesticides with perfluoroalkyl and polyfluoroalkyl (PFAs) substances.