



## FY 2020 Funding for EPA Pesticide Registration Activities

### Requested Action:

**Please provide \$128.3 million in funding for EPA's Office Pesticide Programs (OPP) through the Fiscal Year (FY) 2020 Interior and Environment and Related Agencies Appropriations bill. This figure reflects the FY 2019 funding level and the level authorized by the Pesticide Registration Improvement Act Extension Act of 2018 (Public Law 116-8), or PRIA 4.**

### Background:

EPA's OPP regulates the manufacture and use of all pesticides in the U.S. Adequate funding is necessary to guarantee that pesticide users have appropriate access to products, and that these products are used in a safe and effective manner. Predictable processing of pesticide registrations is especially important to biopesticide manufacturers as they work to provide growers and other pesticide users with innovative and increasingly safer pest control tools.

PRIA was first enacted with strong bipartisan support in 2004 and reauthorized in 2007, 2012, and in March of 2019 – each time with support of the environmental NGOs, farmworker advocates, state departments of agriculture, and pesticide companies. PRIA 4, enacted on March 8, 2019, increased fees paid by industry for registration services by as much as 30% from levels enacted in 2012. PRIA 4 also includes funding for worker protection education programs, pesticide risk reduction programs and partnership grants.

As you work to finalize the FY 2020 Department of Interior, Environment and Related Agencies Appropriations bill, please maintain the FY 2019 funding level of \$128.3 million, split between the three accounts including: 1) Environmental Programs and Management, 2) Science and Technology and 3) State and Tribal Assistance Grants. This \$128.3 million is the minimum level required under PRIA in order to trigger registrant fees, which comprise roughly 28% of the funding for OPP. The House-passed version of the FY 2020 spending bill represents an 11% reduction from FY 2019 levels.

Prior to FY 2019, funding levels for these programs had been stagnant and far short of the levels anticipated when PRIA 3 was enacted in FY 2012, which resulted in delayed decisions, staffing reductions and diminished agency morale. The funding level in House-passed FY 2020 bill will create more uncertainty and likely result in staffing shortages in the OPP. This will hamper the ability of BPIA members to bring growers and other pesticide users new and safer pest control solutions.

Farmers, lawn care and pest control professionals, public health officials, golf course superintendents, invasive species managers, as well as pesticide manufacturers, depend upon a consistent regulatory system that provides certainty. This allows technology providers to continue investments in innovation to protect America's food supply, public health, infrastructure, green spaces and other natural resources.

As the FY 2020 Department of Interior, Environment and Related Agencies Appropriations bill progresses through the legislative process, we urge Congress to provide no less than the FY 19 funding levels for these programs that protect human health and the environment.

### **About Biostimulants**

**Biostimulants encompass a diversity of products that enhance uptake of added or existing nutrients, nutrient efficiency, plant health, yield, and quality.**

Biostimulants can be derived from natural or biological sources such as bacterial or microbial inoculants, biochemical materials, amino acids, humic acids, fulvic acid, seaweed extract and other similar materials. These products improve agricultural sustainability and soil health.

- They have the ability to:
  - Enhance plant growth and development;
  - Improve the efficiency of plant nutrients, as measured by either improved nutrient uptake or reduced nutrient losses to the environment, or both; and/or
  - Act as soil amendments, with demonstrated ability to help improve soil structure, function or performance and thus enhance plant response.
- The biostimulant industry is active, growing quickly and expected to become a ~2 billion dollar market globally by 2020.
- Innovation and new product development is expanding at a considerable rate by both large, medium and small companies.
- These naturally derived products can be used for conventional and organic crop production.

### **Sustainability/ Environmental Benefits**

- Increasing the uptake and utilization of existing and applied nutrients reduces the potential for off-farm nutrient runoff into rivers, lakes and streams and emission of greenhouse gasses
- Increasing yield and quality without increasing applied fertilizer, water or planted acres, enhances the efficient use of these natural resources and reduces food loss in the field.
- The Sustainability Consortium (Walmart, Kroger, Amazon, General Mills, Kellogg's, Unilever, etc.) recognizes the value of biostimulants as a means to improve agricultural sustainability

## Regulatory Issues

- The term “biostimulant” is in broad use globally but no US agency, at state or federal level, offers a working definition of biostimulants
- The EU (and other parts of world) see the need and are moving forward
- Developers are prohibited from calling their products “biostimulants” and limited in the benefit claims they can make.
- Biostimulant products lack a specific regulatory path enabling developers to register products according to their intended use, benefits and safety.
- Companies must either register their product as a pesticide with EPA or as a fertilizer in every state they wish to market. Neither path is truly appropriate for these products and both can be unnecessarily burdensome, costly, complex and confusing for developers, regulators and consumers.
- State fertilizer agencies do not know how to address or register many biostimulant products and are looking for guidance from EPA, USDA and industry.
- Industry is reviewing and will be commenting on the EPA issued plant biostimulant guidance document. Public comments were sent to EPA on July 25.
- The Biostimulant industry appreciates USDA APHIS’s ongoing work to facilitate discussions between a diverse group of stakeholders regarding biostimulants, especially as part of the Farm Bill authorized plant biostimulant USDA report to Congress.

### The Biostimulant Industry broadly desires:

- A definition of biostimulants to be developed following the Farm Bill authorized USDA report to Congress
- That EPA’s guidance document, which was published in the federal register on March 21, 2019, NOT be finalized until EPA and USDA have consulted on the plant biostimulant report to Congress.
- That EPA remove Table 4 from the Plant Biostimulant Guidance document
- USDA supports further research to demonstrate the sustainability benefits of biostimulants so growers may qualify for conservation funding.
- A clear, consistent and predictable process for market entry
- Clarity on acceptable claims for biostimulants
- A single label for all US states

### Industrial Hemp and Biological Products

- The 2018 Farm Bill legalized hemp production
- No pesticide products are currently approved for use on hemp but EPA is considering ten applications
- EPA has previously determined these products are safe under any reasonably foreseeable circumstances
- EPA should consider hemp a new crop and not a new use pattern

## Immediate Need for Crop Protection Products

The enactment of the 2018 Farm Bill moved hemp from strictly a research crop to a recognized agricultural commodity. However, growers lack the pest control tools to properly manage and treat this new commodity.

Pesticide products need to be made available to growers to prevent and treat emergent pest problems. BPIA strongly supports EPA's approval of the pending applications that propose to add hemp to the labeling of currently registered biopesticide products. BPIA also encourages EPA to expedite full registrations for biological products under FIFRA §3 as well as support State-driven registration actions under FIFRA §18 and/or 24(c) that may be necessary to address emergency and/or regional pest conditions for which there are currently no registered products.

## Ten Biopesticides Under Consideration

EPA is currently considering hemp label amendments for ten biopesticides. As noted by EPA, "These registered pesticide products contain active ingredients for which EPA previously determined the residues will be safe under any reasonably foreseeable circumstances and, pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA), established tolerance exemptions ... for those residues in or on all raw agricultural or food commodities."

Further, it is important to note that when these products are food use biopesticides, they are of low toxicity and exhibit a non-toxic mode of action in addition to being residue-exempt.

The risk assessments underlying the tolerance exemptions for such products support use on any and all agricultural commodities without limitation. As such, these biologically-based products require no additional data or risk assessment to be used on this new crop.

For products containing active ingredients that are not residue-exempt, BPIA recommends that EPA follow its existing policy of establishing specific tolerances for those active ingredients, supported by data, as necessary, to ensure a "reasonable certainty of no harm" as required under the Food Quality Protection Act (FQPA).

## Hemp as a New "Crop", Not a New Use Pattern

The new crop use site—hemp—is simply a new "crop" and does not entail a "changed use pattern" as that term is defined in FIFRA §3(c)(4). Cultivation of hemp as a crop clearly fits under the existing 40 CFR §158.100 classifications of either "Terrestrial Outdoor" or "Residential Outdoor" when grown commercially or for personal use, respectively. Pesticide products currently classified under one or both of these use patterns should be deemed eligible for consideration to add hemp to their labels.