

Update on Biostimulants



2020 BPIA Annual Meeting and Symposium

Portland, Oregon

March 4, 2020

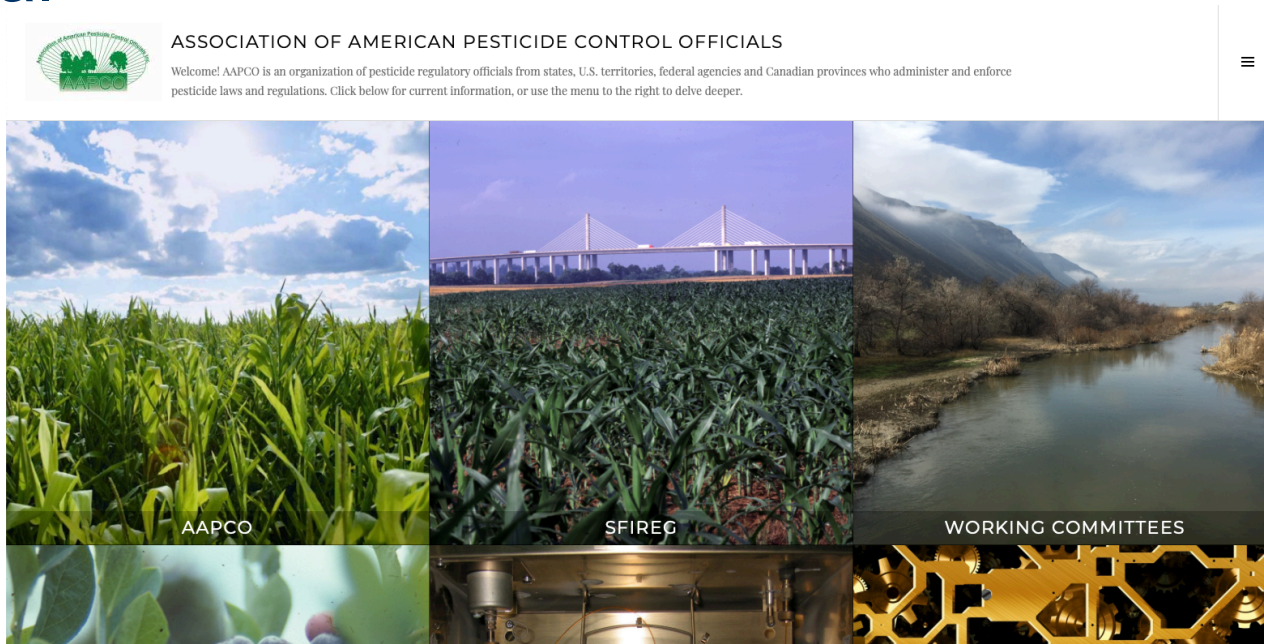
Rose Kachadoorian

Pesticides Program

Oregon Department of Agriculture

Association of American Pesticide Control Officials, Inc. (AAPCO).

Est. In 1947. Members of AAPCO consist of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada.



Current State Regulatory Framework

Many state pesticide laws often go beyond those in FIFRA, and therefore each state can be unique.

These laws coupled with FIFRA and state fertilizer laws determine if a product requires registration and type.

Therefore, within the current framework, biostimulants may be regulated differently in each state.

A state agency does not have the legal authority to determine which laws enacted by their legislature they enforce, and which ones they ignore.

Each state pesticide agency has a cooperative agreement with EPA, not USDA.

For pesticide regulation, EPA is our regulatory partner, not USDA.

While USDA marketing-based determination might be of interest in some instances, **USDA determinations do not supersede state pesticide and fertilizer laws.**

AAPCO supports:

- Additional guidance
- Enforceable language and
- EPA to create a federal framework of biostimulant products that is congruent with current federal and state regulatory programs.

“PRIA Lite”?

AAPCO is Opposed:

Creating another exempt product category, similar to FIFRA Section 25(b) minimum risk pesticide products or devices, will increase the burden on already resource exhausted state lead agencies (SLAs).

States are concerned - increased burden to confirm the regulatory compliance of biostimulants.

Difficulties in a state's ability to assess:

- Label claims
- Product safety, and
- Determine if there is a tolerance or tolerance exemption for products used on food or feed crops
- If its exclusive purpose is that of a pesticide

EPA's Draft Guidance for Plant Regulator Label Claims, Including Plant Biostimulants

Table 4 and more

- Include microbes.
- More guidance - what is, and what is not considered a pesticide.
- Additional information - use sites and use rates pertaining to specific active ingredients.
- Reference tables are able to be updated without opening the rulemaking processes.
- EPA response - Non-compliant in the market or through state registration or inspection processes?

Thank you

Rose Kachadoorian
rkachadoorian@oda.state.or.us

Pesticides Program, Oregon
Department of Agriculture



Oregon Department of Agriculture Pesticides Program