



July 7, 2021

SUBMITTED VIA REGULATIONS.GOV

Mr. Charles Smith
Acting Director
Biopesticide and Pollution Prevention Division (7509P)
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

Re: Comments in Response to “Pesticides; Modification to the Minimum Risk Pesticide Listing Program and Other Exemptions Under FIFRA Section 25(b)”; EPA-HQ-OPP-2020-0537 (Apr. 8, 2021).

Dear Mr. Smith:

The Biological Products Industry Alliance (BPIA) appreciates the opportunity to provide comments to the U.S. Environmental Protection Agency (EPA or the Agency) on its April 8, 2021, Advance Notice of Proposed Rulemaking (ANPR), “Pesticides; Modification to the Minimum Risk Pesticide Listing Program and Other Exemptions Under FIFRA Section 25(b),” seeking comment on various aspects of EPA’s implementation of the authority granted to the Agency under FIFRA to exempt certain categories of pesticides from regulation.

BPIA promotes the responsible development of safe and effective biological products, including biopesticides, biofertilizers, and biostimulants—tools that hold significant promise in providing innovative solutions for commercial agriculture, forestry, home gardens, horticulture, ornamentals, public health, and turf sectors. BPIA’s members develop products that improve plant nutritional processes, improve plant health, promote tolerance of abiotic and other environmental stresses, and improve overall growth, quality, and yield without increasing inputs, water, or planted acres. Our members’ products can increase the uptake and utilization of existing and applied nutrients, providing new opportunities to reduce runoff and emissions, enhance carbon sequestration, conserve and replenish soil health, improve water quality, and preserve natural resources. Each of these benefits is squarely aligned with this Administration’s focus on addressing climate change, conservation, and sustainability.

Currently, our members’ products are regulated under a number of federal and state regulatory programs, some of which fall within EPA’s regulatory scope. To maximize these products’ potential to bring value, it is imperative that they have a clear, transparent, efficient, risk-based pathway to market.

BPIA commends EPA for this effort to improve its regulatory system by identifying opportunities to streamline the FIFRA section 25(b) petition process and “improve efficiency and enhance opportunities for reducing regulatory requirements.” 86 Fed. Reg. at 18233. This concept is consistent with foundational principles of good governance through rulemaking, including those relevant to emerging technologies, outlined in a number of Executive Orders over the last several Administrations.¹ Under these key principles, regulations should:

- Protect health and the environment while promoting innovation.
- Be commensurate with risk.
- Offer flexibility and adaptability to accommodate new evidence and learning.
- Be coordinated with other federal agencies, state authorities, a broad array of stakeholders, and the international community.

Accordingly, BPIA supports EPA’s efforts to assess its current regulatory approach under FIFRA to amend existing exemptions and add new classes of pesticidal substances for exemption, with the goal of ensuring an efficient regulatory process. BPIA asks that EPA use this ANPR process to identify any and all opportunities to reduce regulatory burdens for innovative products like those produced by BPIA’s members and to ensure that any revisions to the petition process result in a simple, clear, transparent, and certain regulatory pathway. For example, EPA could regularly solicit stakeholder feedback on what ingredients could or should be added to the minimum risk pesticide list or EPA could create a dedicated pathway by which registrants can petition to add an active ingredient to the 25(b) list.

Should you have questions about or wish to have further discussion regarding these comments, or specific products or categories of products, please contact me. Thank you for your consideration of these comments, and for the opportunity for stakeholder engagement on this important issue.

Respectfully submitted,

BIOLOGICAL PRODUCTS INDUSTRY ALLIANCE



Keith J. Jones
Executive Director

¹ E.O. 12866, E.O. 13422, E.O. 13563, E.O. 13610.