

March 15, 2024

The Honorable Jeff Merkley
Chair
Interior, Environment, and Related
Agencies Subcommittee
U.S. Senate Committee on Appropriations
125 Hart Senate Office Building
Washington, DC 20510

The Honorable Mike Simpson
Chair
Interior, Environment, and Related
Agencies Subcommittee
U.S. House Committee on Appropriations
2007 Rayburn House Office Building
Washington, DC 20515

The Honorable Lisa Murkowski
Ranking Member
Interior, Environment, and Related
Agencies Subcommittee
U.S. Senate Committee on Appropriations
125 Hart Senate Office Building
Washington, DC 20510

The Honorable Chellie Pingree
Ranking Member
Interior, Environment, and Related
Agencies Subcommittee
U.S. House Committee on Appropriations
2007 Rayburn House Office Building
Washington, DC 20515

Dear Chair Merkley, Chair Simpson, Ranking Member Murkowski, and Ranking Member Pingree,

As you begin consideration of fiscal year (FY) 2025 appropriations for programs under the jurisdiction of the Interior, Environment, and Related Agencies Appropriations Subcommittee, we urge you to consider the below requests to ensure our nation's pesticide regulatory system is effective, efficient, and produces decisions based in sound science. Our nation's farmers, applicators, consumers, and other users rely on quality pesticide registration decisions and guidance from federal regulators to allow for the meaningful use of pesticidal tools while ensuring both human health and our environment are protected. When these conditions are met, these tools can safely defend agricultural crops, protect residential and commercial facilities, safeguard against public health risks, and maintain vital conservation practices. We believe the below recommendations will help assure the federal pesticide program can meet these essential functions and maintain the important benefits these tools can offer.

Program Funding

While many federal programs have endured inflationary pressures in recent years, often eroding agency capacity, federal pesticide regulators have experienced this challenge in addition to significant increases in congressionally and court-directed workloads aimed at meeting statutory deadlines and improving processes for Endangered Species Act (ESA) review. These challenges have greatly slowed agency regulatory functions, which in turn have delayed product registrations needed by growers and other users, as well as the implementation of new ecological and human health protections. To that end, we are requesting modest increases or designations of funding for the following programs to help manage these challenges:

EPA's Office of Pesticide Programs (OPP) – Provide \$166.0 million for the operations of EPA-OPP. Since enactment of the original Pesticide Registration Improvement Act (PRIA), Congress has intended for industry fees to supplement annual appropriations. Accordingly, PRIA requires the termination of the fee program if a minimum level of appropriations are not provided. PRIA 5, enacted December 29, 2022, updated that amount to \$166 million.

FWS Planning and Consultation – Provide \$3.0 million for ESA Section 7 consultations designated specifically for pesticide agency actions of EPA-OPP. While FY2024 did provide \$1.0 million for this purpose, we believe more resources are needed given the significant pesticide consultation backlog facing FWS.

Funding Implementation Guidance

While it is important that the agencies receive sufficient resources for pesticide registration activities, without which growers, consumers, and other users cannot benefit from the continued use of these tools, it is also important that Congress verify these resources are being used effectively and as intended. Since the agencies have been inundated with compliance obligations, we are concerned that in recent years program priorities, especially at EPA, have gravitated towards dispensing with growing workloads via broad, overly conservative actions at the cost of developing careful decisions rooted in the best available science and evidence. This trend risks imposing greater than necessary restrictions that erode the value of these vital tools with no scientifically valid benefit for human health or the environment. Moreover, it unnecessarily expends agency funds regulating perceived risks that are unlikely to exist rather than focusing resources where protections may be genuinely needed. We encourage congressional appropriators to provide the following implementation guidance for funds to ensure accountability of their use:

Scientific and Commercial Data – Clarify that ESA analysis conducted by EPA consider, when available, pesticide usage data, existing conservation practice data, real-world studies on spray drift, ground water, and surface water concentrations, and sub-county level species range maps.

Biological Evaluations – Currently EPA is unnecessarily committing significant agency resources to develop pesticide ESA biological evaluations, resulting in missed regulatory deadlines, when that statute permits applicants or third parties to develop BEs. An expectation should be established that applicants and third parties may conduct pesticide BEs.

Epidemiological Data Guidance – Advise EPA to update its epidemiological data guidance to clarify that studies considered by the agency must include data with a sufficient level of granularity to verify the study, and in a manner that protects confidentiality and privacy. Any study considered by the agency for regulatory decision making must meet EPA’s existing data quality requirements and independently reviewed by EPA scientists to ensure reliability and relevance of the study and must be appropriately weighted with studies submitted for pesticide registration.

FIFRA Labeling – Clarify that no funds may be used by EPA to issue any guidance or policy, take any regulatory action, or approve any new use or label amendment that is inconsistent with any EPA human health risk assessment findings.

Sub-County Species Range Maps – Clarify that FWS may use funds to develop or revise species range maps provided that, when possible, the service creates maps at the sub-county level.

Stakeholder Engagement – Clarify that funds may be used by EPA to design ESA pilot projects or devise upfront ecological mitigations for registration decisions provided that they are developed in consultation with impacted stakeholders pre-publication.

Peer-Review – Require that EPA’s Integrated Risk Information System contract with the National Academies of Sciences for an independent peer-review of their draft toxicological review of inorganic arsenic.

While this implementation guidance will be significant for improving the performance of the pesticide program, we urge congressional appropriators to consider these recommendations in addition to performing greater implementation oversight. Congress reauthorized PRIA in December 2022 which contains several program efficiency provisions, including reducing its backlog of late and overdue registration actions. We strongly support congressional appropriators monitoring fulfillment of these provisions to ensure they are faithfully implemented.

Pesticides are vitally important tools for ensuring our nation's food and agricultural production is abundant and sustainable, for protecting our population from public health threats, among many other important uses. However, to enjoy these continued benefits, it is important these tools are well-regulated using the best available science and evidence. To accomplish these objectives, federal agencies need sufficient resources with which to regulate and the implementation guidance to ensure funds are being used appropriately and as Congress intended. We encourage you to adopt the above recommendations into the FY2025 Interior, Environment, and Related Agencies to provide federal pesticide regulators with these much-needed funds and guidance to best maintain the safe, effective use of these indispensable tools.

Sincerely,

Agricultural Council of Arkansas
Agricultural Retailers Association
Alabama Farmers Federation
Alabama Soybean and Corn Association
Almond Alliance
American Farm Bureau Federation
American Mosquito Control Association
American Seed Trade Association
American Soybean Association
American Sugarbeet Growers Association
AmericanHort
Arkansas Certified Crop Advisers
Arkansas Crop Protection Association
Arkansas Farm Bureau Federation
Arkansas Plant Food Association
Arkansas Rice Federation
Arkansas Rice Growers Association
Arizona Farm Bureau Federation
California Association of Winegrape Growers
California Citrus Mutual
California Cotton Ginners and Growers Association
California Fresh Fruit Association
California Specialty Crops Council
Council of Producers and Distributors of Agrotechnology
CropLife America
Delaware Farm Bureau
Far West Agribusiness Association
Florida Fertilizer & Agrichemical Association
Florida Fruit and Vegetable Association
Georgia Farm Bureau
Georgia Fruit and Vegetable Growers Association
Georgia Urban Agriculture Council
Georgia-Florida Soybean Association
Golf Course Superintendents Association of America
Idaho Farm Bureau Federation
Idaho Grain Producers Association
Idaho Hop Growers Association
Idaho Noxious Weed Control Association
Idaho Nursery and Landscape Association
Idaho Oilseed Commission
Idaho Potato Commission

Illinois Farm Bureau
Illinois Fertilizer and Chemical Association
Illinois Soybean Association
International Fresh Produce Association
Iowa Corn Growers Association
Iowa Soybean Association
Louisiana Agricultural Consultants Association
Louisiana Cotton & Grain Association
Louisiana Farm Bureau Federation
Mid Atlantic Soybean Association
Mississippi Farm Bureau
Mississippi Soybean Association
Montana Agricultural Business Association
Montana Farm Bureau Federation
Montana Grain Growers Association
National Alliance of Independent Crop Consultants
National Association of Landscape Professionals
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Barley Growers Association
National Christmas Tree Association
National Corn Growers Association
National Cotton Council
National Onion Association
National Pecan Federation
National Potato Council
Nebraska Agri-Business Association
Nebraska Dry Bean Commission
Nebraska Soybean Association
North Dakota Soybean Growers Association
Northwest Agricultural Cooperative Council
Ohio AgriBusiness Association
Ohio Corn & Wheat Growers Association
Ohio Soybean Association
Oregon Association of Nurseries
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Oregon Farm Bureau
Oregon Women for Agriculture
Oregonians for Food & Shelter
Pacific Northwest Canola Association
Pennsylvania Farm Bureau
RISE (Responsible Industry for a Sound Environment)
Snake River Sugarbeet Growers Association
Tennessee Farm Bureau Federation
Tennessee Soybean Association
Texas Farm Bureau
U.S. Canola Association
USA Rice
Washington Asparagus Commission
Washington Association of Wheat Growers
Washington Blueberry Commission
Washington Friends of Farms and Forests

Washington Grain Commission
Washington Mint Growers Association
Washington Potato & Onion Association
Washington State Dairy Federation
Washington State Potato Commission
Western Agricultural Processors Association
Western Alfalfa Seed Growers Association
Wisconsin Pork Association
Wisconsin Potato & Vegetable Growers Association