

March 8, 2023

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) 2024 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 support 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. Currently funds are appropriated for generic planning and consultation activities.

### *Funding Implementation Guidance*

While it is important that the agencies receive sufficient resources for pesticide registration activities, without which growers and other users cannot enjoy 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 EPA may use funds to conduct ESA analysis provided that the agency considers, 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 in its analysis.

*Epidemiological Data Guidance* – Provide EPA \$250,000 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.

*Federal Health Findings* – 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 interim registration decisions provided that they are developed in consultation with impacted stakeholders pre-publication.

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 FY2024 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 Retailers Association  
American Farm Bureau Federation  
American Seed Trade Association  
American Soybean Association  
American Sugarbeet Growers Association  
Aquatic Plant Management Society  
Arkansas Rice Growers Association  
Arkansas Soybean Association  
California Alfalfa & Forage Association  
California Citrus Mutual  
California Specialty Crops Council  
Council of Producers and Distributors of Agrotechnology  
CropLife America  
Florida Fruit and Vegetable Association  
Georgia Farm Bureau  
Georgia Fruit and Vegetable Growers Association  
Golf Course Superintendents Association of America  
Illinois Corn Growers Association  
Illinois Farm Bureau  
Illinois Fertilizer and Chemical Association  
Illinois Soybean Association  
International Fresh Produce Association  
Iowa Corn Growers Association  
Iowa Soybean Association  
Kansas Association of Wheat Growers  
Kansas Soybean Association  
Maine Farm Bureau Association  
Maine Potato Board  
Michigan Corn Growers Association  
Michigan Farm Bureau  
Michigan IPM Alliance  
Mid Atlantic Soybean Association  
Minnesota Crop Production Retailers  
Minnesota Soybean Growers Association  
Mississippi Farm Bureau  
National Agricultural Aviation Association  
National Association of Landscape Professionals  
National Association of State Departments of Agriculture  
National Association of Wheat Growers  
National Barley Growers Association  
National Corn Growers Association

National Cotton Council  
National Council of Farmer Cooperatives  
National Onion Association  
National Pest Management Association  
National Potato Council  
National Sunflower Association  
Nebraska Soybean Association  
New York State Vegetable Growers Association  
North Central Weed Science Society  
North Dakota Soybean Growers Association  
Northeast Dairy Producers Association  
Northeastern Weed Science Society  
Oregon Cattlemen's Association  
RISE (Responsible Industry for a Sound Environment)  
Snake River Sugarbeet Growers Association  
Southern Weed Science Society  
U.S. Canola Association  
U.S. Peanut Federation  
U.S. Poultry & Egg Association  
Vermont Dairy Producers Alliance  
Washington Association of Wheat Growers  
Washington State Potato Commission  
Weed Science Society of America  
Western Growers Association  
Western Society of Weed Science