

Pesticide Registration Improvement Act (PRIA) Update

May 20-21, 2020 Pesticide Program Dialogue Committee Meeting

Background:

The Pesticide Registration Improvement Act, or PRIA, was first authorized in 2004 and has been reauthorized three times, the most recent being the Pesticide Registration Improvement Enhancement Act of 2018 (PRIA 4). PRIA was originally developed by a coalition of stakeholders including pesticide manufacturers, growers, and public interest groups. PRIA and its reauthorizations provide a fee-for-service structure for EPA review of pesticide applications and specify time frames by which regulatory decisions must be made.

- PRIA provides approximately one third of the funding for pesticide program activities. PRIA provides two funding sources to EPA's pesticide program:
 - One-time registration service fees (*i.e.*, PRIA fees) for the evaluation of new applications submitted to the EPA; and
 - Annual FIFRA maintenance fees assessed to products currently in the marketplace, a significant portion of which are used to support the re-evaluation of pesticides in order to meet the statutory deadline of October 1, 2022, for completing the first round of registration review.
- Time frames under PRIA vary depending on the type and complexity of the application.

PRIA 4 Updates:

Pesticide registration fees:

- Extends PRIA registration service fee collection authority for five years through FY 2023;
- Expands covered categories from 189 (under PRIA 3) to 212;
- Specifies two 5% fee increases, at the start of FY 2020 and FY 2022;
- Extends PRIA set-asides through FY 2023 for:
 - Worker protection activities (1/17th of fund, but not less than \$1M/yr);
 - Partnership grants (\$500K/yr);
 - Pesticide safety education program (\$500K/yr);
- Continues OPP minimum appropriation trigger for registration service fee collection authority (FY 2012 appropriation amount).

Maintenance fees

- Extends maintenance fee authority for five years through FY 2023 and raises collection target from \$27.8M to \$31M;
- Allows EPA to average across years to correct for over or under collection in fiscal years covered by PRIA 4;
- Eliminates appropriations constraint on spending maintenance fees;
- Eliminates PRIA 3 IT set-aside (\$800,000 per year) but requires reporting on the unspent balance of IT set-asides as long as one remains;
- Creates new set-aside of up to \$500,000 per year to support efficacy guideline development and rulemaking for invertebrate pests of significant public health and/or economic importance with a mandatory schedule of deliverables;
- Creates new set-aside of up to \$500,000 per year to support enhancements to the GLP standards compliance monitoring program (lab audits).

PRIA 4 New Reporting Requirements:

- PRIA 4 directs EPA to:
 - Identify reforms to streamline new AI and new use processes and provide prompt feedback to applicants during the process;
 - Report progress in meeting mandatory schedule in developing efficacy guidelines for invertebrate pests of significant public health and/or economic importance;
 - Report progress in implementing enhancements to the GLP compliance monitoring program;
 - Report progress in priority review and approval of new pesticides to control vector borne pests in the U.S., including territories and military bases globally; and
 - Report approvals associated with Design for the Environment program
- *Worker protection activity/partnership grant/PSEP set-asides:* In addition to existing reporting requirements on the amounts and use under the three set-asides, PRIA 4 contains the following additional requirements:
 - Evaluation of the appropriateness and effectiveness of the activities, grants, and program;
 - Description of how stakeholders are engaged in the decision to fund such activities, grants, and program; and
 - With respect to worker protection activities, a summary of the analyses provided by stakeholders, including from worker community-based organizations, on the appropriateness and effectiveness of such activities.

Agricultural Worker Protection Standard/Certification of Pesticide Applicators:

- PRIA 4 directs EPA to carry out (from date of PRIA 4 enactment to not later than 10/1/2021):
 - The Agricultural Worker Protection Standard Revisions final rule published November 2, 2015; and
 - The Certification of Pesticide Applicators final rule published January 4, 2017;
- PRIA 4 specifies that EPA shall not revise or develop revisions to these rules.
 - *Exception:* EPA may propose and, after a notice and public comment period of not less than 90 days, promulgate revisions to the WPS rule relating to application exclusion zones.
- PRIA 4 directs GAO to:
 - Conduct a study on the use of the designated representative, including the effect of that use on the availability of pesticide application and hazard information and worker health and safety; and
 - Not later than 10/1/21, make publicly available a report describing the study, including any recommendations to prevent the misuse of pesticide application and hazard information, if that misuse is identified.

FY 2020 Midyear PRIA Metrics:

- Fees collected as of 5/14/20
 - PRIA fees: \$11.9M
 - Maintenance fees: \$31.2M
- At midyear, OPP's "on-time" completion rate for PRIA actions was 99.2%, with 9 actions out of 1,194 being completed after the original or renegotiated PRIA due date;
- OPP's overall renegotiation rate was 36.3%; category renegotiation rate breakouts are as follows:

• Conventional	67%
• Antimicrobials	10%
• Biopesticides	24%
• Miscellaneous	2%
• Inerts	80%