

The Pesticide Registration Improvement Act

Background



The Pesticide Registration Improvement Act of 2003 (PRIA) was enacted on January 23, 2004. It requires applicants for pesticide registration actions to pay specific service fees to the U.S.

Environmental Protection Agency (EPA) for processing their requests. This law also establishes specific decision time lines, phased in over three years, for EPA to complete various registration decisions.

The intent of the law is to provide additional resources for EPA's registration efforts and a more predictable evaluation process. PRIA has been in effect for five years and continues the prohibition on the collection of pesticide registration fees (40 CFR Part 152.400), which has been in effect since the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) was amended in 1988. PRIA also suspends collection of tolerance fees authorized by the Federal Food Drug and Cosmetic Act (FFDCA) (40 CFR Part 180.33). CropLife America (CLA) has successfully led an Industry Fees Coalition of trade associations representing pesticide registrants and worked closely with environmental, labor and commodity groups to lobby Congress for passage of PRIA, defend PRIA since its enactment, and to implement PRIA with EPA.

PRIA also retained and increased the product maintenance fees that support re-registration and tolerance reassessment under the Food Quality Protection Act (FQPA). Industry is projected to pay \$116 million in maintenance fees over a five-year period. The registration service fees and increased maintenance fees went into effect in the spring of 2004.

Since 1989, various White House administrations have sought to reinstate the old pesticide registration fees (40 CFR Part 152.400) and substantially increase pesticide tolerance fees. For FY 2008, the Office of Management and Budget has proposed increasing anticipated revenues of \$25 million to \$30 million in

PRIA and maintenance fees to a total of \$91 million by substantially increasing PRIA and maintenance fees, reinstating tolerance fees and creating a significant new "registration review fee" program. These program fees would go largely to the general treasury, not benefiting Pesticide Programs, and would require multiple amendments to FIFRA and FFDCA, thus undermining the letter and intent of PRIA. Congress has repeatedly barred collection of increased fees proposed by OMB and ignored Executive proposals to modify FIFRA and FFDCA accordingly.

Position

CropLife America and its member companies support PRIA as a way to improve the predictability and speed of the pesticide registration process. CLA works closely with the Industry Fees Coalition and with EPA to ensure smooth implementation of this important legislation. EPA's commitment to PRIA is commendable and recognized by CLA and the plant protection industry. Proposals for additional registration and tolerance fees would violate the spirit of the compromise that resulted in passage of PRIA.

- CropLife America opposes the fee increases, reinstatement of tolerance fees and creation of new fees proposed in President Bush's FY 2008 budget. These proposals violate the spirit of the compromise that resulted in PRIA.
- CLA has worked closely with the Industry Fees Coalition and EPA to ensure smooth implementation of PRIA and quickly resolve problems that have arisen.
- The Industry Fees Coalition has continued its joint efforts to support PRIA and protect it from being undermined in the federal budget process.