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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for improved coordination between the Administrator of the Environmental Protection Agency and the Secretary of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for improved coordination between the Administrator of the Environmental Protection Agency and the Secretary of Agriculture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COORDINATION.**

4 Section 3 of the Federal Insecticide, Fungicide, and
5 Rodenticide Act (7 U.S.C. 136a) is amended by adding
6 at the end the following:

1 “(i) COORDINATION.—

2 “(1) RISK MITIGATION MEASURES.—If any risk
3 mitigation measures are required for any pesticide
4 registered under this Act, the Administrator shall—

5 “(A) develop such measures in coordina-
6 tion with the Secretary of Agriculture; and

7 “(B) conduct, and publish in the docket,
8 with the corresponding action, an economic
9 analysis determining the cost (including with
10 respect to changes to use requirements and cost
11 of making any associated labeling changes) to
12 growers, State lead agencies, and other affected
13 entities of the implementation of such meas-
14 ures.

15 “(2) DATA AND INFORMATION.—

16 “(A) COORDINATION OF DATA AND INFOR-
17 MATION.—With regard to the registration or
18 registration review of a pesticide under this Act
19 and for making a determination under section
20 408 of the Federal Food, Drug, and Cosmetic
21 Act (21 U.S.C. 346a) with respect to any action
22 that impacts the sale, distribution, or use of a
23 pesticide, the Administrator shall coordinate
24 with the Secretary of Agriculture, acting
25 through the Director of the Office of Pest Man-

1 agement Policy, so that the Administrator has
2 for the Administrator’s use and consideration
3 for such processes—

4 “(i) agronomic use data from—

5 “(I) the Department of Agri-
6 culture; and

7 “(II) industry; and

8 “(ii) any information relating to the
9 availability and economic viability of alter-
10 natives to such pesticide.

11 “(B) DATA AND INFORMATION.—When
12 issuing any decision resulting from the proc-
13 esses referred to in subparagraph (A), the Ad-
14 ministrator shall publish in the docket—

15 “(i) a description of the use by the
16 Administrator of any data or information
17 provided by the Secretary of Agriculture
18 under subparagraph (A); and

19 “(ii) the determination of the Admin-
20 istrator on whether to use such data or in-
21 formation, including, as applicable, the
22 reasons that the data or information was
23 not used.

24 “(3) REASONABLE AND PRUDENT ACTIONS AND
25 MEASURES.—For the implementation of reasonable

1 and prudent actions and measures identified by the
2 Secretary of the Interior and the Secretary of Com-
3 merce pursuant to section 7 of the Endangered Spe-
4 cies Act of 1973 (16 U.S.C. 1536) with respect to
5 the use of a pesticide registered under this Act, the
6 Administrator shall coordinate with the Secretary of
7 Agriculture, the Secretary of the Interior, and the
8 Secretary of Commerce—

9 “(A) to review the development of any such
10 actions and measures that are a result of con-
11 sultations relating to actions under this Act;

12 “(B) to fully consider the options for rea-
13 sonable and prudent actions and measures in a
14 manner consistent with practices established to
15 evaluate the risks and benefits of a pesticide
16 registered under this Act and to use that infor-
17 mation to inform the final selection of reason-
18 able and prudent actions and measures to be
19 used to evaluate such risks and benefits and the
20 implementation of such selection; and

21 “(C) to provide feedback to the Secretary
22 of the Interior and the Secretary of Commerce
23 on decisions relating to any such actions and
24 measures that may affect end users of a pes-
25 ticide registered under this Act.

1 “(4) WAIVER.—The coordination requirements
2 imposed by this subsection may be waived or modi-
3 fied for a specific action to the extent agreed upon
4 by the Administrator, the Secretary of Agriculture,
5 and the registrant so long as such agreement is pub-
6 lished by the Administrator in the docket for the
7 corresponding action.”.