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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—

10 “(i) determining the cost (including
11 with respect to changes to use require-
12 ments and cost of making any associated
13 labeling changes) to growers, State lead
14 agencies, and other affected entities of the
15 implementation of such measures; and

16 “(ii) of the costs and benefits of the
17 use of a pesticide that includes an assess-
18 ment of how a reduction in risk to the pes-
19 ticide user may be achieved by the use of
20 risk mitigation measures.

21 “(2) DATA AND INFORMATION.—

22 “(A) COORDINATION OF DATA AND INFOR-
23 MATION.—With regard to the registration or
24 registration review of a pesticide under this Act
25 and for making a determination under section

1 408 of the Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 346a) with respect to any action
3 that impacts the sale, distribution, or use of a
4 pesticide, the Administrator shall coordinate
5 with the Secretary of Agriculture, acting
6 through the Director of the Office of Pest Man-
7 agement Policy, so that the Administrator has
8 for the Administrator’s use and consideration
9 for such processes—

10 “(i) agronomic use data from—

11 “(I) the Department of Agri-
12 culture; and

13 “(II) industry; and

14 “(ii) any information relating to the
15 availability and economic viability of alter-
16 natives to such pesticide.

17 “(B) DATA AND INFORMATION.—When
18 issuing any decision resulting from the proc-
19 esses referred to in subparagraph (A), the Ad-
20 ministrator shall publish in the docket—

21 “(i) a description of the use by the
22 Administrator of any data or information
23 provided by the Secretary of Agriculture
24 under subparagraph (A); and

1 “(ii) the determination of the Admin-
2 istrator on whether to use such data or in-
3 formation, including, as applicable, the
4 reasons that the data or information was
5 not used.

6 “(3) REASONABLE AND PRUDENT ACTIONS AND
7 MEASURES.—For the implementation of reasonable
8 and prudent actions and measures identified by the
9 Secretary of the Interior and the Secretary of Com-
10 merce pursuant to section 7 of the Endangered Spe-
11 cies Act of 1973 (16 U.S.C. 1536) with respect to
12 the use of a pesticide registered under this Act, the
13 Administrator shall coordinate with the Secretary of
14 Agriculture, the Secretary of the Interior, and the
15 Secretary of Commerce—

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

19 “(B) to fully consider the options for rea-
20 sonable and prudent actions and measures in a
21 manner consistent with practices established to
22 evaluate the risks and benefits of a pesticide
23 registered under this Act (including the reduc-
24 tion in risk to the pesticide user achieved by the
25 use of risk mitigation measures) and to use

1 that information to inform the final selection of
2 reasonable and prudent actions and measures
3 to be used to evaluate such risks and benefits
4 and the implementation of such selection; and

5 “(C) to provide feedback to the Secretary
6 of the Interior and the Secretary of Commerce
7 on decisions relating to any such actions and
8 measures that may affect end users of a pes-
9 ticide registered under this Act.

10 “(4) WAIVER.—The coordination requirements
11 imposed by this subsection may be waived or modi-
12 fied for a specific action to the extent agreed upon
13 by the Administrator, the Secretary of Agriculture,
14 and the registrant so long as such agreement is pub-
15 lished by the Administrator in the docket for the
16 corresponding action.”.