

Patricia D. Hastings

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To: "NJinPAS Network" <NJinPASnetwork@aesop.rutgers.edu>
Sent: Friday, May 10, 2002 11:56 AM
Subject: Farm Bill Pesticide Issues Status

Information courtesy of Audrey Moore, USEPA Region 2, Regional Ag Policy Specialist related to the Farm Bill's status. Senate amendments are first stated, followed by House and Farm Bill Conference decisions. I highlighted House decisions in red, Farm Bill Conference decisions in blue.

Dated 5/8/02:

If you've been following the Farm Bill, it looks like the IPM in Schools amendment got cut. Here are some highlights on pesticide related issues in the Bill. The Bill passed the House and was supposed to be voted on in the Senate yesterday and today.

Here is what happened in the Farm Bill Conference related to pesticide issues, and organic farming:

(35) Pesticide Fees

The Senate amendment

- (1) amends the FIFRA, with respect to the pesticide registration maintenance fee system, to:
 - (a) make uniform the amount of the annual fee for each registration;
 - (b) set maximum amounts payable by a registrant and an increased aggregate amount of collected fees;
 - (c) expand the definition of a small business; and
 - (d) extend the authority to collect such fees and the prohibition on levy of fees other than those specified in the Act's fee provisions;
- (2) extends the requirement that the Administrator use maintenance fees to ensure expedited processing of similar applications and adds a requirement that the fees be used to review inert ingredients;
- (3) the Administrator the authority to change current fee amounts by the same percentage as the annual adjustment to the Federal General Schedule pay scale. If fully implemented the total cost of the provision will be \$214 million over 4 years. (Sec.1041)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

On June 9, 1999, EPA proposed a rule, "Pesticides; Tolerance Processing Fees Proposed Rule," 64 FR 31039, Docket Number OPP-30115. EPA proposed to increase tolerance fees dramatically and to collect fees retroactively back to

1996. The Managers question the legal basis and are concerned about imposing fees retroactively and with the

proposed level of fees. Retroactive imposition of increased tolerance fees, if imposed, could result in unnecessary loss of valuable pesticide products for American farmers. The Managers strongly encourage the EPA to withdraw its proposed

tolerance fee rule, and instead, work with the appropriate oversight committees in the House of Representatives and the U.S. Senate to develop comprehensive pesticide user fee legislation. The Managers continue to be concerned that the Administrator has yet to issue protocols for the issuance of registrations for antimicrobials under the Food Quality Protection Act. The Managers expect the

Administrator to expeditiously develop and implement these protocols. The Managers further expect the Administrator to give full consideration to an exemption under Sec. 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (7 USC 136) for antimicrobial products approved for use in food packaging immediately before aseptic fill.

(36) Pest Management in Schools.

The Senate amendment amends FIFRA to create a new section 33, "School Environment Protection Act of 2002" that requires Pest Management in Schools. Requires states to develop pest management plans as part of state cooperative enforcement agreements with the EPA. Sets requirements for what should be included in plans and requires the EPA to distribute guidelines to states no later than one year after enactment, after which State educational agencies would be required to develop plans and submit them to the Administrator for approval. Local education agencies would be required to implement their state plan within one year of receiving it.

(Sec. 1042).

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(79) Report on the Sale and Use of Pesticides for Agricultural Uses.

The Senate amendment directs the Administrator to submit to Congress a report on the manner in which the Agency is applying regulations of the Agency governing the sale and use of pesticides for agricultural use to electronic transactions. (Sec. 1086)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to increase the required amount of time for the report to be completed from 120 to 180 days.

(Sec. 10909)

(82) Organic Products Promotion

The Senate Amendment authorizes the establishment of a new organic research and promotion check off program, which must be proposed and approved by a majority of certified organic producers and handlers. This provision is designed to facilitate the

establishment of one order covering a category of products (organic products) rather than individual commodities, requires that the composition of the check off board must reflect both regional distribution and differing scales of organic production,

and requires the Secretary to conduct a referendum on whether the order should continue at least once every four years. Assessments under an order established under this provision would be voluntary (at the option of individual farmers). To avoid having farmers paying more than one check off assessment, the provision provides that producers choosing to contribute to the organic order would be entitled to a credit against assessments under another order.

(Sec. 1091-1098G)

The House Bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to allow a person that produces and markets only 100% organic products and does not produce any conventional or non-organic products, to be exempt from the

payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm. The Secretary shall promulgate regulations, not later than one year after the date of enactment of this

Act, regarding eligibility and compliance for such an exemption. (Sec. 10607)

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