

The IR-4 Project and EPA's Interpretation of the Pesticide Registration Improvement Reauthorization Act (PRIA2)

IR-4 is a cooperative USDA/state funded program that provides assistance to growers of specialty crops and other minor uses by enabling the registration of necessary pesticide uses in these markets. Federal and state resources are necessary because the cost of registering a new use of a pesticide with EPA on specialty crops or minor uses far exceeds the potential return on investment for companies who register pesticides. IR-4 data helps ensure that the world's safest food supply remains free of harmful and/or illegal chemicals while giving growers options to manage destructive pests. Since 1963, IR-4 has responded to over 13 thousand requests from specialty crop growers and other minor use stakeholders.

Under PRIA2, IR-4 tolerance petition submissions are exempt from fees as long as the EPA Administrator determines the exemption is in the public interest. Recently, the EPA Administrator crafted new and broad language on the determination if IR-4 applications are in the public interest. Many specialty crop/minor use stakeholders are concerned about the new public interest determination (Policy) and its potential impacts.

It is uncertain why the EPA Administrator is changing the existing determination of public interest for IR-4 applications. The existing Policy recognizes that Congress appropriates funds through USDA for IR-4 activities. Furthermore, the existing Policy recognizes the public process used by IR-4 in prioritizing research is transparent and consistent with the goals of the Food Quality Protection Act of 1996. IR-4 is allowed to leverage public funds with industry contributions to solve additional pest management needs. The existing interpretation has worked extremely well for both IR-4 and EPA; since 2004 when PRIA was first established, IR-4 data has supported 6555 new uses for specialty crops and minor uses. Over 80% of these registrations are with reduced or lower risk pesticides.

The proposed changes to IR-4 Public Interest determination will negatively impact the ability of the IR-4 Project to facilitate registration of safe and effective pesticides for specialty crops and minor uses. **The change gives the Administrator the authority to prohibit IR-4 from submitting data if EPA staff subjectively determines the application not in the public interest.** This is contrary to the Congressional intent to use public funds to develop and submit data to EPA to enable a scientific risk assessment to allow needed pesticide registrations for specialty crops/minor uses as well as the Congressional appropriation of funds to EPA to review IR-4 submissions. Specific concerns include:

- The proposed Policy restricts IR-4 applications to only FIFRA defined minor uses. This definition of minor use excludes certain specialty crops such as apple, citrus, edible beans, grape, melons, pea, peach, potato, sweet corn, and tomato. IR-4 often facilitates registration on these specialty crops because costs for industry exceed return on sales. EPA will consider a case-by-case minor use waiver, however, industry experience suggest the documentation may take over 200 man-hours to address the specific criteria with limited chance of success. The Policy will result in:
 - Greater data development costs - Efficiencies gained through EPA approved extrapolations (Crop Groupings) where data is developed on a few crops is extended to many will be lost.
 - Inhibit US exports of specialty crops - IR-4 participation in US government activities (including EPA) designed to help open international markets for US grown specialty crops will be limited.
- The language defining what EPA constitutes as being in the public interest notes "only data collected with public funds"; this language specifically discourages specialty crop growers and the crop protection industry from joining IR-4 in a public/private partnership to solve problems.
- The Policy could be applied immediately without phase-in. Thus on-going research not meeting EPA's new definition will be denied submission and scientific review resulting in immediate waste of millions of dollars.

It is recommended that the Administrator retain the original determination of public interest for IR-4 applications.