

118TH CONGRESS
1ST SESSION

S. _____

To amend the Agricultural Research, Extension, and Education Reform Act of 1998 to improve interagency coordination in the pesticide registration process, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL (for himself, Mrs. HYDE-SMITH, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Agricultural Research, Extension, and Education Reform Act of 1998 to improve interagency coordination in the pesticide registration process, 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. SHORT TITLE.**

4 This Act may be cited as the “USDA Communication
5 Regarding Oversight of Pesticides Act of 2023” or the
6 “USDA CROP Act of 2023”.

1 **SEC. 2. OFFICE OF PEST MANAGEMENT POLICY.**

2 Section 614(c) of the Agricultural Research, Extension,
3 sion, and Education Reform Act of 1998 (7 U.S.C.
4 7653(c)) is amended—

5 (1) by striking “In support” and inserting the
6 following:

7 “(1) IN GENERAL.—In support”; and

8 (2) by adding at the end the following:

9 “(2) ENVIRONMENTAL PROTECTION AGENCY.—

10 “(A) COORDINATION OF DATA.—The Of-
11 fice of Pest Management Policy shall coordinate
12 with the Environmental Protection Agency dur-
13 ing the pesticide registration and reevaluation
14 processes under the Federal Insecticide, Fun-
15 gicide, and Rodenticide Act (7 U.S.C. 136 et
16 seq.) and section 408 of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 346a) with
18 respect to any action that impacts the sale, dis-
19 tribution, or use of a pesticide to ensure that
20 the Environmental Protection Agency has the
21 following data for use and consideration in
22 making decisions under those processes:

23 “(i) Department of Agriculture agro-
24 nomic use data.

25 “(ii) Commercially available agro-
26 nomic use data.

1 “(iii) Industry agronomic use data.

2 “(B) ECONOMIC VIABILITY OF ALTER-
3 NATIVES.—The Office of Pest Management Pol-
4 icy shall coordinate with the Environmental
5 Protection Agency to provide information relat-
6 ing to the economic viability of alternatives for
7 consideration by the Environmental Protection
8 Agency in making registration and reevaluation
9 decisions described in subparagraph (A) that
10 may affect agricultural producers.

11 “(3) REASONABLE AND PRUDENT ACTIONS AND
12 MEASURES.—The Office of Pest Management Policy
13 shall collaborate with the United States Fish and
14 Wildlife Service and the National Marine Fisheries
15 Service (referred to in this paragraph as the ‘Serv-
16 ices’)—

17 “(A) to review the development of reason-
18 able and prudent actions and measures as a re-
19 sult of consultations relating to actions under
20 the Federal Insecticide, Fungicide, and
21 Rodenticide Act (7 U.S.C. 136 et seq.); and

22 “(B) to provide feedback to the Services on
23 decisions relating to reasonable and prudent ac-
24 tions and measures that may affect agricultural
25 producers.

1 “(4) RESPONSE REQUIRED FROM THE ENVI-
2 RONMENTAL PROTECTION AGENCY.—

3 “(A) PUBLIC COMMENT.—Before the pub-
4 lication of a proposed interim decision that in-
5 cludes more restrictive changes to a pesticide
6 label, including a use, tolerance, or registration
7 decision issued as part of a registration or re-
8 evaluation process under the Federal Insecti-
9 cide, Fungicide, and Rodenticide Act (7 U.S.C.
10 136 et seq.), the Administrator of the Environ-
11 mental Protection Agency (referred to in this
12 paragraph as the ‘Administrator’) shall provide
13 to the Office of Pest Management Policy an op-
14 portunity to comment on the decision for a pe-
15 riod of 90 days.

16 “(B) RESPONSE.—If the Administrator re-
17 ceives any comments under subparagraph (A),
18 the Administrator shall—

19 “(i) respond to the comments; and

20 “(ii) publish that response in the Fed-
21 eral Register with the applicable proposed
22 interim decision described in subparagraph
23 (A).

24 “(C) DATA AND INFORMATION PROVIDED
25 BY THE OFFICE.—The Administrator shall pub-

1 lish with a proposed interim decision described
2 in subparagraph (A), with respect to any data
3 or information provided by the Office of Pest
4 Management Policy under paragraph (2)—

5 “(i) a description of the use of the
6 data or information by the Administrator;
7 or

8 “(ii) if the Administrator determined
9 not to use the data or information, a de-
10 scription of the reasons that the data or
11 information was insufficient or otherwise
12 not suitable for use by the Administrator.

13 “(D) DELAYING EFFECTIVE DATE; PHASE
14 OUT.—If the Administrator receives any com-
15 ments under subparagraph (A) in which the Of-
16 fice of Pest Management Policy indicates that
17 there is not an economically viable alternative,
18 the Administrator shall ensure that an interim
19 decision or final decision issued as part of a re-
20 evaluation regarding—

21 “(i) more restrictive changes to a pes-
22 ticide label, including a revocation or can-
23 cellation of a registration, shall take effect
24 not earlier than the last day of the full
25 growing season that begins after the date

1 on which the interim decision or final deci-
2 sion, as applicable, and any comments by
3 the Office of Pest Management Policy, are
4 published in the Federal Register; or

5 “(ii) more restrictive changes to a
6 pesticide label, including a revocation or
7 cancellation of a registration and a use re-
8 striction under the Federal Insecticide,
9 Fungicide, and Rodenticide Act (7 U.S.C.
10 136 et seq.), that affect agricultural pro-
11 ducers shall, in consultation with the Of-
12 fice of Pest Management Policy, take into
13 consideration—

14 “(I) permitting the continued
15 sale and use of existing stocks of the
16 pesticide in accordance with that Act;
17 and

18 “(II) any other authority to
19 phase out the sale and use of the pes-
20 ticide.”.