

**From:** James V. Aidala [jaidala@lawbc.com]  
**Sent:** 7/24/2017 8:32:03 PM  
**To:** Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]  
**CC:** James V. Aidala [jaidala@lawbc.com]  
**Subject:** It's good to have goals: FQPA text  
**Attachments:** PLAW-104publ170.pdf

Nancy

About your question about the 15 year registration review goals – I was referring to the 1996 text of FQPA (attached) – see pages 3-4. That was FQPA, and FR notices about reregistration through 2008 has language such as this from a July 9, 2008 FR notice:

**EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be periodically reviewed. The goal is a review of a pesticide's registration every 15 years.**

However, the law, as it turns out, was changed.

It was amended by PRIA 2 in 2007 (so the 2008 FR notice was incorrect) – and simply put, the word “goal” was taken out. So I was mistaken insofar as the language has changed. I am told it was changed as part of what the NGO folks wanted as part of supporting PRIA. [I will also send you a brief memo outlining what and when the text changed from a colleague (Susan Kirsch – she was also at the PPC meeting).]

Separate from my own opinion (I would not have recommended taking the deal), I suspect that the idea of what “meeting the registration review deadline” meant in 2007 is possibly different from 2017. Also, some ironic benefit might derive from missing deadlines. In my time, and I suspect currently, a court order to make decisions on a dictated schedule from a court will help the AA-ship compete for resources in the internal budget discussions.

In my earlier response I gave a general description of the what the RED or registration review document is versus a final product reregistration action - the bottom line is that in 2007 (before the ESA “mega-suit” outcome) the RED has/had a different meaning. Your lawyers can opine and parse it all better than I can, but given where things are now (with the 15 year “deadline” having more bite) - what it really means to be “re-registered” or having “completed registration review” may become important distinctions.

For purposes of “meeting the 2022” deadline, the Agency at that time will likely have to consider whether something might meet the 15 year deadline under FIFRA (meeting the requirements for re-

registration under FIFRA) while not yet completing all of its ESA review(s). This remark is entirely my own and mostly driven by my thinking about how what the program could say given the almost impossible tasks that lie ahead.

So sorry for this complicated answer to a rather directly simple question, but the nooks and crannies of FIFRA are often challenging.

I am happy to discuss in more detail anytime, and I will try to set up some time to meet over the next few weeks.

Thanks again for the time last week.

Regards,

Jim