

Message

From: James V. Aidala [jaidala@lawbc.com]
Sent: 7/21/2017 10:58:04 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: RE: FIFRA

Great to have a least a short time to get together; I will set up some time in August.

Re: reregistration, I will dig deeper, but one element of what you have below is the notion of when a registration review is "complete" [that is not what I was referring to, I will dig around] --- but as registration review should mean the final product reregistration of all the products formulated from the active (the active ingredient case) -- the numbers are very different.

EPA likes to say registration review is completed when the RED or registration review document is issued. There has been tortuous debate about whether that is a final agency action (it was not considered so until to get out of the ESA "Mega" case saying it is a final agency action prevented more ESA mess). In reality, however, the reg. review document says what should happen to the end use products (restrictions, use rate changes, etc.) -- and the time all the products from that active may take years before all the labels are changed.

When I was on the Hill we regularly complained about the distinction.

This is confusing for a number of reasons, but you can ask counsel and of course feel free to call (I would not be surprised if they disagree).

Regards,

Jim

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Friday, July 21, 2017 5:26 PM
To: James V. Aidala
Subject: FIFRA

Hi Jim,

It was good to chat with you briefly yesterday. Sorry the time was so crunched. Perhaps we can try again in August, when hopefully things will be calmer.

In the morning you mentioned that the 15 yr review period is a goal. Below is the language staff provided from FIFRA 3(g).

It seems pretty firm. Were you referring to something else?

REGISTRATION REVIEW.— (1)(A) GENERAL RULE.— (i) IN GENERAL.—The registrations of pesticides are to be periodically reviewed. (ii) REGULATIONS.—In accordance with this subparagraph, the Administrator shall by regulation establish a procedure for accomplishing the periodic review of registrations. (iii) INITIAL REGISTRATION REVIEW.—The Administrator shall complete the registration review of each pesticide or pesticide case, which may be composed of 1 or more active ingredients and the products associated with the active ingredients, not later than the later of— (I) October 1, 2022; or (II) the date that is 15 years after the date on which the first pesticide containing a new active ingredient is registered. (iv) SUBSEQUENT REGISTRATION REVIEW.—Not later than 15 years after the date on which the initial registration review is completed under clause (iii) and each 15 years thereafter, the Administrator shall complete a subsequent registration review for each pesticide or pesticide case.

Thanks,
Nancy

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M: Ex. 6 Personal Privacy (PP)

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