

# SENATE BILL REPORT

## ESJM 8000

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As Passed Senate, March 1, 1995

**Brief Description:** Petitioning Congress to introduce legislation on pesticide use for minor crops.

**Sponsors:** Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter.

**Brief History:**

**Committee Activity:** Agriculture & Agricultural Trade & Development: 1/10/95, 1/12/95 [DPA].

Passed Senate, 3/1/95, 48-0.

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### SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Background:** The agricultural industry in the state of Washington grows a great number of different crops. From a national perspective, many of these crops are considered minor crops. Each of these crops has its own set of pest management problems.

The registration of pest control products is generally done by the federal Environmental Protection Agency under to federal law. Federal requirements adopted in 1984 and 1988 mandate additional studies and data for registration, and require pesticides that were previously registered to go through a reregistration process.

In general, FIFRA protects proprietary data submitted by an applicant for the registration of a pesticide for 15 years, if the data were submitted from December 1969 through September 1978. It protects the data for ten years if the data were submitted after September 1978.

There are many products for which current registrants will not be requesting reregistration due to the high cost of reregistration and the small quantities of product from which to recoup the investment. Thus, a number of crops are potentially left without an effective pest control alternative. As a result, grower organizations and universities increasingly are being called upon to fill the void by conducting the necessary studies to reregister the products.

One option to address the availability of pesticides for minor crops is to seek changes to the federal Insecticide, Fungicide, and Rodenticide Act to provide incentives or longer time periods to reregister pest control products.

**Summary of Bill:** Congress is requested to consider legislation that would:

1. Extend the length of time for the registrant to hold exclusive data rights, thereby increasing the time period for the registrant to recoup the cost of registration;
2. Establish specific time periods for the EPA to act on minor crop registrations so that registrants are encouraged to pursue additional registrations for minor uses;
3. Provide for an extension of time for registrants to submit data equal to the time that it takes EPA to act upon a request for waiver with this extension, registrants are not inadvertently forced to develop data during the time EPA is deliberating a waiver request;
4. Provide additional time for registrants to generate the necessary residue data for reregistration of pesticides for minor crops. If the registrant is unwilling to finance the generation of the data, allow time to find other methods to generate the required data; and
5. Provide a temporary extension of registration of unsupported minor uses. If the current registrant declines to request the reregistration, other organizations have time to comply with requirements before cancellation of the registration.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** Changes are needed in federal law to maintain availability of pesticides for use on minor crops grown in the state of Washington.

**Testimony Against:** None.

**Testified** (signed up): Ann George, Washington Hop Commission; Tim Boyd, WFPA; Scott Hodges, Farm Bureau Network; Gaylord Enbom, Washington State Hort. Assn.; Vicki Skeers, DOH; Ray Shindler, Washington Cranberry Alliance, Washington Assn. of Wheat Growers, Potato Growers of Washington; Andy Schilperoort, Milne Fruit Products, Concord Research Council; Eugene Goeres, Western Washington Farm Crops Assn.; Mike Schwisow, Washington State Potato Commission; Bill Garvin, Washington Farm Bureau; Chris Cheney, Washington Growers League; Brett Bergeson, farmer; Martin Shaw, Aerial App.; Jim Halstrom, Washington State Hort. Assn., Washington Agri-Business Coalition; Bill Fritz, Washington Food Processors.