



## MEMORANDUM

Via E-Mail

DATE: May 26, 2005

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: EPA Workshop on Proposed Changes to Data Requirements for Conventional Pesticides

On May 3-4, 2005, the U.S. Environmental Protection Agency (EPA) hosted a workshop to review the proposed changes to the data requirements for conventional pesticides contained in 40 C.F.R. Parts 152 and 158. The revisions are the subject of a proposed rule published on March 11, 2005.<sup>1</sup> The comment period for the proposed changes currently closes on June 9, 2005, though several large trade associations have formally requested EPA to extend the comment period by 90 days, until September 7, 2005, as the changes are substantial and raise many issues. According to EPA, the tentative target date for issuing the final rule is December 2006, though at the workshop EPA readily acknowledged that that target date may well slip. The presentations from EPA's workshop are available on Bergeson & Campbell, P.C.'s website at <http://www.lawbc.com/meetingattachments.shtml>.

Generally, EPA is proposing four types of changes to the codified regulations:

- Newly imposed requirements;
- Newly codified requirements;
- Revisions of existing requirements (such as changes to the number and types of species required for a particular study); and
- Elimination of requirements.

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<sup>1</sup> 70 Fed. Reg. 12276 (Mar. 11, 2005).



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According to EPA, the majority of the changes fall into the second category, and update the codified regulations to reflect the changes in data requirements that EPA has been imposing on registered products since the last time the regulations were amended (which generally was in 1988 and 1993). The proposed changes also include reformatting the regulations to include new subparts organized by scientific discipline and expanding and clarifying the explanatory footnotes in the data tables. The proposed changes only apply to conventional pesticides, not to antimicrobial or biopesticides, which may be the subject of separate upcoming rulemakings.

As, according to EPA, the majority of the proposed changes effectively update the regulations to be consistent with current practices, EPA also gave presentations at the workshop about the future direction of pesticide regulation. Among the changes and disciplines that EPA indicated may be incorporated into pesticide regulation are the use of genomics information, computational toxicology, more probabilistic risk assessment, and population level and spatially explicit models. EPA also noted the anticipated reports by the National Academy of Sciences and the International Life Sciences Institute's (ILSI) Health & Environmental Sciences Institute regarding regulatory data needs and their likely impact on the future direction of pesticide regulation.

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We hope this information is helpful. As always, please call if you have any questions.