



MEMORANDUM

Via E-Mail

DATE: October 13, 2006

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: EPA Releases FIFRA Registration Review Schedules

On October 11, 2006, the U.S. Environmental Protection Agency (EPA) announced the availability on its website of schedules for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registration review program for fiscal years 2007-2010.¹ Individual schedules are provided for conventional, antimicrobial, biochemical, and microbial pesticides. The schedules and related information are available at http://www.epa.gov/oppsrrd1/registration_review/schedule.htm.

Under the authority in FIFRA Section 3(g), EPA plans to review all registered pesticides every 15 years to confirm that the products continue to meet the statutory standard for registration. On August 9, 2006, EPA published the procedural regulations for the registration review program.² These regulations became effective on **October 10, 2006**. Our August 4, 2006, memorandum on the final registration review regulations is available at <http://www.lawbc.com/updates/080406-fifra.pdf>.

With the published schedules, EPA has set a timetable according to which it will open dockets for registration review of individual pesticides and cases (pesticides grouped because of similar chemical structure or for other reasons). Pesticides and cases are listed chronologically by baseline date.³ According to EPA:

¹ 71 Fed. Reg. 59786 (Oct. 11, 2006).

² 71 Fed. Reg. 45719 (Aug. 9, 2006).

³ A baseline date is, generally, “the date of initial registration of the oldest pesticide product in the case or the date of reregistration, whichever is later.” 40 C.F.R. § 155.42(d).



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[T]he Agency may consider issues raised by the public or the registrant when reviewing a posted schedule, to schedule a pesticide registration review, or to modify the schedule of a pesticide registration review as appropriate. This schedule will be updated at least annually.⁴

According to its regulations, EPA will initiate a pesticide's registration review by establishing a docket for each registration review case and opening it for public comment. EPA will place information from its files in the docket that it may consider during the course of registration review and will set a comment period for this information of at least 60 days.⁵ The published schedules provide the regulated community and the public with advanced notice and may be useful to review for planning purposes if, for example, 60 days is unlikely to be a sufficient period to review and comment on issues related to a pesticide's registration review.

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

⁴ 71 Fed. Reg. at 59786.

⁵ 40 C.F.R. § 155.50.