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**MEMORANDUM**

Via E-Mail

DATE: October 22, 2007  
TO: Firm Clients and Friends  
FROM: Bergeson & Campbell, P.C.  
RE: EPA Updates Registration Service Fees Websites

The U.S. Environmental Protection Agency (EPA) has revised several pages on its website to provide information and guidance related to the Pesticide Registration Improvement Renewal Act (PRIA 2). According to EPA, more changes and guidance will be forthcoming as available to assist registrants with the revised requirements.

Changes that have been made to date include the following:

- The main pesticide service fees web page, found at <http://www.epa.gov/pesticides/fees>, has been revised. Now titled *Registration Service Fees, Pesticide Registration Improvement Renewal Act (PRIA 2) of 2007*, the main page reflects the following revisions:
  - An introductory overview about PRIA 2;
  - A link to a Fee Determination Decision Tree, discussed below, intended to assist registrants with identifying the appropriate fee category and fee, now that fee payments must be made at the time an application is submitted; and
  - A link to the revised PRIA 2 Fee Table: [http://www.epa.gov/pesticides/fees/pria\\_II\\_fee\\_category\\_table\\_sep\\_04\\_2007.pdf](http://www.epa.gov/pesticides/fees/pria_II_fee_category_table_sep_04_2007.pdf).
- EPA has updated the page *Registration Service Fees, Questions on In-Processing of Applications*, which may be found on the Internet at <http://www.epa.gov/pesticides/fees/questions/processin.htm>. The changes include the following EPA statements and positions:



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- Under PRIA 2, fee payments are due at the time that an application for a registration action is submitted;
  - EPA intends to provide an applicant with verification that a correct fee has been paid within three business days of receipt, if an e-mail or fax number is provided with the application;
  - If EPA determines that the applicable fee is larger than the submitted payment, EPA will send an invoice for the additional amount due and provide payment instructions; and
  - If an invoice is received for additional monies and the registrant disagrees with EPA's assessment of the applicable fee category, the registrant should not make the additional payment but instead should explain in writing why the application should be in a fee category other than the one EPA has assigned.
- EPA has updated the page *Registration Service Fees, Questions on Fee Payments* to reflect the changes made by PRIA 2 to the timing and available methods for fee payments. The web page may be found at [http://www.epa.gov/pesticides/fees/questions/fee\\_payments.htm](http://www.epa.gov/pesticides/fees/questions/fee_payments.htm). The changes include, for example:
- Information about how to make pre-payments by credit card or electronic fund transfer; there is now a new form on <http://www.pay.gov> (in addition to the one used prior to PRIA 2) for making these payments; and
  - Contact information for the ombudspersons for the three registration divisions, if a registrant needs assistance with identifying the appropriate fee category for an application.
- EPA has added a Fee Determination Decision Tree (Decision Tree) and related documentation to assist registrants in identifying the fee category and fee applicable for a registration action application. The main Decision Tree page may be found at <http://www.epa.gov/pesticides/fees/tool/index.htm>.
- The Decision Tree is an on-line program that, through a series of questions and choices, leads the user through decision logic to select a PRIA 2 category and fee. The program may be accessed



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directly at <http://www.epa.gov/pesticides/fees/tool/decisiontree/main.htm>. The Decision Tree includes links to specific definitions in a new PRIA Glossary; the complete glossary may be found at <http://www.epa.gov/pesticides/fees/tool/resources/glossary.htm>.

- The logic for the Decision Tree is presented in flow chart format in *Fee Determination Decision Tree Logic and Fees For Fiscal Year 2008*, accessible on the Internet at [http://www.epa.gov/pesticides/fees/tool/resources/dt\\_logic\\_and\\_fee\\_category\\_list\\_1.pdf](http://www.epa.gov/pesticides/fees/tool/resources/dt_logic_and_fee_category_list_1.pdf).
- The main Decision Tree page emphasizes two situations in particular in which a registrant should contact EPA before conducting testing or submitting a registration action application:
  - If the registrant intends to conduct and rely on research involving the intentional exposure of human subjects, EPA states that the study protocol must be reviewed by both EPA and the Human Studies Review Board before the subjects are enrolled in the research; and
  - A registrant should confer with EPA before submitting an application for a new biochemical pesticide, to confirm that EPA agrees with the biochemical classification for the applicable active ingredient.
- In addition to mentioning the availability of fee reductions for small businesses, minor uses, and IR-4 tolerance-related petitions, and noting that some applications are not subject to a PRIA fee (subjects discussed on other web pages), the main Decision Tree page discusses EPA's discretionary authority to issue partial refunds of PRIA fees, if, for example, EPA already has reviewed the data submitted in support of the registration application at issue. According to the web page, a request for a discretionary fee reduction should be made at the time of a registration application, following consultation with the appropriate registration ombudsperson.



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- The main Decision Tree page also contains the following link directly to the PRIA 2 pre-payment web page on <http://www.pay.gov>: <https://www.pay.gov/paygov/forms/formInstance.html?agency FormId=14219281>.
- On the main pesticide service fee web page, EPA states that the guidance for requesting fee reductions “is being revised for PRIA 2 and will be published as a separate document when available.” Nonetheless, minor changes have been made to the existing fee reduction web page, available at <http://www.epa.gov/pesticides/fees/questions/waivers.htm>, which clarify that:
  - If an applicant withdraws a covered pesticide registration application during the first 60 days after the applicable decision time review period has begun, EPA must refund 75 percent of the total registration fee; after the first 60 days, the amount refunded will depend upon the amount of work completed by EPA at the time of withdrawal but cannot exceed 75 percent;
  - Small businesses may request a fee reduction of up to 75 percent, depending on average annual global gross revenues from pesticides, but a 100 percent fee waiver is no longer available; and
  - When an application and fee reduction request are submitted, they must be accompanied by a partial fee payment for the amount that will be due if the fee reduction request is granted.
- EPA provides guidance on how petitions for review of new inert ingredients are managed under PRIA 2 on its web page *Registration Service Fees, Questions on Inert Ingredients*, which may be found at <http://www.epa.gov/pesticides/fees/questions/inerts.htm>.
  - There are new PRIA 2 fee categories for new conventional pesticide product registration applications that include a petition for approval of a new inert ingredient or an amendment to an existing inert ingredient tolerance exemption. These petitions are covered by the service fee for the registration action.



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- There also is a new PRIA 2 fee category for an inert tolerance exemption petition for a marker in a Plant Incorporated Pesticide.
- EPA states that a new inert ingredient petition for an inert in an antimicrobial, biochemical, microbial, or straight chain lepidopteran pheromone product continues to not be subject to PRIA fees or to have a PRIA decision timeframe. Under PRIA 2, resources from annual maintenance fees are earmarked for review of these petitions.
- The web page that discusses the Pesticide Registration Fund at the U.S. Treasury confirms that PRIA 2 extends baseline budget protection, at 2002 levels, for EPA. This web page may be found at <http://www.epa.gov/pesticides/fees/questions/fundmanag.htm>.

Additional EPA web page changes expected soon include interpretations of the 40 new fee categories added by PRIA 2 and revisions to the general Registration Service Fees Question and Answers document.

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