

United States Senate

WASHINGTON, DC 20510

October 17, 2019

Alexandra Dapolito Dunn
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Assistant Administrator Dunn:

On March 27th, the Environmental Protection Agency (EPA) proposed draft guidance (84 FR 11538) for a growing category of products, known as plant biostimulants, to identify product label claims that are considered to be plant regulator claims by the Agency. We would like to express our appreciation for the EPA's time and intent to provide regulatory clarity on this emerging category of products and technologies. Innovation and new product development across the biostimulants industry has been expanding at a considerable rate; by 2022 the industry is expected to become a \$5 billion dollar market place. With this rapid growth, we believe that the industry could benefit greatly from an enhanced regulatory framework. With that said, we are concerned that the EPA's proposed draft guidance to classify certain biostimulants as a pesticide may conflict with related ongoing federal efforts to bring regulatory clarity to the biostimulants industry and their products.

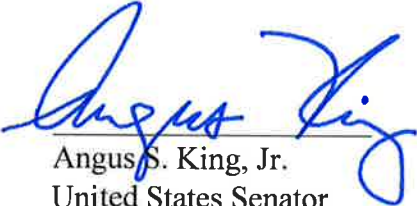
In particular, Section 10111 of the Agricultural Improvement Act of 2018 included an important provision related to plant biostimulants. The section directed the Secretary of Agriculture to submit a report, within one year of enactment, to the President and Congress that identifies any potential regulatory, non-regulatory, and legislative recommendations, including the appropriateness of any definitions for plant biostimulants, to ensure the efficient and appropriate review, approval, uniform national labeling, and availability of plant biostimulants products to agricultural producers. The Secretary of Agriculture is also required to prepare the report in consultation with the Administrator of the EPA, the several States, industry stakeholders, and other stakeholders that the Secretary determines necessary.


Given the significant and broad nature of the statutorily mandated report, we would ask that the Agency delay the guidance until the Secretary of Agriculture has submitted the report and the Congress has had an opportunity to review and address it. We believe that any definitions of

biostimulants should be developed in coordination with the U.S. Department of Agriculture and other stakeholders, as required by Section 10111 of the Agricultural Improvement Act of 2018.

Thank you for your careful review and consideration of these concerns.

Sincerely,


Angus S. King, Jr.
United States Senator


Susan M. Collins
United States Senator