Message

From: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Sent: 2/4/2019 10:21:41 PM
To: Miller, Wynne [Miller.Wynne@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Schaible, Stephen [Schaible.Stephen@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Mills, William T. [mills.williamt@epa.gov]
Subject: RE: draft responses to TA requests

Thanks Wynne and Steve

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Miller, Wynne
Sent: Monday, February 04, 2019 5:21 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Schaible, Stephen <Schaible.Stephen@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Mills, William T. <mills.williamt@epa.gov>
Subject: FW: draft responses to TA requests

Hi Sven,
Steve Schaible worked with folks to pull together responses to the remaining. We have reviewed and are fine with these responses. We are assuming that you will gain concurrence from OCSPP et al …
Thx
Wynne (And Big Thanks to Steve!!)

Section 7 review:

The section 7 language in the draft bill matches that in the Senate amendment to H.R. 1029 passed on 6/28/18. And earlier EPA TA response regarding this language is attached. Briefly, EPA raised the following points:

- The language prohibiting revising or development revisions to the rules could limit activities such as technical corrections
    - "…to the extent that implementation activities of any new regulation might include the identification and compilation of technical errors, substantive problems and unintended consequences, and determining whether they can be resolved or mitigated through guidance or

would require rulemaking amendments, such activities could arguably be considered the "developing of revisions" that is prohibited under the Senate language"
    - Language could be added to the "Exceptions" section which would address this issue
- Efforts to develop or consider modifications to the rule based on the GAO report would seem to be prohibited by the current language

EPA has no further comment regarding this section of the draft bill.

Bed bugs and premises:
The TA response has already been provided to the House Ag Committee. An additional clarification is that there was a bed bug SAP meeting that preceded the development of PRIA 4 legislation, and was held March 6-7, 2012. This is why the draft guidance requirement for bed bugs was not included in PRIA 4, just the finalization of the guideline.

Retroactive application of set aside authorizations to FY'18 (part 1):
Can you please confirm whether there is any problem with having the authorizations for the set-asides for inerts and expedited applications; good laboratory practices; and safety ed and worker protections begin with FY 2018? Will it work to have that be retroactive? Again, we are trying to change as little as possible from the June 28 Senate bill.

Ex. 5 Deliberative Process (DP)

Retroactive application of set aside authorizations to FY'18 (part 2):
First, our intention is that they will last for the entire life of PRIA-4. Can you confirm that they will indeed? Second, regarding the $500,000 for re-registraions and expedited, does this address any concerns of setting aside money after it is needed?

Ex. 5 Deliberative Process (DP)

From: Koch, Erin
Sent: Monday, February 04, 2019 3:05 PM
To: Schaible, Stephen <Schaible.Stephen@epa.gov>
Cc: Miller, Wynne <Miller.Wynne@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: House Ag PRIA 4 TA Request - additional request on authorization dates

I compared line-by-line the new bill with the version we'd sent with comments on 11/27/18 (except I didn't look closely at the tables; I assume they haven't changed). Most of the suggested changes from November are incorporated in the new bill. Following are the places where they were not and my thoughts on the consequences:

Ex. 5 AC/DP

Ex. 5 AC/DP

Let me know if you have questions and I'll turn to more emails that have come in from Steve while I was typing this.
Erin

From: Schaible, Stephen
Sent: Monday, February 04, 2019 12:37 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Miller, Wynne <Miller.Wynne@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: FW: House Ag PRIA 4 TA Request - additional request on authorization dates

Hi Erin,

We'd like your take on the highlighted question below on whether applying the set asides retroactively to FY18 poses a problem. The set-asides are:

Ex. 5 AC/DP

I'm at my desk if any questions. Steve

Stephen A. Schaible, PRIA Coordinator
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
ph: (703)308-9362

From: Miller, Wynne
Sent: Monday, February 04, 2019 12:09 PM
To: Schaible, Stephen <Schaible.Stephen@epa.gov>
Subject: FW: House Ag PRIA 4 TA Request - additional request on authorization dates

We have questions … can you help?

From: Kaiser, Sven-Erik
Sent: Monday, February 04, 2019 12:04 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Schaible, Stephen <Schaible.Stephen@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: House Ag PRIA 4 TA Request - additional request on authorization dates

PRIA team – an additional question from House Ag on authorization dates. Thanks,
Sven

From: Martin, Prescott <Prescott.Martin@mail.house.gov>
Sent: Monday, February 04, 2019 11:52 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Jones, Keith <Keith.Jones@mail.house.gov>
Subject: RE: PRIAIV_01_xml 2418 v1.pdf

Also, can you please confirm whether there is any problem with having the authorizations for the set-asides for inerts and expedited applications; good laboratory practices; and safety ed and worker protections begin with FY 2018? Will it work to have that be retroactive? Again, we are trying to change as little as possible from the June 28 Senate bill.

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Kaiser, Sven-Erik
Sent: Monday, February 04, 2019 11:46 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Schaible, Stephen <Schaible.Stephen@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: URGENT: House Ag PRIA 4 TA Request

PRIA Team – House Ag urgently requests TA on PRIA language. The bill should be the same as the Senate language passed in June 2018. In particular, see section 7 (pp.105-107), excerpt attached for quick review. They also ask whether the draft guidances to the SAP (pp. 7-8) on bed bugs and premise have been submitted. Please let me know as soon as possible if any comments on the attached bill. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Martin, Prescott <Prescott.Martin@mail.house.gov>
Sent: Monday, February 04, 2019 11:30 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Jones, Keith <Keith.Jones@mail.house.gov>
Subject: Re: PRIAIV_01_xml 2418 v1.pdf

I don't think so. Our goal was to draft it to be substantively exactly the same as the senate amendment that passed on June 28, 2018.

Can you please confirm whether the draft guidances to the SAP (pp. 7-8) on bed bugs and premise have been submitted?

On Feb 4, 2019, at 11:19, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

> Great – are there any changes besides section 7 that we should know about? Thanks, Sven
>
> Sven-Erik Kaiser
> U.S. EPA
> Office of Congressional and Intergovernmental Relations
> 1200 Pennsylvania Ave., NW (1305A)
> Washington, DC 20460
> 202-566-2753 (o)
> 202-591-0619 (c)
>
> ---
>
> **From:** Jones, Keith <Keith.Jones@mail.house.gov>
> **Sent:** Monday, February 04, 2019 11:15 AM
> **To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
> **Cc:** Martin, Prescott <Prescott.Martin@mail.house.gov>
> **Subject:** PRIAIV_01_xml 2418 v1.pdf
>
> Sven, attached to this email is the PRIA IV draft. We may be dropping it as soon as tomorrow so an expedited yet through review is imperative. Your team should ignore any text in brackets as those will be coming out.
>
> Let me know if you need anything else from us.
>
> Keith