Message

From: Hayes, Sharon [Hayes.Sharon@epa.gov]
Sent: 5/15/2018 1:13:22 AM
To: Jones, Russell [Jones.Russell@epa.gov]
CC: Koethe, Robert [Koethe.Robert@epa.gov]; Szylvian, Andrea M. [Szylvian.Andrea@epa.gov]; Tham, Kan [Tham.Kan@epa.gov]; Milette, Marianne [milette.marianne@epa.gov]; Martinez, Hugh [martinez.hugh@epa.gov]
Subject: FW: Plant Biostimulants Guidance - Need your concurrence ASAP
Attachments: Guidance for Plant Biostimulant Label Claims_Update_of_03 06 2018_CleanCopy_V2.doc; Prelim Guidance_PBS_Products_Combo_09_20_ 2016_FINAL.DOC

Importance: High

Comments from Region 1 (Andrea Szylvian):

Many of the criteria listed in the tables contradict each other; or are very subjective and not very useful criteria to use during the state registration process and/or inspections.

EXAMPLES:
Table 2, page 7: (Non Pesticidal)

- Optimizes/aids/supports/helps/enhances/improves conditions for more bloom or fruit size
- Optimizes conditions for germination, establishment, and plant growth

Compare to:
Table 3, Page 8: (Triggers regulation under FIFRA)

- Enhances/promotes/stimulates fruit growth & development
- Enhances/promotes/stimulates plant growth & development
- Enhance/inhibit development
- Promote stem elongation
- Root/shoot stimulator

However, they do make it clear that this is guidance—but a lot of this language makes it very challenging for SLAs to deal with producers/registrants for state registration issues—especially with the 25Bs—but also impacting marketplace inspections as well as products identified as a concern by competitors, and related stakeholders. It really frustrates the SLAs as well as industry when the contradictions are pretty clear. It should be noted this is the sort of thing that chews up a lot of staff time and creates confusion. Programs have to operate in the purview of the FIFRA—but this vagueness/conflicting info is simply not helpful.

As for the production validity/impacts of these claims—unless research is conducted or the manufacturer/producer provide the user(s) some level of documentation (peer reviewed or not)—it's largely caveat emptor.

Some states still regulate fertilizers, though it's not clear that these products would be covered in those programs. This area has really grown (as HQ cited) and the fert fees are likely not large enough to expand into this arena.

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From: Jones, Russell
Sent: Thursday, May 10, 2018 9:30 AM
To: TenBrook, Patti <TenBrook.Patti@epa.gov>; Wood, MelanieL <Wood.MelanieL@epa.gov>; carrol.craig@epa.gov; Klevs, Mardi <klevs.mardi@epa.gov>; Star, David <star.david@epa.gov>; El-Abdaoui, Fatima <El-Abdaoui.Fatima@epa.gov>; Hayes, Sharon <Hayes.Sharon@epa.gov>
Subject: Plant Biostimulants Guidance - Need your concurrence ASAP
Importance: High

Colleagues:

Attached is the most recent version of the Plant Biostimulant Guidance from BPPD. Attached also is the original guidance document (dated 9/20/2016) for your reference. The current one (dated 3/06/2018) has been edited and reduced in scope over the last two years. If you believe that information in the original 09/20/2016 document should be added back in, please state that in your response.

We originally asked for you to respond by April 5. As of that date only Regions 2, 4, 7, and 10 have responded.

We are approaching a briefing with our OCSPP administrator very soon, and really need some sort of response ASAP.
If we do not hear from you by Monday 5/14, we will assume you concur."

Please do NOT share with our co-regulators or others.

My contact information is below if you have additional questions.

Russ J
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