

**Congress of the United States**  
**Washington, DC 20515**

July 12, 2022

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Regan:

On November 19, 2021, we wrote to you regarding the Environmental Protection Agency's (EPA) concerning trend of disregarding scientifically-sound, risk-based regulatory processes, and unilaterally denying access to a range of crop protection tools that are vital to meeting the food and fiber needs of our nation and the world. We sought assurances from you that future EPA actions related to the registration or registration review of crop protection tools be conducted consistent with the science-based, regulatory process required of EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).<sup>1</sup> We have yet to receive a formal response to this request.

Since that time, Russia's war in Ukraine has sent shockwaves through the global food system resulting in increased energy prices, fertilizer cost spikes and shortages, and worsening food shortages in developing countries. As the world faces an emerging food crisis due to this conflict, our policies should be focused on supporting American production instead of creating further burden and ambiguity for our farmers and ranchers. Unfortunately, the Biden Administration has taken actions to curtail access to affordable fertilizer inputs, such as restricting the U.S. critical minerals list and outsourcing our reliance on natural gas, and broadened its attack on crop protection tools, which are necessary for producers to increase yields while continuing climate sensitive practices such as no-till or reduced tillage systems at this critical time.

One of the most recent attacks—and perhaps the most egregious—came when U.S. Solicitor General Elizabeth Prelogar submitted an amicus brief to the U.S. Supreme Court on May 10 that reversed course on the federal government's once consistent and decades long position regarding federal preemption of pesticide labeling.<sup>2</sup> Even more alarming is the Solicitor General citing a “change in Administration” as the basis for this decision and Secretary Vilsack testifying that USDA was not consulted in the development of this brief. Recently, the Supreme Court denied the petition to hear this case.

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<sup>1</sup> [https://republicans-agriculture.house.gov/uploadedfiles/letter\\_epa\\_administrator\\_regan\\_fifra\\_compliance\\_with\\_signatures.pdf](https://republicans-agriculture.house.gov/uploadedfiles/letter_epa_administrator_regan_fifra_compliance_with_signatures.pdf)

<sup>2</sup> [https://www.supremecourt.gov/DocketPDF/21/21-241/222984/20220510154200610\\_Monsanto.CVSG%205.9.22%20v.2.pdf](https://www.supremecourt.gov/DocketPDF/21/21-241/222984/20220510154200610_Monsanto.CVSG%205.9.22%20v.2.pdf)

As a result of the Supreme Court’s denial of the petition, the flawed decision from the Ninth Circuit Court of Appeals now stands and will potentially upend the pesticide registration process, creating a patchwork of state pesticide labeling laws and undermining confidence in scientific integrity. This is not the only decision from the Ninth Circuit garnering uncertainty surrounding the use of crop protection tools. In opinions from April 2021 and June 2022, the Court blatantly ignored safety findings from the EPA’s career scientists, once again jeopardizing our science-based review process and eroding trust in, and the reliability of, crop protection regulation.<sup>3,4</sup>

In a recent interview, you said, “We don’t want the courts dictating to us which pesticides and herbicides should be on and off the market. We want science to dictate that.”<sup>5</sup> We could not agree more. For years, the registration and registration review process created under FIFRA provided producers with regulatory certainty. Unfortunately, this congressionally mandated process is now increasingly dictated by court edicts or sidelined by the political whims of the Biden Administration.

We once again seek your assurances and commitment to ensure this Administration and EPA cease the politicization of critical crop protection tools, adhere to a science-based and transparent regulatory process required under FIFRA, and defend the work of its career scientists to overcome these misguided decisions from the Ninth Circuit. Such actions would provide farmers and ranchers a consistent and predictable regulatory process necessary for U.S. producers to continue to feed, fuel, and clothe the world.

Sincerely,



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Senator John Boozman  
Ranking Member  
Senate Committee on Agriculture, Nutrition,  
and Forestry

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Representative Glenn “GT” Thompson  
Ranking Member  
House Committee on Agriculture

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<sup>3</sup> <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/04/29/19-71979.pdf>

<sup>4</sup> <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/06/17/20-70787.pdf>

<sup>5</sup> <https://www.agri-pulse.com/media/podcasts/21749-agri-pulse-newsmakers/play/13124-newsmakers-may-6-2022-epa-administrator-michael-regan-growth-energy-s-chris-bliley-nppc-s-michael-formica-ara-s-richard-gupton-on-biofuels-wotus-and-pesticide-registrations>