

October 18, 2023

Dr. Michal Freedhoff
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code 7101M
Washington, DC 20460

Dear Assistant Administrator Freedhoff:

The eight trade associations that comprise the PRIA Coalition appreciate the continued dialogue with the Office of Chemical Safety and Pollution Prevention (OCSPP) and Office of Pesticide Programs (OPP) leadership and staff on the implementation of the Pesticide Registration Improvement Act of 2022 (PRIA 5). While we understand that OPP continues to face significant resource challenges, including funding for staff and needed upgrades to information technology (IT) infrastructure, we are increasingly frustrated that we are not experiencing improvements in the completion of PRIA actions in accordance with the law's prescribed timeframes and that PRIA due dates are not reliable or predictable. The repeated and continuous delays in the front-end processing of registrant submissions and the lack of clear communication to the registrant community about solutions is exacerbating EPA's inability to meet PRIA deadlines.

We understand from conversations with OPP leadership that there have been three main outages of the Pesticide Submission Portal (PSP) and related portals that allow registrants to upload submissions and provide EPA reviewers access to those submissions. There was no official communication to registrants uniformly informing them that EPA reviewers could not access registrant submissions. This lack of communication has created significant confusion for both registrants and EPA staff, overwhelming EPA with inquiries from registrants and frustrating those stakeholders when no response is forthcoming. The outages and continued problems have added to an already large backlog of submissions and are making it more difficult for EPA to meet its PRIA deadlines.

These issues have been ongoing for several months and highlight underlying issues with EPA's IT infrastructure. We hope to work with you and your team to improve communication between the Agency and registrants. We seek alternative solutions for submissions by registrants in the event system outages occur. When these basic systems fail, registrants are unable to move forward with PRIA and non-coded PRIA submissions, impacting their ability to bring and keep critical products to the market. These delays often cause registrants to miss key seasons for the launch of new products. Delays impact the ability to bring pest control solutions to the market promptly to address new public health threats, pest resistance and invasive species. Further, EPA cannot carry out its mission to register pesticide products according to predictable and prescribed timelines.

Addressing these challenges with both short-term and long-term fixes is essential to ensuring a smoother and more transparent registration process. We kindly request the following actions:

Short-Term Solutions:

- **Improved Communication:** The EPA should provide timely and transparent updates to registrants regarding any database or IT system issues, including the estimated timeframes for resolution in each case. Utilizing a notice in CDX alerting registrants at the point of submission of issues as soon as an outage occurs is requested. However, when outages continue and backlogs build, clear communication to registrants about the expected additional time for processing submitted actions is needed. Whenever possible, registrants need to be able to anticipate problems before they discover that portals are not functioning properly during the submission process (or often well after submission). EPA should also clearly communicate to stakeholders including the states, regions, and applicable enforcement agencies so that they keep this status in mind when processing registrations, import documentation, and consider enforcement actions.
- **Alternative Submission Pathway:** The EPA should prioritize the resolution of outstanding IT system issues that directly impact registrants' ability to submit and process applications. But while the system is offline, EPA should offer registrants alternative ways of submitting actions so that they are received by the EPA reviewing teams. These could include paper submissions, encrypted emails directly to teams, or an alternative system that bypasses the need to use PSP/CDX.
- **Integrity Testing:** The PRIA Coalition would like to work with EPA to periodically track and test representative submissions to each registering division to ensure that the system is working as intended.
- **Technical Support:** EPA should establish a dedicated support channel for registrants to report and address IT system-related problems promptly. The PRIA Coalition also recommends establishing a mailbox or a single point of contact that will provide registrants with timely confirmation of where their submissions are in the process and if the submissions have been received by the system.

Long-Term Solutions:

- **System Modernization:** While the PRIA Coalition appreciates that all OPP divisions are now using Salesforce, widespread issues with EPA's databases and systems continue. The Coalition would like to better understand the state of EPA's IT systems. We encourage prioritizing and expediting the third-party audit required under PRIA 5 to review and recommend fixes to OPP's IT systems. We urge OPP to develop a comprehensive plan to modernize the office's IT systems and databases to ensure they: (1) are robust; (2) are scalable; (3) allow for minor interim revisions of individual documents in a submission while the action is under review; and (4) are capable of handling the evolving needs of both the Agency and registrants.
- **Improved Staffing Practices:** Part of the front-end processing backlog was exacerbated by the retirement of seasoned EPA staff. The PRIA Coalition encourages EPA to consider improvements to how that office is staffed and trained to avoid future backlogs compounded by front-end staffing issues.
- **Regular Updates:** The PRIA Coalition encourages EPA to continue updating stakeholders on EPA IT systems through the PRIA Quarterly Stakeholder Meetings and other channels. In the event of future database outages, the Coalition encourages EPA to develop best practices for how it will disclose timely information to stakeholders when those systems are down, including through website updates, email communication to registrants with submissions in the system, or through other means, as appropriate.

Open and transparent communication among EPA, registrants, and other interested stakeholders is essential. While we recognize that OPP is equally frustrated with the challenges involved in addressing the EPA's front-end processing issues and IT systems, we request the agency work collaboratively with the regulated community to identify solutions. We request a meeting to discuss these issues further as soon as possible.

Thank you for your attention to this matter. Please reach out to PRIA Coalition Coordinator Laurie Flanagan at lflanagan@dclrs.com or (202) 390-7790 with any questions and to schedule the meeting.

We appreciate the continued dialogue with you, OSCPP and OPP about the information technology systems and other issues as the agency continues to implement the law.

Sincerely,

American Chemistry Council's Center for Biocide Chemistries
Animal Health Institute
Biological Products Industry Alliance
Council of Producers & Distributors of Agrotechnology
CropLife America
Household & Commercial Products Association
ISSA, The Worldwide Cleaning Industry Association
RISE (Responsible Industry for a Sound Environment)

Cc: Rick Keigwin, Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention
Ed Messina, Director Office of Pesticide Programs
Rod Snyder, Senior Advisor for Agriculture