

Congress of the United States
Washington, DC 20515

January 22, 2024

The Honorable Glenn “GT” Thompson
Chairman
House Agriculture Committee
1301 Longworth House Office Building
Washington DC 20515

The Honorable David Scott
Ranking Member
House Agriculture Committee
1010 Longworth House Office Building
Washington DC 20515

Dear Chairman Thompson and Ranking Member Scott:

We write to you today to express our great concern with the Environmental Protection Agency’s (EPA) recently finalized rule regarding plant-incorporated protectants (PIPs). This rule is a missed opportunity for EPA to reduce regulatory burdens on plant products developed using the latest innovative plant breeding tools, like genome editing, using risk-based criteria. Instead of lowering barriers, EPA used the rule to interpret its regulatory scope under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) more broadly than necessary, resulting in burdens that are not risk proportionate. Moreover, EPA’s approach is inconsistent with other U.S. regulatory agencies and regulatory approaches by key U.S. trading partners. Congressional action is needed to direct EPA to establish policies that are appropriately based on risk.

The EPA has stated that plant products created by the latest innovative plant breeding tools are just as safe as those created using conventional breeding, yet finalized a rule in July 2023 that creates a non-risk-based system that differentially regulates plant products based solely on the method of development. Under EPA’s new rule, plants created using the latest technologies, such as genome editing, are subject to regulatory burdens that are not required for the same class of plant products created using conventional breeding methods. U.S. producers are under increasing pressure to provide a safe, reliable, and affordable food system more sustainably for a growing population. EPA’s final rule does not do enough to relieve regulatory burden on the development of agricultural innovations greatly needed to reduce production inputs, help producers adapt to drought and extreme heat, and combat increased pressures from pest and disease. This new rule will disproportionately impact small and medium-sized entities, especially those in fruits, vegetables, and other small acreage crops.

The rule regulates many substances produced in plants as “pesticides” and subjects them to regulatory review because genome editing was used in the breeding process. This disincentivizes the agricultural use of this Nobel Prize-winning U.S. invention and is out of step with the U.S.

Department of Agriculture, along with a growing list of countries, including Canada, Japan, Argentina, Brazil, the United Kingdom, and others, directly putting the U.S. agricultural sector at a competitive disadvantage. In July 2023, the European Union announced a new policy proposal that would exempt conventional-like plant products from their biotech regulation to incentivize the use of these tools in support of agricultural sustainability goals. We are highly concerned that EPA's policy will drive investments in a U.S. invention overseas and stifle U.S. agricultural innovations that are greatly needed to address challenges facing the future of safe, sustainable, and affordable food systems.

As the House Agriculture Committee considers the upcoming Farm Bill, we request that the legislation revise EPA's regulatory scope to ensure that any burdens imposed on researchers and developers are risk proportionate. We thank you for your leadership in crafting a Farm Bill that sets the agricultural, nutrition, conservation, and forestry policy on which U.S. growers, businesses, and consumers rely. We stand ready to assist you in supporting a science-based, U.S. regulatory system that both protects the environment and ensures economic growth of the agriculture industry, so that U.S. farmers can continue to provide the food, feed, fuel, and fiber needed to nourish the world.

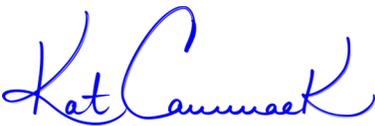
Sincerely,



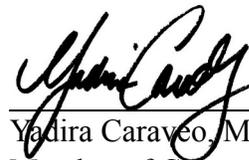
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Lori Chavez-DeRemer
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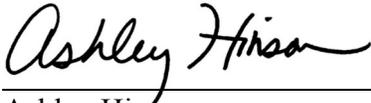
Sharice L. Davids
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John S. Duarte
Member of Congress



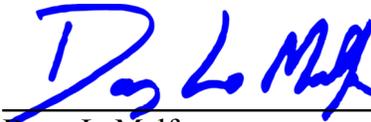
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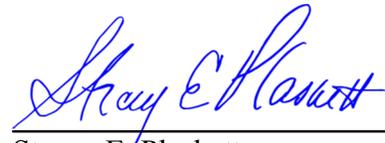
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