

The original documents are located in Box 31, folder “10/10/75 S2375 Extend Appropriation Authorization Federal Insecticide Fungicide and Rodenticide Act” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED
OCT 10 1975

S/10/10/75

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: October 15

October 9, 1975

Postal
10/14/75

To Archives
10/10/75

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Enrolled Bill S. 2375 - Extend Appropriation Authorization, Federal Insecticide, Fungicide and Rodenticide Act

Attached for your consideration is S. 2375, sponsored by Senator Talmadge, which authorizes appropriations of \$5,983,500 for implementation of the Federal Insecticide, Fungicide and Rodenticide Act for the period October 1, 1976 to November 15, 1975.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2375 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 7 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2375 - Extend appropriation
authorization, Federal Insecticide, Fungicide,
and Rodenticide Act
Sponsor - Sen. Talmadge (D) Georgia

Last Day for Action

October 15, 1975 - Wednesday

Purpose

Authorizes appropriations of \$5,983,500 for implementation of the Federal Insecticide, Fungicide, and Rodenticide Act for the period from October 1, 1975 to November 15, 1975.

Agency Recommendations

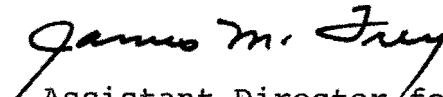
Office of Management and Budget	Approval
Environmental Protection Agency	Approval
Department of Agriculture	Approval
Council on Environmental Quality	Approval

Discussion

The Environmental Protection Agency administers the Federal Insecticide, Fungicide, and Rodenticide Act as a regulatory program governing the marketing and use of insecticides and pesticides. The Administration supported a 2-year extension

of the Act's appropriation authorization due to expire July 1, 1975.

Controversy has arisen within Congress concerning certain proposed substantive amendments to the Act. As a result of delays attendant upon this controversy, an interim 3-month extension of the authorization was enacted earlier this year, an extension which expired on October 1, 1975. Since the controversy still remains unresolved, the present measure would further extend the appropriation authorization to November 15 in an amount reflecting a pro-rata share of the proposed annual authorization.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 580

Date: October 7

Time: 545pm

FOR ACTION: George Humphrey *GH* cc (for information): Jim Cavanaugh
 Ken Lazarus *KL* Jack Marsh
 Max Friedersdorf *MF* Warren Hendriks
 Paul Leach *PL*

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 300pm

SUBJECT:

S. 2375 - Extend appropriation authorization
Federal insecticide, Fungicide and Rodenticide Act

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 8 1975

OFFICE OF THE
ADMINISTRATOR

Dear Mr. Lynn:


This is in response to your request for the Environmental Protection Agency's report and recommendations on the enrolled bill S. 2375, "To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for forty-five days."

The bill would authorize appropriation of \$5,983,500 to carry out the Act from October 1, 1975 to November 15, 1975.

The Environmental Protection Agency recommends that the bill be approved by the President. Enactment of our appropriations bill, H.R. 8040, which is expected shortly, will result in our inability to expend funds to administer the FIFRA. That bill provides, among other things, that no funds it would authorize may be expended for FIFRA if not authorized by law. Present law authorizes expenditures only through September 30, 1975.

The 45-day extension, while intended only as an interim measure by the Congress while it deliberates further on proposed amendments to the FIFRA, will enable us to continue administering the FIFRA to November 15, 1975.

Sincerely yours,


Russell E. Train
Administrator

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

October 7, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 2375, "To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for forty-five days."

This Department recommends that the President approve the bill.

The bill would permit the Environmental Protection Agency to carry out its functions under FIFRA until the Congress has completed action on H.R. 8841, a bill which would further amend FIFRA and extend the authorization of appropriations under the Act for one year.

Sincerely,

A handwritten signature in cursive script that reads "J. Phil Campbell".

J. Phil Campbell
Under Secretary

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

October 6, 1975

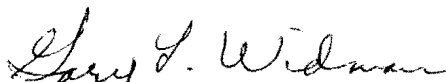
MEMORANDUM

FOR: JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

ATT: MS. RAMSEY

SUBJECT: S. 2375 - Enrolled, To extend the Federal
Insecticide, Fungicide, and Rodenticide Act,
as amended, for forty-five days

The Council on Environmental Quality recommends
approval of the subject bill.


Gary L. Widman
General Counsel

11-35

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 580

Date: October 7

Time: 545pm

FOR ACTION: George Humphreys
Ken Lazarus
Max Friedersdorf
Paul Leach

cc (for information): Jim Cavanaugh
Jack Marsh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 300pm

SUBJECT:

S. 2375 - Extend appropriation authorization
Federal insecticide, Fungicide and Rodenticide Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

October 8, 1975

TO JUDY JOHNSTON

FROM: GEORGE HUMPHREYS *JH/m*

I recommend approval of S. 2375.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

10/8

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 580

Date: October 7

Time: 545pm

FOR ACTION: George Humphreys
Ken Lazarus
Max Friedersdorf
Paul Leach

cc (for information): Jim Cavanaugh
Jack Marsh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: 300pm

SUBJECT:

S. 2375 - Extend appropriation authorization
Federal insecticide, Fungicide and Rodenticide Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 10/8/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

WASHINGTON

October 8, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 2375 - Extend appropriation authorization
Federal insecticide, Fungicide and Rodenticide Act

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

To James T. Awansingh
10/7/75
5:15 PM.
EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 7 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2375 - Extend appropriation
authorization, Federal Insecticide, Fungicide,
and Rodenticide Act
Sponsor - Sen. Talmadge (D) Georgia

Last Day for Action

October 15, 1975 - Wednesday

Purpose

Authorizes appropriations of \$5,983,500 for implementation of the Federal Insecticide, Fungicide, and Rodenticide Act for the period from October 1, 1975 to November 15, 1975.

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency	Approval
Department of Agriculture	Approval
Council on Environmental Quality	Approval

Discussion

The Environmental Protection Agency administers the Federal Insecticide, Fungicide, and Rodenticide Act as a regulatory program governing the marketing and use of insecticides and pesticides. The Administration supported a 2-year extension

of the Act's appropriation authorization due to expire July 1, 1975.

Controversy has arisen within Congress concerning certain proposed substantive amendments to the Act. As a result of delays attendant upon this controversy, an interim 3-month extension of the authorization was enacted earlier this year, an extension which expired on October 1, 1975. Since the controversy still remains unresolved, the present measure would further extend the appropriation authorization to November 15 in an amount reflecting a pro-rata share of the proposed annual authorization.

(Signed) James M. Frey.

Assistant Director for
Legislative Reference

Enclosures

INTERIM EXTENSION OF FIFRA

SEPTEMBER 18 (legislative day, SEPTEMBER 11), 1975.—Ordered to be printed

Mr. TALMADGE, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2375]

The Committee on Agriculture and Forestry, reports an original bill (S. —) to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for three months and recommends that the bill do pass.

SHORT EXPLANATION

This bill provides an authorization for appropriations in the sum of \$11,967,000 to carry out the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) during the three-month period, October 1, 1975, through December 31, 1975.

BACKGROUND AND NEED

The interim extension of authorization for appropriations under the Federal Insecticide, Fungicide, and Rodenticide Act provided in Public Law 94-51 (approved July 2, 1975) expires on September 30, 1975. This interim extension was granted to provide additional time for Congress to consider bills before both Houses to extend the Federal Insecticide, Fungicide, and Rodenticide Act, through September 1977.

Companion bills—S. 1629 and H.R. 6387—were introduced at the request of the Environmental Protection Agency (EPA) for this purpose, and to provide funding at the levels of \$47,868,000 for fiscal year 1976 and \$47,200,000 for fiscal year 1977.

The Committee on Agriculture and Forestry held hearings on S. 1629 on May 20, 1975, and heard from representatives from the Environmental Protection Agency; the U.S. Department of Agriculture;

several State departments of agriculture; farm organizations; trade associations; industry; and public interest groups. There was general agreement among the witnesses that the basic features of FIFRA are appropriate and that the authorization for appropriations should be extended. However, several issues did emerge in regard to the administration and interpretation of the Act.

Serious questions were raised in reference to the procedures and timeliness of pesticide registration, applicator certification, experimental use permits, cancellation and suspension procedures, the indemnity provision, and the interpretation of "inconsistent" uses.

It was determined that additional time was needed to consider fully the problems and explore alternatives. An interim extension of the authorization for appropriations for three months was passed to provide an opportunity for additional deliberations.

The House Committee on Agriculture is in the process of reporting a bill which will extend FIFRA, but substantive changes and amendments are included in this bill. There is inadequate time before the interim extension of authorization for appropriations expires for the Congress to consider the House bill and the new provisions. Therefore, the Committee believes that another three-month extension of funding would be appropriate at one-fourth the amount for fiscal 1976 in the original bills—\$11,967,000.

This additional three-month extension will enable EPA to continue its implementation of FIFRA without undue interruptions while providing Congress time to assess the issues and consider the various alternatives proposed to remedy these issues.

ADMINISTRATION VIEWS

The Committee has received no views from the Administration on the bill being reported. However, on May 20, 1975, Mr. James L. Agee, Assistant Administrator for Water and Hazardous Materials of EPA, testified in favor of extending the authorization for appropriations for FIFRA for 2 years as contained in S. 1629 and H.R. 6387, as originally introduced. Mr. Robert W. Long, Assistant Secretary of Agriculture for Conservation, Research and Education, of the Department of Agriculture, also testified on May 20 in favor of extending FIFRA for 2 years.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the costs to be incurred by the Federal Government in carrying out the bill during the three-month period October 1, 1975, through December 31, 1975, would be \$11,967,000. The bill does not provide an authorization for activities under FIFRA beyond December 31, 1975. Thus, no cost would be incurred under the bill beyond that date.

The Committee has received no estimate of costs from any Federal agency.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

* * * * *

SEC. 27. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. The amounts authorized to be appropriated for any fiscal year ending after June 30, 1975, shall be the sums hereafter provided by law. There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning July 1, 1975, and ending September 30, 1975, the sum of \$11,967,000. *There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1975, and ending December 31, 1975, the sum of \$11,967,000.*

* * * * *

○

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended,
for forty-five days.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 27 of
the Federal Insecticide, Fungicide, and Rodenticide Act, as amended
(7 U.S.C. 136(y)), is amended by adding at the end of such section
the following: "There is hereby authorized to be appropriated to carry
out the provisions of this Act for the period beginning October 1, 1975,
and ending November 15, 1975, the sum of \$5,983,500."*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 3, 1975

Dear Mr. Director:

The following bills were received at the White House on October 3rd:

S. 2230 ✓
S. 2375 ✓
H.R. 9600 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.