

115TH CONGRESS  
1ST SESSION

# H. R. 1891

To amend the Plant Protection Act with respect to authorized uses of methyl bromide, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2017

Mr. LAMALFA (for himself, Mr. COSTA, Mr. CRAWFORD, Mr. BOST, Mr. ROUZER, Mr. YOHO, Mr. THOMAS J. ROONEY of Florida, Mr. MOOLENAAR, Mr. LUCAS, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Plant Protection Act with respect to authorized uses of methyl bromide, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Agriculture Pro-  
5 duction Act of 2017”.

6 **SEC. 2. METHYL BROMIDE.**

7 Section 419 of the Plant Protection Act (7 U.S.C.  
8 7719) is amended to read as follows:

1 **“SEC. 419. METHYL BROMIDE.**

2 “(a) AUTHORIZATION.—

3 “(1) IN GENERAL.—Subject to paragraphs (2)  
4 and (3), a State, local, or tribal authority may au-  
5 thorize the use of methyl bromide for a qualified use  
6 if the authority determines the use is required to re-  
7 spond to an emergency event. The Secretary may  
8 authorize such a use if the Secretary determines  
9 such a use is required to respond to an emergency  
10 event.

11 “(2) NOTIFICATION.—Not later than 5 days  
12 after the date on which a State, local, or tribal au-  
13 thority makes the determination described in para-  
14 graph (1), the State, local, or tribal authority in-  
15 tending to authorize the use of methyl bromide for  
16 a qualified use shall submit to the Secretary a notifi-  
17 cation that contains the information described in  
18 subsection (b).

19 “(3) OBJECTION.—A State, local, or tribal au-  
20 thority may not authorize the use of methyl bromide  
21 under paragraph (1) if the Secretary objects to such  
22 use under subsection (c) within the 5-day period  
23 specified in such subsection.

24 “(b) NOTIFICATION CONTENTS.—A notification sub-  
25 mitted under subsection (a)(2) by a State, local, or tribal  
26 authority shall contain—

1           “(1) a certification that the State, local, or trib-  
2 al authority requires the use of methyl bromide to  
3 respond to an emergency event;

4           “(2) a description of the emergency event and  
5 the economic loss that would result from such emer-  
6 gency event;

7           “(3) the identity and contact information for  
8 the responsible individual of the authority; and

9           “(4) with respect to the qualified use of methyl  
10 bromide that is the subject of the notification—

11                 “(A) the specific location in which the  
12 methyl bromide is to be used and the total acre-  
13 age of such location;

14                 “(B) the identity of the pest or pests to be  
15 controlled by such use;

16                 “(C) the total volume of methyl bromide to  
17 be used; and

18                 “(D) the anticipated date of such use.

19           “(c) OBJECTION.—

20                 “(1) IN GENERAL.—The Secretary, not later  
21 than 5 days after the receipt of a notification sub-  
22 mitted under paragraph (2) of subsection (a), may  
23 object to the authorization of the use of methyl bro-  
24 mide under such subsection by a State, local, or trib-  
25 al authority by sending the State, local, or tribal au-

1       thority a notification in writing of such objection  
2       that—

3               “(A) states the reasons for such objection;  
4       and

5               “(B) specifies any additional information  
6       that the Secretary would require to withdraw  
7       the objection.

8               “(2) REASONS FOR OBJECTION.—The Secretary  
9       may object to an authorization described in para-  
10      graph (1) if the Secretary determines that—

11              “(A) the notification submitted under sub-  
12      section (a)(2) does not—

13                      “(i) contain all of the information  
14                      specified in paragraphs (1) through (4) of  
15                      subsection (b); or

16                      “(ii) demonstrate the existence of an  
17                      emergency event; or

18              “(B) the qualified use specified in the noti-  
19      fication does not comply with the limitations  
20      specified in subsection (e).

21              “(3) WITHDRAWAL OF OBJECTION.—The Sec-  
22      retary shall withdraw an objection under this sub-  
23      section if—

24                      “(A) not later than 14 days after the date  
25                      on which the Secretary sends the notification

1 under paragraph (1) to the State, local, or trib-  
2 al authority involved, the State, local, or tribal  
3 authority submits to the Secretary the addi-  
4 tional information specified in such notification;  
5 and

6 “(B) such additional information is sub-  
7 mitted to the satisfaction of the Secretary.

8 “(4) EFFECT OF WITHDRAWAL.—Upon the  
9 issuance of a withdrawal under paragraph (3), the  
10 State, local, or tribal authority involved may author-  
11 ize the use of methyl bromide for the qualified use  
12 specified in the notification submitted under sub-  
13 section (a)(2).

14 “(d) USE FOR EMERGENCY EVENTS CONSISTENT  
15 WITH FIFRA.—The production, distribution, sale, ship-  
16 ment, application, or use of a pesticide product containing  
17 methyl bromide in accordance with an authorization for  
18 a use under subsection (a) shall be deemed an authorized  
19 production, distribution, sale, shipment, application, or  
20 use of such product under the Federal Insecticide, Fun-  
21 gicide, and Rodenticide Act, regardless of whether the in-  
22 tended use is registered and included in the label approved  
23 for the product by the Administrator of the Environmental  
24 Protection Agency under such Act.

25 “(e) LIMITATIONS ON USE.—

1           “(1) LIMITATIONS ON USE PER EMERGENCY  
2           EVENT.—The amount of methyl bromide that may  
3           be used per emergency event at a specific location  
4           shall not exceed 20 metric tons.

5           “(2) LIMITS ON AGGREGATE AMOUNT.—The  
6           aggregate amount of methyl bromide allowed pursu-  
7           ant to this section for use in the United States in  
8           a calendar year shall not exceed the total amount  
9           authorized by the Parties to the Montreal Protocol  
10          pursuant to the Montreal Protocol process for crit-  
11          ical uses in the United States in calendar year 2011.

12          “(f) ENSURING ADEQUATE SUPPLY OF METHYL  
13          BROMIDE.—Notwithstanding any other provision of law,  
14          it shall not be unlawful for any person or entity to produce  
15          or import methyl bromide, or otherwise supply methyl bro-  
16          mide from inventories (produced or imported pursuant to  
17          the Clean Air Act for other purposes) in response to an  
18          emergency event in accordance with subsection (a).

19          “(g) EXCLUSIVE AUTHORITY OF THE SECRETARY.—  
20          The Secretary shall have the exclusive Federal authority  
21          with respect to determining which species are considered  
22          quarantine pests (as defined in section 319.37–1 of title  
23          7, Code of Federal Regulations, as in effect on the date  
24          of the enactment of the Safe Agriculture Production Act  
25          of 2017).

1 “(h) DEFINITIONS.—

2 “(1) EMERGENCY EVENT.—The term ‘emer-  
3 gency event’ means a situation—

4 “(A) that occurs at a location on which a  
5 plant or commodity is grown or produced or a  
6 facility providing for the storage of, or other  
7 services with respect to, a plant or commodity;

8 “(B) for which the lack of availability of  
9 methyl bromide for a particular use would re-  
10 sult in significant economic loss to the owner,  
11 lessee, or operator of such a location or facility  
12 or the owner, grower, or purchaser of such a  
13 plant or commodity; and

14 “(C) that, in light of the specific agricul-  
15 tural, meteorological, or other conditions pre-  
16 sented, requires the use of methyl bromide to  
17 control a pest or disease in such location or fa-  
18 cility because there are no technically or eco-  
19 nomically feasible alternatives to methyl bro-  
20 mide easily accessible by an entity referred to  
21 in subparagraph (B) at the time and location of  
22 the event that—

23 “(i) are registered under the Federal  
24 Insecticide, Fungicide, and Rodenticide Act

1 (7 U.S.C. 136 et seq.) for the intended use  
2 or pest to be so controlled; and

3 “(ii) would adequately control the pest  
4 or disease presented at such location or fa-  
5 cility.

6 “(2) PEST.—The term ‘pest’ has the meaning  
7 given such term in section 2 of the Federal Insecti-  
8 cide, Fungicide, and Rodenticide Act (7 U.S.C.  
9 136).

10 “(3) QUALIFIED USE.—The term ‘qualified use’  
11 means, with respect to methyl bromide, a methyl  
12 bromide treatment or application in an amount not  
13 to exceed the limitations specified in subsection (e)  
14 in response to an emergency event.”.

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