

118TH CONGRESS
1ST SESSION

S. 802

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for a consistent definition for plant biostimulants.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2023

Mr. BRAUN (for himself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for a consistent definition for plant biostimulants.

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 “Plant Biostimulant
5 Act of 2023”.

6 **SEC. 2. EXCLUSION FROM REGULATION UNDER FIFRA.**

7 (a) IN GENERAL.—The Federal Insecticide, Fun-
8 gicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is

1 amended by inserting after section 3 (7 U.S.C. 136a) the
2 following:

3 **“SEC. 3A. EXCLUSION OF PLANT BIOSTIMULANTS.**

4 “A plant biostimulant shall not be subject to regula-
5 tion under this Act.”.

6 (b) DEFINITIONS.—Section 2 of the Federal Insecti-
7 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136) is
8 amended—

9 (1) in subsection (v)—

10 (A) by striking “vitamin-hormone horti-
11 cultural products” and inserting “vitamin hor-
12 mone products”; and

13 (B) by adding at the end the following:

14 “Such term shall not include a plant biostimu-
15 lant.”; and

16 (2) by adding at the end the following:

17 “(pp) PLANT BIOSTIMULANT.—The term ‘plant bio-
18 stimulant’ means a substance, micro-organism, or mixture
19 thereof, that, when applied to seeds, plants, the
20 rhizosphere, soil, or other growth media, act to support
21 a plant’s natural processes independently of the biostimu-
22 lant’s nutrient content, thereby improving nutrient avail-
23 ability, uptake or use efficiency, tolerance to abiotic stress,
24 and consequent growth, development, quality, or yield.

1 “(qq) NUTRITIONAL CHEMICAL.—The term ‘nutri-
2 tional chemical’—

3 “(1) means a compound or mixture that inter-
4 acts with plant nutrients in a manner which im-
5 proves nutrient availability or aids the plant in ac-
6 quiring or utilizing plant nutrients; and

7 “(2) includes some plant biostimulants.

8 “(rr) VITAMIN HORMONE PRODUCT.—The term ‘vi-
9 tamin hormone product’ means a product consisting of a
10 mixture of plant hormones, plant nutrients, inoculants, or
11 soil amendments.”.

12 (c) REGULATIONS.—Not later than 120 days after
13 the date of the enactment of this Act, the Administrator
14 of Environmental Protection Agency shall revise the regu-
15 lations under subchapter E of chapter I of title 40, Code
16 of Federal Regulations (as in effect on the date of the
17 enactment of this Act) to carry out the amendments made
18 by subsections (a) and (b).

19 **SEC. 3. SOIL HEALTH STUDY.**

20 (a) STUDY.—The Secretary of Agriculture shall con-
21 duct a study to assess the types of, and practices using,
22 plant biostimulants (as defined in section 2 of the Federal
23 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
24 136)) that best achieve the following:

25 (1) Increasing organic matter content.

1 (2) Reducing atmospheric volatilization.

2 (3) Promotion of nutrient management prac-
3 tices.

4 (4) Limiting or eliminating runoff or leaching
5 of soil or nutrients such as phosphorus and nitrogen
6 into groundwater or other water sources.

7 (5) Restoring beneficial bioactivity or healthy
8 nutrients to the soil.

9 (6) Aiding in carbon sequestration, nutrient use
10 efficiency, and other climate-related benefits.

11 (7) Supporting innovative approaches to im-
12 proving agricultural sustainability, including the
13 adoption of performance-based outcome standards
14 and criteria.

15 (b) REPORT.—Not later than 1 year after the date
16 on which funds are first made available for the study
17 under subsection (a), the Secretary shall make publicly
18 available and submit to the Committee on Agriculture of
19 the House of Representatives and the Committee on Agri-
20 culture, Nutrition, and Forestry of the Senate a report
21 that describes the results of the study.

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