

**FOOD QUALITY PROTECTION ACT'S (FQPA'S)
IMPACT AND PESTICIDE AVAILABILITY**

**William T. Lovelady
W. T. Lovelady Farm
Tornillo, TX**

Ever since I started farming in 1973, access to effective pesticides has been essential in my operation. I think the importance of plant protection chemicals is common for most cotton producers, considering the fact that the annual crop loss estimates for insects, weeds, nematodes and plant diseases are pushing 2 billion dollars. In my report this morning I want to provide you with a thumbnail sketch of activities and actions in Washington to assure that essential tools will continue to be available.

By law, the US Environmental Protection Agency is responsible for registering every pesticide sold in the US. By pesticide, I mean all insecticides, herbicides, fungicides, nematicides, rodenticides, and miticides and so on. It may be surprising for some people to learn that even common products such as Clorox must be cleared and registered as pesticides since they are used to control fungi and other biological pathogens around the home.

A few years ago, the old pesticide law had a provision called "Delaney" which if left unchanged would have required EPA to eliminate many chemicals simply because of a quirk in the law. The good news is that Congress in August of 1996 finally repealed Delaney. In doing so, they replaced it with the new Food Quality Protection Act or FQPA. The fundamentals of the new act were sound—science based, uniformity in regulating similar chemicals and special consideration for children. That's the reason congress passed the new law speedily and with no opposition. The bad news is that the EPA is struggling with how to implement the Act. And it appears that many of the products we need are caught up in that struggle.

Some of the provisions of the new act call for an additional 10-fold protection for infants and children. Another provision incorporates the concept of a "risk cup". The risk cup is based on the notion that one should consider the sum-total of exposure or accumulated risk rather than risk of single compounds in a single mode of exposure.

The law also requires the EPA to review on a rather aggressive time frame food and feed tolerances of every registered compound in the US. By August of 1999 they must have reviewed one third of those compounds. The first round includes all organophosphates, carbamates and certain other chemicals considered as high risk. In working to meet a demanding timetable, the agency was operating with a policy that was not clear to anyone on the

outside. Where data were lacking they used default assumptions. These assumptions unrealistically inflated risk to unacceptable levels.

As a case example, we learned firsthand, that bad assumptions as to gin trash would create registration problems. The agency's assumptions as to how much gin by-products a cow will eat showed that we had an unacceptable risk for products such as Furadan, def and folex. And as long as better data are not provided we will continue to be caught with these overly conservative procedures.

Because of the uncertainty and lack of transparency of EPA's agenda, Vice President Gore stepped in and directed the EPA and USDA to begin working together on FQPA implementation. The directive charges the EPA with ensuring that implementation of the law will be based on four principles: (1) sound science; (2) transparency; (3) reasonable transition time for agriculture; and, (4) consultation with the public and other stakeholders.

As part of the stakeholder involvement, the National Cotton Council is active in an agricultural industry implementation working group. This group developed its own roadmap document providing recommendations of sound science, transparency, balance, and workability. The "roadmap" was presented to EPA and USDA over the summer, and so far is being well received.

Another result of the Vice President's directive was the establishment of the EPA/USDA Tolerance Reassessment Advisory Committee (TRAC). The Secretary of Agriculture asked me to serve on the committee, a task I accepted. Believe me, it hasn't been easy, but I think we have been successful in getting a less draconian application of FQPA. One accomplishment is that we were instrumental in causing EPA to publish key science policy issues critical to implementation. Also we got reassurance that the USDA will become more active in getting EPA to use real data – rather than assumptions that overstate risk.

EPA has developed a time-frame in which they will publish nine science policy issues critical to FQPA implementation. This is consistent with the Council's emphasis that regulatory guidelines should be available for review before they are finalized. Also we have stressed policies based on sound, existing science that exposure scenarios should be realistic and regulatory action should ensure that producers have access to necessary pest treatments if cancellations are necessary.

Earlier I mentioned the problem caused by bad assumptions on gin trash. In that regard the Council along with (National Cotton Ginners and regional cotton) ginner representatives met with EPA on how best to support changes in EPA's method for determining risk from feeding gin by-products. Current EPA policy (in some risk

analyses) is to assume 20% of all finishing cattle and lactating dairy diets is cotton gin by-product. We know that is not true and that the assumption grossly overstates risk from residues on gin trash. The council has proposed to EPA a protocol to correct the assumption. The protocol will be based on data generated from a survey of ginners and cattle feeding experts.

As a member of the Tolerance Reassessment Advisory Committee, it has become increasingly clear to me that it is our industry's responsibility to provide accurate and clear information where bad data is hurting us. That was first apparent with the gin trash issue. But also we are facing restrictions with the organophosphates. These products include chemicals such as orthene, malathion, methyl parathion, lorsban, def and folex.

Some of the data that EPA uses is outdated and inaccurate. So at our urging, the Council has sponsored a series of regional meetings on organophosphate insecticides to determine use patterns. We believe that appropriate use of this data will go a long way toward keeping important compounds available for the cotton industry.

For a quick look backward, the industry was successful in getting emergency exemptions for Furadan, Confirm and Pirate for some areas in 1998. Also a full registration of Buctril was given for BXN cotton. The limitation is that it not be used on more than 10% of the total US crop. Let me now turn my attention to a brief look at availability of products for the 1999 season.

- As for the currently registered products we don't anticipate any losses in product or uses this growing season.
- American Cyanamid recently filed a petition with EPA for registration of Pirate for beet

armyworms and mites. We urge EPA to make a decision for full registration of Pirate. We have had 4 years of emergency exemptions for use of Pirate and we seriously question if the company can continue to provide product under emergency use only.

- Rohm and Haas still is awaiting full approval for Confirm for beet armyworm control. This registration is long overdue and we understand is caught up in the backlog of registration actions within the EPA.
- We understand that the EPA is urging states to file for a Section 18 emergency petition on a new Novartis product called Proclaim. This is deemed to be effective on beet armyworm.
- DuPont is testing a new unregistered product called Steward, claimed to have good performance on beet armyworm.
- FMC has detailed steps taken toward full approval of furadan for 1999. However, Texas and California are planning to file for Section 18s again this year in case full registration is delayed.
- Novartis has new unregistered product called Fulfil effective on early season infestations of aphids.

In conclusion, the outlook is not all doom and gloom when it comes to pesticide availability. With the watchful eye of the Council, working with its agribusiness partners, university scientists, the USDA and yes, a few friends in Washington, I think we can anticipate maintaining a reasonable supply of products. While no one can predict with precision where the next crisis may be you can be assured that you have a staff in Memphis and Washington that is truly working for your best interests.