

## FOOD QUALITY PROTECTION ACT'S IMPACT ON CHEMICAL AVAILABILITY

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### Abstract

Our major objective, in dealing with FQPA, is to promote sound science and to insist that EPA use good data and methodologies in conducting risk assessments. We have attempted to accomplish this objective in three ways – first, by participating in the TRAC process; secondly, in working with a broad coalition known as the Implementation Working Group; and, finally, by working in support of individual chemicals that we know are important to cotton production.

### Discussion

Thank you, Ron. I welcome the opportunity to participate in my first Beltwide Conference. I also look forward to meeting many of you over the next couple of days.

For those of you who don't know me, I joined NCC in March of last year. I am responsible for monitoring and affecting legislation and regulation regarding science and environmental issues that could effect cotton production. I typically spend the vast majority of my time on the Food Quality Protection Act – the new law that governs the regulation of conventional pesticides.

A recent USDA study reports that cotton farmers, along with potato producers, make more use of IPM practices than do producers of other field crops. An effective IPM program requires a variety of tools for pest control including conventional pesticides. NCC's goal in dealing with FQPA issues is to prevent the unnecessary loss of cotton uses, to preserve the availability of efficient and cost-effective crop protection products for cotton farmers, and to promote consumer and worker safety.

FQPA doesn't seem to be the center of everyone's attention like it was a year ago – and understandably so, with the current economic situation in agriculture. That being said, let me provide a brief review of FQPA.

The Food Quality Protection Act was signed into law on August 3, 1996. The major gain from FQPA, from the ag prospective, is that it removed pesticides from under the auspices of the Delaney Clause. The Delaney Clause, enacted in 1958, requires a zero tolerance for food additives which may cause cancer and which concentrate in processed

foods. Good intention – but - since passage of the Delaney Clause, technology has advanced such that chemical analyses now can measure infinitely smaller amounts of compounds. This ability to detect such small quantities made the Delaney Clause prohibitive and obsolete for agriculture.

In addition to dealing with the Delaney Clause, FQPA created other issues including the authority for EPA to consider other means of exposure to pesticide residues. Prior to FQPA, EPA determined risk solely from residues on foods. EPA can now also consider residues in drinking water, from pest control in homes, in schools, on golf courses, and other means of exposure. These different exposures are then added together to fit into a "risk cup" or that level of exposure that EPA has determined, through various toxicological studies, to have a reasonable certainty of no harm. FQPA requires EPA to go back and to reassess all 9700 currently registered pesticides under these new standards. Environmental groups have targeted the organophosphates and carbamates and are pressuring EPA to eliminate or severely restrict their uses.

FQPA also allows EPA to do a cumulative risk assessment. That is, if a class of pesticides can be shown to work through a common mechanism of toxicity, then, those pesticides can be lumped together as if they were all one compound and EPA would estimate the risk of exposure for all of them combined.

Technically, these methods would provide a more realistic estimate of exposure to pesticide residues. There is just one major problem. EPA does not have the data or the methodology to make these additional estimates. FQPA has created more questions than it has solved. Imagine the magnitude of the task of estimating drinking water risk nationwide. What data do you use? Where do you sample? - At the source? - At the tap? And, what about wells? How do you account for regional and seasonal differences? What about that one kid who drinks 25 gallons of water a day? The issues become only foggier when you consider residential and non-occupational exposures. And for cumulative assessments, EPA simply does not know how to do it at this point.

If EPA does not have data or methodologies in place and yet still wants to proceed with assessments, it must fall back on the use of assumptions. Some of these assumptions have become familiar to many of us – 100% of the crop treated at the maximum allowable rate and the infamous farm pond model for estimating drinking water risk. Just from these few examples, you know that the assumptions are always very conservative. That is, they overestimate risk and, in many cases, the overestimate is substantial. Overestimation of risk can result in the cancellation of uses when no real safety hazards exist.

The Council's major objective, then, in dealing with FQPA, is to promote the use of sound science and to insist that EPA use good data and methodologies in conducting risk assessments. We have attempted to accomplish this objective in three ways – first, by participating in the TRAC process; secondly, in working with a broad coalition known as the Implementation Working Group; and, finally, by working in support of individual products that are important, cost-effective, and safe in cotton production. We have limited time today. But, there is an FQPA Symposium scheduled for Friday morning during which we will be able to provide more detail.

The Tolerance Reassessment Advisory Committee, or TRAC, was established on April 30, 1998 as the result of a directive issued by Vice President Gore. This directive instructed EPA and USDA to work cooperatively to promote the use of sound science, transparency, public input, and transition for agriculture in implementing FQPA. The last of the seven TRAC meetings was held on Oct. 20-21. Bill Lovelady, the Council's Past President, was appointed to the TRAC to represent cotton interests. There has been some criticism of this process and some are probably legitimate; but Bill and I also believe there were some substantial accomplishments. TRAC provided a forum for agriculture to voice its concerns regarding FQPA. It allowed EPA officials the opportunity to interact with farmers. It defined nine science policy issues regarding FQPA implementation which need further clarification and development. Finally, TRAC laid out a process for the organophosphates to be reassessed under FQPA. Although the pilot process is still a work in progress, it is something we can work with and understand.

NCC was a founding member of the FQPA Implementation Working Group (IWG). IWG is a broad coalition of 91 farm, food, pest management, and manufacturing organizations formed to respond to the needs of implementing the complexities of FQPA. IWG identified the need to develop a set of principles and recommendations for FQPA implementation. To these ends, the coalition sponsored the "Road Map" project – a comprehensive report that summarizes facts and issues and offers a range of recommendations to effectively respond to emerging concerns. Among other activities, IWG is also providing public comments to the science issues I've already mentioned and is supporting legislation that would require EPA to use sound science and reliable data in FQPA implementation.

Finally, the Council is tracking individual OP's as they go through the reassessment process. We have met with and continue communication with the companies that manufacture OP's used in cotton production. We are also developing a better working relationship with both EPA and USDA. We know what OP's are important to cotton production and have worked to protect their uses. As examples, last summer,

Guthion was on EPA's hit list. EPA was considering canceling all cotton uses. Working with its registrant, Bayer Corp., we communicated the importance of Guthion to EPA to western cotton producers. Bayer went to bat for us with EPA and those uses were maintained. More recently, EPA was examining DEF or Folex and had high concerns for worker risks. They were proposing reentry intervals as high as 30 days which would make the use of DEF unfeasible. The Council sponsored a tour for key EPA staff to Arizona to observe cotton harvest first hand. Soon after that, we brought in growers for a meeting with EPA, USDA, and Bayer. Although we were not able to persuade EPA that their worker estimates were incorrect, we did convince them of the importance and benefits of DEF to cotton production. We are currently discussing mitigation proposals to allow the continued use of DEF under terms acceptable to cotton producers. DEF is just one specific example and we enjoy good working relations with the other registrants as well.

One final example – EPA is currently considering a reclassification of malathion relative to its cancer causing potential. Just this morning, in conjunction with Congressman Stenholm and the Boll Weevil Foundation, NCC hosted a meeting with EPA so growers could communicate their concerns about the legitimacy of such a reclassification and the impact that public perception would have on the boll weevil eradication program. Malathion is crucial to the boll weevil program and we will continue to follow developments in its reassessment.

Let me conclude by briefly summarizing a few of the Council's activities and priorities for 2000:

- We will continue to track OP's that are important for cotton production. EPA has set a goal of completing reviews of all the remaining OP's by the end of this year;
- We will encourage EPA and USDA to continue a stakeholder forum as a successor to TRAC;
- We will continue to support the Regulatory Fairness and Openness Act of 1999. This bill, which I referred to earlier, has been introduced in both the House and Senate and would require EPA to use sound science in implementing FQPA. The bill currently has 194 cosponsors in the House and 30 in the Senate.
- We will continue to follow two very important issues – worker risk and cumulative risk assessments. EPA is estimating worker risks to be high for all the OP's. We believe that many of these estimates are inflated and not reflected in actual incident data. We will work with EPA and USDA to improve this process of estimating worker risk. We will also provide comments through IWG to EPA as it develops

methodologies for cumulative risk assessment. As EPA tries to group the OP's and carbamates, the results could be disastrous for agriculture.

The Council's Technical Services Staff, led by Andy Jordan and Frank Carter, and the Environmental Task Force led by Jimmy Dodson have been to key to our successes in dealing with FQPA. Thank you for listening and I look forward to working with those of you in research and production on FQPA.