

**STATEMENT BY CONSUMERS UNION REGARDING
THE ENVIRONMENTAL PROTECTION AGENCY'S
THIRD ANNIVERSARY DEADLINE UNDER
THE FOOD QUALITY PROTECTION ACT**

August 2, 1999

In 1996, Congress unanimously passed the Food Quality Protection Act (FQPA) to protect public health from the hazards of pesticides in foods. The Act puts special emphasis on ensuring that pesticide residues are safe for infants and children and other especially vulnerable groups.

We are here today on the third anniversary of FQPA passage to explain how the Environmental Protection Agency (EPA) has failed to protect public health, as the Administration promised. Unfortunately consumers, and in particular children, face unacceptable risks because EPA has failed to do what is required of it under the law.

Under FQPA, EPA has to “reassess” all of its legal limits for specific pesticide residues in specific foods, called tolerances. The law gives EPA 10 years to reassess some 9,700 tolerances now on the books, and the Agency has until August 3, 1999—three years after the Act was signed—to complete its reassessment of the first third, 3,200 or so tolerances. The law requires EPA to give priority in this initial phase to pesticide uses that pose the greatest risk to public health. The mandate in FQPA is very clear—EPA must deal with the “worst first.”

The FQPA also imposes some very important new requirements in terms of how EPA must assess pesticide risks. The law requires, among other things, that EPA consider the aggregate risks of all of the different ways people are exposed to pesticides—in foods, drinking water, and in their homes and schools—and consider the additive risks of residues that share a common mechanism of toxicity. These far-reaching requirements pose scientific and policy challenges and will not be easy to carry out. That’s why the law sets deadlines.

This afternoon, the EPA will claim that it has accomplished what the statute required it to do in the first three years. EPA will explain what it has done, and try to make it sound like enough. But in truth, EPA’s actions to date fall woefully short of meeting the statute’s mandate. Our analysis, released today, shows in sharp relief what the Agency hasn’t done, what it could have done, and what it should have done.

EPA will claim that it has reassessed some 3,200 pesticide tolerances. But what it has not done is focused on the “worst first,” as the FQPA requires. Many tolerances EPA has reassessed are for obsolete or minimal uses with no impact on food safety. Actually, a very small fraction of pesticide uses accounts for the lion’s share of dietary residues and risk. Consumers Union’s analysis shows that a mere 125 uses account for 99 percent of the dietary risk.

We've listed those 125 highest-risk pesticide uses, in descending order by their contributions to overall dietary pesticide toxicity. Our ranking is based on CU's own analysis of toxicity data from the EPA and residue data from the USDA. Neither the fact that a small number of uses drives risk nor the identity of the high-risk uses is any mystery. EPA has the same data we have, and has done similar analyses. What it has not done is take the actions the data clearly show are needed.

EPA's pesticide regulatory actions since the FQPA was passed, prior to today, affected only nine of the 125 uses that account for 99 percent of dietary risk. Of those nine uses, EPA revoked one tolerance, lowered one tolerance, and actually increased tolerances in the other seven cases. The Agency also has reassessed, but made no change in, tolerances for 21 more uses. In short, EPA actions up to now have reduced the risk from two out of the 125 riskiest pesticide uses on foods, and have allowed more risk in seven cases—a pathetic record indeed.

Today, we expect EPA to announce decisions on tolerances for important food uses of two high-risk insecticides, methyl parathion and azinphos-methyl. Twelve uses of these two very toxic insecticides are among the 125 highest-risk uses. We have made the very optimistic assumption that EPA will revoke or severely restrict all 12 of those uses. If EPA does that, today's action will take a big bite out of dietary risk. Collectively, these 12 uses account for 23 percent of the overall dietary risk in our analysis. Strong EPA action could reduce that risk significantly.

It's also possible, of course, that EPA won't take steps today that substantially reduce the risks from all 12 of those high-risk uses. But even under our "best case" assumptions, the cumulative effect of its actions at the three-year mark would affect only 25 percent of the dietary risk.

The FQPA says EPA must address and reduce the worst health risks first. It doesn't say, address one quarter of the worst risks first. If this were a report card, a 25 percent score would earn EPA an "F." And for an Administration that promised to aggressively protect children's health, this performance is nothing short of embarrassing.

Even major actions against two chemicals that it may take later today can't hide the fact that the EPA has failed to do its job. The FQPA requires EPA to ensure that foods are safe for children, and to act swiftly on the real world exposures that have the greatest potential to cause harm. We urge the Administration to keep its promises to protect children's health by speeding its review of high-risk tolerances and aggressively reducing exposure from the small number of readily identified pesticide uses that drive dietary risk.