

**STATEMENT OF
THE AMERICAN FARM BUREAU FEDERATION
TO THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS, NUTRITION AND
FOREIGN AGRICULTURE
HOUSE AGRICULTURE COMMITTEE
REGARDING
IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT**

Presented by:

**Ken Evans
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Good morning. I am Ken Evans, a citrus, alfalfa and cotton farmer from Yuma County, Arizona. I am President of the Arizona Farm Bureau and serve on the Board of Directors of the American Farm Bureau Federation, the nation's largest organization of farmers and ranchers, which I represent today.

Like members of this committee, virtually all members of Congress, many of the agencies and organizations represented at this hearing today, Farm Bureau supported passage of the Food Quality Protection Act (FQPA) of 1996. Passage of the FQPA was viewed as the successful conclusion of a 15-year effort by the agricultural, food processing and crop protection community to modernize our food safety and pesticide laws. FQPA repealed the obsolete Delaney standard for food pesticide residues and replaced it with a new science and health-based standard. It allowed consideration of pesticide benefits in regulatory decisions affecting crop protection products. It established national uniformity for chemical residues and provided incentives and streamlined registrations for "minor use" farm chemicals.

Our support for these provisions was tempered with concern that other provisions of FQPA could result in unjustified restriction of essential crop protection products. EPA's assurances alleviated our concerns and made unanimous passage of FQPA possible. Unfortunately, now these assurances may not be met. Specifically:

We were assured that the "reasonable certainty of no harm" FQPA safety standard would be based upon health and science and that it would provide more flexibility than the obsolete, zero-risk Delaney clause. Our experience has been that "reasonable certainty of no harm" is being interpreted by EPA as essentially the same as zero risk, threatening the unjustified cancellation of safe crop protection products. "Reasonable certainty" has become de facto Delaney clause and is being used to carry out the same anti-pesticide agenda. .

We were told that risk assessments for food exposure would be based on best available, reliable

information, as FQPA requires. When data were absent or incomplete, we understood that better data would be obtained before regulatory decisions were made. Instead, when adequate data are not available, EPA is making unrealistic, worst-case assumptions for regulatory decisions. To make matters worse, EPA has not defined data needs and requested data from registrants which could help fill data gaps and reduce the number of overconservative risk assessments.

We trusted that the implementation process for the FQPA would be open, transparent and follow established administrative procedures for federal rules and regulations. But EPA's implementation procedure has not followed normal administrative procedures for the rulemaking process. There has been little or no notification and opportunity to comment on key implementation policies.

We believed that EPA would fulfill its obligations under the law to prioritize and accelerate registrations of new, effective and economical crop protection products. But these registrations have been slowed, not accelerated. This means that essential crop protection products may be lost before new ones replace them, leaving farmers defenseless in protecting their crops. EPA has also ignored its responsibility to facilitate registrations of so-called "minor" crop protection products for fruits, vegetables and other small acreage crops whose small market does not justify their high cost of registration.

Last, the agricultural community and members of Congress were repeatedly reassured by EPA that FQPA was merely the codification or formalization of existing EPA authority. This is the source of our greatest sense of betrayal. It is now clear that EPA's planned implementation of FQPA will force unjustified cancellation of dozens--perhaps most of entire classes of essential crop protection products. Is this what members of this subcommittee or other members of Congress had in mind when you voted unanimously for FQPA in 1996? It certainly is not what we had in mind.

Our concerns are outlined in more detail below.

TRANSPARENCY

Vice President Gore's April 8 memo asks EPA and USDA to "ensure that the decision and positions of the two agencies are transparent to affected constituencies." More than two months after that announcement, agriculture still knows very little regarding what either agency is doing regarding FQPA implementation.

We don't know the underlying policies EPA is using to make decisions to implement the FQPA. Farm Bureau and other groups petitioned EPA in late May to do just that. We have received no formal response from EPA other than a statement by Deputy Administrator Hansen that, given FQPA time lines, they would not have the time to publish for comment the policies they will use to implement the FQPA.

We don't know the data and science EPA will use to assess risk. Farmers are willing to provide actual pesticide use information. Thus far, EPA has not informed us of the information they need to make good decisions. If they don't have this information, will they assume farmers are using

pesticides at maximum rates, on all acres, and applying products the maximum number of applications? If they do, actual pesticide risk will be vastly overestimated. If we knew EPA's data needs, we could step forward and provide data to replace maximum default assumptions.

We don't know which products are in jeopardy. In response to the Vice President's announcement, EPA said that there would be no significant organophosphate or carbamate tolerance revocations in 1998. At the first Tolerance Reassessment Advisory Committee (TRAC) meeting, Administrator Hansen told the group that some organophosphate and carbamate pesticides posed unacceptable risks and that their tolerances would have to be revoked. However, we don't know which products and uses are at risk. If we did, we could provide data and could start searching for suitable alternatives. At this point, we are unfortunately still in the dark.

We don't know what products are in the registration queue at EPA and whether they are replacement products for uses EPA will cancel. Plus, agriculture needs to know the effectiveness of potential replacement products. If farmers need to use two or three new products to do the same job one pesticide does now, they need to know that. Plus, they need to know the cost of new products. If new products cost much more than existing products and aren't effective, they really can't be considered replacements.

We don't know how USDA is cooperating with EPA to identify "known safe alternatives" and how they are progressing on research efforts to find new technologies to replace affected pesticide uses.

Transparency means we have knowledge of all of these things. Unfortunately, because EPA won't tell us, we have little knowledge regarding what lies ahead and how it might affect agriculture. Given this fact, it is difficult for me to stand before you today to advise Congress on what Farm Bureau believes Congress should do. One of the primary goals of this hearing should therefore be, to find out the direction of the agency.

TRADE ISSUES

Farm Bureau has long been a supporter of freer and more open trade. EPA's implementation of the FQPA may force the agricultural community to rethink its trade goals and objectives. Already, U.S. agriculture is more regulated than other countries. The disparity is particularly large between the U.S. and developing countries.

According to USDA,¹ the U.S. is a net importer of fruits and vegetables, the foods that, according to EPA, pose the greatest risks from pesticide exposures to consumers. In 1997, U.S. imports of fruit and vegetables reached \$10.1 billion, up 6 percent from 1996. Imports as a share of domestic consumption also continue to rise. Imported fresh fruit accounts for about 40 percent of

¹Fruit and Tree Nuts - Situation and Outlook Report, FT-282, March , 1998

total domestic consumption. Imported fresh vegetables account for about 14 percent of domestic consumption.

Mexico is the largest supplier of fruit and vegetable imports into the United States, accounting for about 50 percent of the total value in 1997. Mexico supplies about 60 percent of all fresh vegetable imports and 35 percent of the total value of fresh fruit imports.

Farmers in Mexico and other countries will not be affected by FQPA pesticide restrictions and the loss of pesticide uses and will, in fact, likely benefit if U.S. growers lose the ability to use certain pesticides. Pesticide residue testing at the border will not catch produce from entering the U.S. if it was produced using a pesticide restricted or eliminated due to the FQPA. Organophosphate and carbamate pesticides break down quickly through the action of sunlight and water into harmless by-products. Foreign growers, to prevent residues from being detected will merely increase their pre-harvest intervals to ensure that residues are not detected at the border.

A specific example of this is trade in apple juice concentrate. Apple juice concentrate is imported from a variety of sources including Hungary, Poland, Argentina, Italy, Chile, Germany and others. U.S. apple growers rely on organophosphate and carbamate to control a wide range of insect pests. There are few, if any, alternatives for some products. Imported apple juice already accounts for more than 50 percent of total domestic apple juice consumption. Infants and children drink lots of apple juice, too. So, while the FQPA potentially regulates farming practices in the U.S. in an attempt to improve food safety and the diets of children, it provides a competitive advantage to foreign growers who will be able to use tools U.S. growers won't be able to use. It's hard to see how this will improve food safety and provide stronger safeguards for infants and children.

CUMULATIVE EXPOSURE

The FQPA requires EPA to assess pesticide risks for "anticipated dietary exposures and all other exposures for which there is reliable information." Before the FQPA, the focus was on food. After the FQPA, the focus is still on food, but additional exposures must now be considered. This includes drinking water, chemicals that pesticides degrade into, children's outdoor residential exposures, and indoor exposures such as to termite or cockroach pesticides.

On the surface, this provision seems to make sense. We can come into contact with pesticides from a variety of exposures including food, water, lawn chemicals and other exposures. What doesn't make sense are the assumptions EPA is using to add all of these exposures together. EPA knows they lack reliable exposure data for some areas. Unfortunately, instead of asking for data from farmers, registrants and others, EPA is using overly conservative default assumptions, which assumes in some cases, that consumers are exposed daily to the maximum dose of pesticides from all exposures.

However, if we look hard at the data that is available, it becomes clear that those types of assumptions have very little resemblance to real-world data. The actual data on apple juice is a good example. Kids consume lots of apple juice and as we mentioned before, more than half of

all of the apple juice consumed in the U.S. comes from foreign sources. USDA keeps track of pesticide residues found in apple juice through the Pesticide Data Program (PDP). According to PDP data from 1996, when pesticide residues are found in apple juice, they are at very small levels in very few samples.

In 1996, the PDP tested 177 samples of apple juice. They found azinphos methyl, an organophosphate pesticide, in 9 samples. The maximum value detected was 0.013 ppm, more than 150 times lower than the tolerance. Chlorpyrifos, another organophosphate, was not found in any of the samples. Malathion, another organophosphate, was found in one sample at a level 470 times below the tolerance. Carbaryl, a carbamate insecticide, was found in 57 samples. The highest value detected was 0.099 ppm, more than 100 times lower than the tolerance. The mean level for carbaryl was more than 500 times below the tolerance.

Without this critical data, EPA would assume that all of these pesticides are present in apples juice at the tolerance level. With real-world data, we can replace these worst case assumptions. Very simply, that is what we are asking EPA to do and what we feel the FQPA calls for. As part of this hearing, Congress should clearly instruct EPA to use its data call in authority in order to obtain reliable information and to delay implementation of the FQPA until this data becomes available.

ECONOMICS

Over the past several years, Farm Bureau has sponsored several pesticide studies to examine consumer and farm level impacts from policies that arbitrarily reduce pesticide use. In 1995, Dr. Robert Taylor of Auburn University examined the consumer and food safety tradeoffs from policies that reduce pesticide use on fruits and vegetables.² According to the study, the following impacts represent the effects of a 50 percent reduction in pesticide use:

- * Domestic production would decrease by 6 percent;
- * Exports would decrease by 10 percent;
- * Imports would increase by 3 percent;
- * Domestic consumption would decrease by 4 percent;
- * Wholesale prices would increase by 17 percent; and
- * Retail prices would increase by 9 percent.

From a food safety standpoint, the study further concludes that:

"...the reduction in pesticide residues in fruit and vegetables which would result from a drastic reduction in pesticide use appears extremely small compared to significant adverse

² C. Robert Taylor, "Economic Impacts and Environmental and Food Safety Tradeoffs of Pesticide Use Reduction on Fruits and Vegetables."

economic effects on producers, adverse economic effects on consumers, and possibly adverse health effects on consumers."

In early June, Arizona State University examined the potential impact to Arizona fruit and vegetable crops from the loss of 10 key pesticides.³ The study concludes that if:

"ten chemicals were no longer available to Arizona fruit and vegetable growers, production costs would increase by approximately \$300 million. This compares to 1996 revenues for these crops of \$424 million. Thus, the increase in costs is equivalent to an amount equal to 70 percent of normal gross revenues. This far exceeds the normal profit margins for fruit and vegetable growers, which underscores the importance of these chemicals as production inputs."

Congress should also consider the effects the FQPA will have on low-income Americans, consumers who already consume 20 percent less fresh fruits and vegetables than higher-income consumers.⁴ Higher prices for fruits and vegetables severely penalizes this group of Americans in their efforts to improve their diet and health through greater consumption of fruits and vegetables.

EFFECTS ON INFANTS AND CHILDREN

One of the primary goals of the FQPA was to provide greater protection for infants and children from the risks of pesticides. While this is a worthy goal, it incorrectly assumes that infants and children are not sufficiently protected now. We don't believe that's true and given EPA's indication that it may require the application of an additional safety factor in most cases, Congress needs to determine whether this is what they had in mind when they approved the FQPA.

Farm Bureau believes instead that not only are children adequately protected, but as pointed out before, policies that prevent or discourage greater fruit and vegetable consumption should be avoided at all costs to avoid profound adverse health effects on all Americans, especially children.

Plus, there are far greater and more real risk factors affecting children. And you don't have to look very hard to find the real problems affecting kids. For example:

* The September 1997 issue of the journal "Pediatrics" reports that only 1 percent of

³Agricultural Chemical Usage on Arizona Fruit and Vegetable Crops, National Food and Agricultural Policy Project Policy Briefing Paper, Arizona State University, June 1998.

⁴Steven M. Lutz, David M. Smallwood, James R. Blaylock, Mary Y. Hama, Changes in Food Consumption and Expenditures in Low-Income American Households During the 1980's, USDA/ERS Human Nutrition Information Service, 1993

American young people ages 2 to 19 eat healthy diets.

* The National Center for Health Statistics says the number of kids who are overweight has almost doubled in the last 25 years. A record 4.7 million kids are now overweight.

* The National Cancer Institute (NCI) in a study published in the “Archives of Pediatrics and Adolescent Medicine” says that when kids do eat their vegetables, it’s likely to be french fries. Susan M. Krebs Smith, a nutrition researcher with the NCI says that “grown-ups are not eating their vegetables, and kids aren’t either.”

* U.S. Department of Agriculture food consumption data demonstrate that low-income kids eat far fewer fruits and vegetables than higher-income kids. As income rises, so does fruit and vegetable consumption.

* According to the National Child Abuse Coalition, 3.1 million children were reported as abused or neglected in 1995. About 10,000 kids are killed each year by child abusers. Overall, the total number of reports of child abuse and neglect nationwide increased 49 percent since 1986. The U.S. Department of Health and Human Services (HHS) reports similar numbers. HHS says “the total number of child abuse and neglect cases . . . rose from an estimated 1.4 million in 1986 to an estimated 2.8 million in 1993,” a 100 percent increase.

* According to a recent National Institute on Drug Abuse study, 5.5 percent of the women surveyed reported using illicit drugs while they were pregnant. Pregnant women who use drugs can give birth to addicted babies with increased sensitivity to noise, irritability, poor coordination, tremors and feeding problems. Additionally, 18.8 percent of the pregnant women surveyed reported using alcohol. Heavy alcohol consumption by a pregnant woman can result in her child being born with fetal alcohol syndrome, the leading known environmental cause of mental retardation in the Western World.

* Last September, the “Journal of the American Medical Association” reported on two studies which conclude that obese mothers are at least twice as likely as thinner women to have babies with debilitating birth defects. Remember that half of all Americans are now classified as overweight.

* In October, the World Bank sponsored a meeting on looming food shortages. The International Food Policy Research Institute warns that two out of five children in southeast Asia will be without enough to eat by 2020. Forty million children in Africa will be malnourished.

These are just a few of the health risk factors affecting children. Adopting policies that restrict or discourage fruit and vegetable consumption among children does not contribute in any way to improving their health.

SECTION 18

Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes EPA to exempt a state or federal agency from the provisions of FIFRA if EPA determines that emergency pest conditions exist. Under the FQPA, EPA must establish a tolerance and the tolerance must meet the new FQPA “reasonable certainty of no harm” safety standard.

The result of this change has been the shifting of EPA resources from new product registration and approval to tolerance reassessment, including tolerance approval under Section 18. This has resulted in a situation which has delayed indefinitely new registrations and the shift from older products to newer, often safer products.

To remedy this situation, EPA should adopt an incremental risk approach to evaluating and approving Section 18 tolerances. This approach was presented to EPA’s Pesticide Program Dialogue Committee, but rejected. Congress should encourage EPA to reconsider this approach.

INTEGRATED PEST MANAGEMENT

Integrated pest management (IPM) is a philosophy of pest management that integrates many different strategies, tactics and tools to manage pests below economical injury levels while minimizing impacts on society and the environment. Under FQPA, both EPA and USDA are required to promote IPM programs and to consider a pesticide’s use within an IPM program.

Farm Bureau policy supports the widespread promotion and use of integrated pest management as a method of reducing costs, risks, liability and total dependence on farm chemicals. IPM can reduce the risk of output loss, the per-unit cost of production and liability from chemical damages. IPM is a defensible use of pesticides because it focuses use where problems have been identified. However, expanded educational programs are needed to encourage the widespread adoption of IPM

Congress should carefully examine the impacts the FQPA will have on IPM programs if critical pesticide tools are lost. Almost all of the pesticides targeted by EPA as high-risk compounds are used in IPM programs. While alternatives exist for some crops, other crops, specifically minor crops, have few, if any, alternatives. In some cases where alternatives are available, their cost may be prohibitive. In other cases, the loss of broad spectrum pesticides means that farmers may have to use more than one alternative to achieve the same result that a single pesticide produces now.

In other IPM programs, the alternative to the organophosphate and carbamate insecticides are the synthetic pyrethroids. Organophosphate or carbamate insecticides often do not disrupt biological control for damaging mite species and other secondary pests like aphids and leafhoppers. While the synthetic pyrethroids are an effective alternative for primary pests, they also harm beneficial insects resulting in the use of more insecticides and miticides.

MICROBIOLOGICAL CONCERNS

Last October, President Clinton announced a major new food safety initiative designed to reduce

and prevent the risk of microbiological contamination of food. In April, the Food and Drug Administration released new guidance to reduce the risk of microbiological contamination of fresh produce. In May, the General Accounting Office released a report which recommended new regulations to improve the federal food safety system. These new regulations, coupled with FQPA impacts are in direct conflict with one another.

One of the results of the FQPA is greater crop damage from pests. This includes insect damage and disease or fungal damage. The FDA microbiological proposal establishes guidelines growers and fresh produce handlers should follow to reduce the risk of microbiological contamination. This includes discarding produce that is flawed or damaged. This new policy directive conflicts with potential FQPA impacts which could reduce or eliminate key crop protection products.

METHYL BROMIDE

The United States Clean Air Act requires that any substance identified as a class I ozone depleting compound must be withdrawn from production seven years after its listing. On December 13, 1993, EPA listed methyl bromide as a class I substance with a phase-out date of January 1, 2001. The Montreal Protocol is an international treaty signed by more than 160 countries which governs the trade of ozone depleting substances. In September of 1997, the Montreal Protocol held its ninth meeting and decided to accelerate global reductions in methyl bromide use. The Clean Air Act, the Montreal Protocol and the FQPA together are creating a situation that places U.S. growers in a precarious position as we move closer to the methyl bromide phase-out date and the August 3, 1999 Phase I tolerance reassessment deadline in the FQPA.

Florida and California strawberry production will be hit hardest because few methyl bromide alternatives exist to control fungal root diseases and weeds. In Florida, the problem is weed control where alternatives exist, but they have not worked well on Florida's sandy soils. If rains follow applications, these alternatives are easily leached, creating other environmental risks. As a result, Florida is anticipating a 30-50 percent reduction in strawberry yields. This will drive per unit costs of production above competitive levels, turning their market over to Mexico and Latin America for fall and winter strawberry production. California has fungal root disease problems, which only higher prices and a captive market will solve. Other crops hit hard are peppers, tomatoes, carrots, tree crops and vine crops. Some of the same crops impacted by a methyl bromide phase out will face a double whammy due to EPA's implementation of the FQPA.

CONCLUSION

There is an old saying in government that, "Silence means everything is O.K." The silence has been broken when it comes to FQPA. Farmers and agricultural interests are raising their voices. The volume is growing louder every day. FQPA implementation is now the top priority for the American Farm Bureau Federation and many other agricultural, crop protection, pest control and food manufacturing organizations. Hundreds of personal contacts have been made with EPA, USDA and members of Congress to express these concerns.

EPA's implementation of FQPA has given rise to an unprecedented coalition effort. Farm

Bureau, the American Crop Protection Association, National Food Processors Association and more than a dozen other agricultural groups have petitioned EPA for changes in implementation. Last week, nearly 100 farm, food, manufacturing and pest management organizations, known as the Implementation Working Group completed the FQPA "Roadmap Project" which provides a comprehensive implementation proposal which is consistent with the law, serves the interests of consumers and is workable for the regulated community. It is our hope that the "Roadmap" be viewed seriously by EPA, USDA and Congress as our constructive recommendations for workable, health and science- based implementation of FQPA.

Mr. Chairman and members of the subcommittee, EPA's implementation of the Food Quality Protection Act is on a collision course with U.S. agriculture. It will impose major regulatory decisions without realistic or reliable information. It will sacrifice safe crop protection products which have no effective economical alternatives. It threatens integrated pest management programs which reduce chemical use. It will impair the competitiveness of U.S. farmers in international markets at a time when American farmers must be more efficient to survive. It will disrupt or even displace some family farm operations. It will increase prices and reduce the quality, selection and availability of the most abundant, wholesome and affordable food supply in the world. It will reduce, not enhance consumers'--and children's opportunities for healthy diets. We believe that it distorts and does not achieve, the intent of most members of Congress when they approved the law.

Thank you for holding this important hearing and for your attention to our concerns.

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