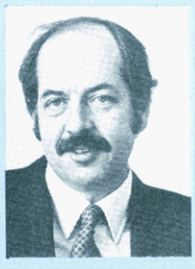
FIFRA Update



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Congress is focusing on pesticides again, specifically, EPA's implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Past reauthorization of FIFRA has not been an easy task. This time around will not be any different.

On May 17, the House of Representatives voted for a simple one-year extension of FIFRA in hopes of "continuing to appraise the advisability of a wide range of proposed amendments to the statute." The environmental community has taken the position that FIFRA needs significant and thorough reform to protect public health.

One of the key issues that has been identified in hearings by the House Agriculture Subcommittee is the completeness and adequacy of scientific data available to federal agencies for evaluating pesticide safety. The cloud of uncertainty created by the Industrial Bio-Test (IBT) laboratory controversy over false data has added to concern that the EPA does not have an appropriate pesticide health effects data base.

The agency has reviewed a seven-year audit of IBT health effects studies and found that nearly 600 of approximately 800 completed studies are invalid. This is significant, since the majority of the studies involved the induction of chronic health effects. EPA now warns that the use of approximately 19 pesticides will be suspended if the studies are not redone.

Critics, both in Congress and elsewhere, suggest that the agency retest the IBT-tested pesticides. The agency, however, takes the position that it should not automatically suspend registration simply because the tests have not been adequately performed.

Members of both the House and the Senate maintain that EPA's audit of health data presented in pesticide registrations is an important issue and that the IBT data problem is only the tip of the iceberg. They are concerned that the agency may not be auditing other health effects studies sufficiently, such as those which document the risks associated with various pesticide applications. Thus, the reauthorization of FIFRA will center chiefly on risk assessment, risk management, and the quality of data used in making decisions on registrations and licenses.

On Aug. 4, 1983, Sen. William Proxmire (D-Wis.) and others introduced S. 1774, and the House of Representatives led by Thomas Harkin (D-Iowa) and George Brown (D-Calif.) introduced H.R. 2785. These identical bills are titled the "Federal Insecticide, Fungicide, and Rodenticide Reform Act of 1983."

According to Senator Proxmire, the bill " . . . tightens up existing pesticide laws without imposing new programs or costs on either farmers or pesticide producers . . . it may even reduce some costs . . . The current law squanders EPA's time and resources, causing Agency indecision and inefficiency, including inadequate review of industry supplied health and safety data."

With an emphasis on data collection, the bills require that EPA review old and new pesticide registrations. They assume that pesticides registered before Sept. 30, 1978, did not have the same level and detail of data available on pesticides registered since that time.

Therefore, the bills establish several procedures requiring the EPA administrator to list (by priority) pesticides for which there are not sufficient data.

These data gaps must be defined in terms of how well the applicant has documented study test methods, procedures, and results. The administrator will then judge the sufficiency of information presented for registration.

Once these data gaps have been reviewed, the administrator will issue a notice of registration, cancellation, or suspension until the data gaps are filled or a hearing is held showing how they will be filled. In cases in which data contain false, misleading, or inaccurate information, the administrator will issue a notice of intent to cancel a registration and require a subsequent hearing, in an effort to obtain more data.

Public participation

The bills also establish much broader public participation in the registration process than ever before. Most importantly, the new acts specify that the administrator disclose data from registration applications before granting registration or establishing tolerances for using certain pesticides. The public will be involved in hearings on reregistration, cancellations, and conditional registrations. The circumstances under which conditional registrations can be granted will be more limited. Comment periods on registrations will be extended from 30 to 90 days. Certain labeling, registration, and public hearing requirements will now cover inert as well as active ingredients.

Emphasis on human health

The new legislation places more emphasis on human health risks. The definition of "unreasonable adverse effects on the environment," the standard governing many regulatory decisions under FIFRA, is changed by deleting references to adverse effects on man. A "will endanger human health" standard is specified for adverse effects on man.

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