

# Congress Wants to Weaken Children's Provision of Pesticide Law

## Effort underway to pass amendments before end of session

If you think the risk assessment-based health standard of the *Food Quality Protection Act* (FQPA) is bad policy when it comes to protecting people from hazardous pesticides in food, water and around living spaces, note that things could get a whole lot worse under a bill now picking up steam in Congress. A majority in Congress has been convinced by the pro-pesticide lobby that decisions like the one recently announced by EPA on chlorpyrifos (Dursban™) and others pending on organophosphate pesticides take the idea of protection of children and other living things a bit too far. So, 234 U.S. Representatives and 39 Senators have signed on to the *Regulatory Fairness and Openness Act of 1999* (H.R. 1592/S. 1464), which would prevent the use of a higher safety standard in the face of inadequate health and safety information.

Despite the number of supporters, the bill, popularly known as the "Pombo Bill" in the House after its sponsor Richard Pombo (R-CA), and sponsored in the Senate by Senator Chuck Hagel (R-NE), is not without its opponents. A vote in the House Agriculture Committee was canceled on September 7, 2000. Fortunately, Representative Tom Bliley (R-VA), chairman of the House Commerce Committee and the original sponsor of FQPA, has voiced his opposition to H.R. 1592. Speaking to the American Bar Association's Special Committee on Pesticides, Chemical Regulation and Right to Know on June 27, Rep. Bliley had this to say about H.R. 1592: "The administration is opposed. The environmental community is opposed. It is not going to become law this year. I'm not going to drag it up and have my guys cast as anti-environmentalists."

Nevertheless, the bill could still make its way through committee to the House floor before the end of the congressional session. Recently, some lawmakers in the House have suggested attaching H.R. 1592 to a must-pass fiscal year 2001 appropriations bill. The vast majority of the bill's cosponsors are Republicans—in the House, 71% Republicans vs. 29% Democrats, and in the Senate, 85% Republicans vs. 15% Democrats.

### What is the Pombo Bill?

If passed into law, H.R. 1592 would effectively block the implementation of the most health-protective provisions of FQPA. Despite FQPA's weaknesses (*See PAY*, vol. 16, no. 3 & 4, Winter 1996-97 for a more complete analysis of the FQPA), H.R. 1592 would remove what teeth FQPA does

have. FQPA was adopted unanimously in 1996 in response to the 1993 National Academy of Sciences report, *Pesticides in the Diets of Infants and Children*, that called attention to the specific vulnerability of children to pesticide exposure, and in exchange for the repeal of the Delaney Clause provisions in the *Federal Food, Drug and Cosmetic Act*, which banned cancer causing pesticides in processed food. Under FQPA, EPA is required to include an additional ten-fold margin of safety for children. This 10x safety factor can be lowered or eliminated only if the agency has "reliable data" in setting its acceptable risk levels.

Section 4 of the bill requires EPA to develop, for every decision on a pesticide, a lengthy report on the assumptions, models and any additional safety factors used in place of data that "are being developed" or "could be obtained." Then, section 5 of the bill prohibits the issuance of a more protective tolerance if it is based on "any information, calculation, or assumption described" in that report. In other words, the additional safety factors that are required under FQPA, when there are safety information gaps in the database, would be prohibited under H.R. 1592 because of the gaps in the data. H.R. 1592 will delay EPA action indefinitely as industry is given time to develop data while the current less protective standards remain in place.

That same report required under section 4 must identify risks based on "information that otherwise is not reasonably representative of risks to consumers or to major identifiable subgroups of consumers, on a national or regional basis." Again, section 5 of H.R. 1592 prohibits the issuance of a more protective standard based on those risks. That requirement and prohibition would reestablish the pre-FQPA process whereby small highly vulnerable subpopulations, such as infants and children, were not considered when setting standards. Requiring these reports before any action can be taken would bury EPA in paperwork that could delay action for years.

Write your U.S. Representative and Senators and tell them what you think about H.R. 1592 and S. 1464.

For more information about H.R. 1592/S. 1464, including the status of the legislation, list of cosponsors, and the complete text of the bill, visit the Thomas website at <http://thomas.loc.gov/>. Type in H.R. 1592 or S. 1464 in the slot provided for searching by bill number and click on "search." For sample letters that you can send to your Congress people and Representative Bliley, visit *Beyond Pesticides'* website at [www.beyondpesticides.org](http://www.beyondpesticides.org).