STATEMENT OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON CONSERVATION, CREDIT, RURAL DEVELOPMENT AND RESEARCH; AND THE SUBCOMMITTEE ON GENERAL FARM COMMODITIES AND RISK MANAGEMENT
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES

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INTRODUCTION

Good morning, Mr. Chairmen and members of both subcommittees. My name is Jim Jones and I serve as the Director of the Office of Pesticide Programs at the U.S. Environmental Protection Agency. I appreciate the opportunity to testify before your Committee to describe EPA's role in regulating pesticides. I will discuss our pesticide registration program, as well as our emergency exemption program, and how the effective implementation of those two programs have helped us prepare for, and minimize, the potential impacts of soybean rust. I am also pleased to be here with my colleagues from the U.S. Department of Agriculture.

The Office of Pesticide Programs (OPP) evaluates pesticide safety and makes regulatory decisions designed to protect human health, the environment, and the food supply. These registration, or licensing, decisions apply robust risk assessment methodologies and use current scientific information. OPP is charged with licensing

pesticides under two primary laws – the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA).

AGENCY CORE RESPONSIBILITIEIS

Under FIFRA, EPA is responsible for evaluating and registering pesticides so that effective means for pest control are available which meet the FIFRA safety standard. Section 3 of FIFRA requires that a person (or company) obtain a registration from EPA before selling or distributing a pesticide in the U.S. Upon receiving an application for a new pesticide registration or a new use for a previously registered pesticide, EPA must ensure that the pesticide, when used according to label directions, will not pose an unreasonable risk of harm to human health or the environment. In making these determinations, EPA requires more than 100 different scientific studies and tests from applicants. Where pesticides are to be used on food or feed crops, FFDCA required that EPA set tolerances (maximum pesticide residue levels) for the amount of the pesticide that can legally remain in or on foods.

The Pesticide Registration Improvement Act of 2004 created an enhanced registration service fee program for registration-related actions, and provides a more predictable evaluation schedule for affected pesticide decisions, coupling the collection of individual fees with specific decision review periods. The legislation also promotes shorter decision review periods for applications for reduced-risk pesticides than would apply to other similar applications. It is worth noting that we make decisions based on

the applications that are submitted by potential registrants and EPA has not solicited registrations for particular pest control problems.

Under an emergency exemption process, outlined in Section 18 of FIFRA, other federal agencies or an authorized state official may request that EPA allow growers the use of an unregistered active ingredient or an additional use for a registered pesticide to respond to emergency conditions. The emergency exemption process is designed to ameliorate pest emergencies brought on by unpredictable and severe environmental circumstances such as extreme weather or the development of resistance to available pesticides. In addition, as with soybean rust, emergency exemptions may be granted to respond to the identification of new and significant pests and invasive species that could threaten the food supply. In recent years, we have taken steps to improve the emergency exemption process and are seeing the fruits of those efforts. For example, we've consistently improved our processing time for responding to emergency exemption applications.

Underpinning both full registrations and emergency exemptions is our rigorous assessment of the potential risks posed by using pesticide products. Before an emergency exemption can be granted, EPA must conduct risk assessments for dietary exposure (where food or feed uses are involved), occupational exposure, and ecological and environmental impacts. These assessments are based on the best available science and data and we consider new information as it arises. If the emergency meets the conditions

outlined under FIFRA Section 18 and the risk assessments yield acceptable risks, the Agency approves the emergency exemption request.

To cover pesticide residues in food or feed crops, such as soybeans, EPA must establish tolerances (maximum allowable residue levels). This ensures that treated soybeans are safe to be consumed and can be legally marketed in national and international commerce, including residues resulting from emergency uses of pesticide products allowed under Section 18.

RESPONDING TO THE THREAT OF SOYBEAN RUST

Since soybean rust is transmitted by a wind-borne plant pathogen, it was predicted years ago that the disease could be carried to the northern hemisphere. Because soybean rust is a significant disease which can threatened the food supply, our goal has been to assure that growers have the necessary tools in hand before there was an outbreak and we have met that goal. In 2002, we proactively engaged in planning for the disease through establishing solid lines of communication and relationships with the major stakeholders – namely USDA, State departments of agriculture, industry, and soybean grower trade association. These lines of communication and relationships have been facilitated though our contribution in countless conference calls, workshops, and meetings. Further, they allowed us to build our expertise in soybean rust well in advance of an impending outbreak.

As predicted, soybean rust was identified in the U.S. By the time soybean rust appeared in November 2004, we had already approved Section 18 exemptions for 25 states that included three active ingredients for six end-use pesticide products. Additionally, we approved registration actions for four pesticide active ingredients.

In total, there have been over 130 exemptions granted related to soybean rust control. This represents nine active ingredients in 19 different end-use pesticide products available to growers in 32 states.

In order to ensure a diverse supply of end-use products this growing season, there are nine pesticide manufacturers producing the 19 end-use products. The Agency's preparedness and planning efforts are also driven to minimize any concern that insufficient product inventory may be available. EPA is keeping growers and others informed of its decisions by posting them on our web page in a special section devoted to soybean rust issues.

NEXT STEPS

EPA expects to receive additional requests for emergency exemptions covering non-soybean legume crops later this month. There are also some microbial pesticides and, potentially, some bio-pesticides being tested for effectiveness in controlling soybean rust. If successful, these products will provide organic soybean growers with tools to

control the rust fungus. The Agency will continue to review pesticides with the potential to control soybean rust.

OPP continues to collaborate with USDA, state lead agencies, registrants, and the nation's soybean growers in responding to the discovery of soybean rust. USDA is concerned that many other commercially important legume crops, including peas and beans, will be susceptible to the soybean rust pathogen. USDA and lead agencies in states involved in the production of specialty legumes are working with OPP to evaluate the available fungicide tools, and this review is expected to lead to the submission of additional section 18 emergency exemption programs.

EPA met with the National Association of State Departments of Agriculture (NASDA), USDA, American Farm Bureau, and the American Soybean Association (ASA) in December 2004 to discuss the registration status and anticipated supplies of products for growers. We are committed to keeping these lines of communication open as we work to address this issue.

CONCLUSION

We have worked hard over the past few years to ensure there are an adequate variety and supply of pesticide products for growers to use to control soybean rust. We are driven to provide these registrations in a timely manner because we understand that it is important to have safe and effective pesticide products available, as well as the anxiety

that the soybeans growers face in light of this potentially devastating pest. In summary, we currently have registered or granted emergency exemptions for nine pesticide active ingredients for 19 different pesticide products to be used in 32 states.

We look forward to continued collaboration with Congress, our Federal, state, and private partners to ensure the impact of soybean rust is minimized for the food supply, the economy, and human health and the environment. I welcome any questions that you might have now or in the future. Again, thank you for the opportunity to appear before the committee.