To require the Administrator of the Environmental Protection Agency to withdraw the proposed order published in the January 19, 2011, Federal Register (76 Fed. Reg. 3422) pertaining to the pesticide sulfuryl fluoride.

IN THE HOUSE OF REPRESENTATIVES
APRIL 11, 2013

Mr. Graves of Georgia (for himself, Mr. Schrader, Mr. Duncan of South Carolina, Mr. Bishop of Georgia, Mr. Poe of Texas, Mr. Westmoreland, Mr. LaMalfa, Mr. Crawford, Mr. Latta, Mr. Austin Scott of Georgia, Mr. Southerland, Mr. Stutzman, Mr. Yoho, Mr. Valadao, and Mr. Broun of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Administrator of the Environmental Protection Agency to withdraw the proposed order published in the January 19, 2011, Federal Register (76 Fed. Reg. 3422) pertaining to the pesticide sulfuryl fluoride.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the “Pest Free Food Supply Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The food and fiber supply in the United States is the safest and most abundant and affordable bounty in the world due to efficient application of science-based technologies through the Nation’s enduring heritage of farming and ranching.

(2) The Environmental Protection Agency (‘‘EPA’’) supported the transition from methyl bromide as a fumigant for pest eradication in 2005 under the Montreal Protocol.

(3) Sulfuryl fluoride was tested and found to be a safe and viable broad-spectrum post-harvest alternative to methyl bromide.

(4) In 2002, EPA presented the maker of sulfuryl fluoride with a Stratospheric Ozone Protection Award.

(5) Sulfuryl fluoride has evolved into the industry standard and is critical to elimination of pest contamination on foods and further processed food products derived from peanuts, cotton seed, cocoa beans, wheat, rice, corn, oats, oilseeds, nuts, dried fruits, and many agricultural commodities.

(6) Sulfuryl fluoride is also an important fumigant to control pests in various food and agricultural processing facilities.
(7) On January 19, 2011, EPA published in the Federal Register a proposed order to revoke the previously approved food uses for the fumigant sulfuryl fluoride.

(8) EPA issued the proposed order not because it would have any meaningful effect on public health, but because of the presence of excessively high levels of naturally occurring fluoride in certain drinking water systems.

(9) Sulfuryl fluoride is the smallest contributor to total fluoride exposure, and even EPA admits that “the elimination of sulfuryl fluoride does not solve, or even significantly decrease, the fluoride . . . exposure problems”.

(10) The EPA has stated that, if sulfuryl fluoride is “phased-out from use, industry will be left with few viable sanitation alternatives”.

SEC. 3. DIRECT WITHDRAWAL OF JANUARY 19, 2011, FEDERAL REGISTER NOTICE PERTAINING TO SULFURYL FLUORIDE.

The Administrator of the Environmental Protection Agency shall withdraw the proposed order published in the January 19, 2011, Federal Register (76 Fed. Reg. 3422) pertaining to the pesticide sulfuryl fluoride.