

away from brutality against their own people. And I agree that current U.S. Policy is failing badly, not achieving any of these goals. But I fear this legislation is a step backward, not forward. In my judgment, this bill will likely not work, for four reasons.

First, economic sanctions simply do not work in today's world when the United States acts alone. The Soviet grain embargo is the greatest example of a unilateral sanction with terrific goals and utterly ineffective results that cost billions in dollars of U.S. exports. But the same can be said for any number of U.S. unilateral sanctions.

Iran has 65 million people and a \$300 billion economy. Libya has 5 million people and a \$33 billion economy. Neither country can be isolated, geographically or economically. In both countries, exports are growing. From 1988 to 1994, Iran's exports grew nearly 50 percent, to \$19 billion. Libya's exports grew nearly 10 percent, to \$8 billion.

The reality is none of Iran's or Libya's major trading partners will go along with our sanctions. Not Germany. Not France. Not Italy. Not Spain. And not Japan. Without their cooperation, how will our sanctions ever work?

This brings me to the second flaw in this bill. This legislation would impose a secondary boycott on our closest allies. The sponsors argue that the bill will force Europe to choose between trading with us and trading with Iran and Libya. This will never work.

The primary effect of this bill has been to unify the European Union—all 15 members—against our policy toward Iran and Libya. Just like the extraterritorial reach of the 1982 Soviet pipeline embargo unified Europe. If this becomes law, we should expect blocking statutes to prevent European companies from complying, as well as retaliatory actions. Libya is a major source of petroleum for Western Europe. How can we expect those countries to forego Libya's oil? It simply will not happen.

Aside from Europe's interests in Libya, the Moslem countries of the Middle East, South Asia, and the Caucasus will not comply. Look what is happening with Iran. Pakistan now has an economic alliance with Iran. The Ukraine, Kazakhstan, Armenia, Turkmenistan, and Azerbaijan all are pursuing trade and investment with Iran. With these countries, Iran is likely to be a major partner in developing oil and gas resources in central Asia.

We have invested a lot in cultivating good relations with these former Soviet Republics. Are we now going to impose sanctions and throw away all our work over the past 5 years? If we do sanction these countries, how will they respond?

This legislation will not isolate Iran and Libya. It will isolate us. No one should be surprised. After all, the Arab League boycott of Israel has been a total failure. We and the Europeans all prevented our companies from complying. The same thing could happen with this legislation.

Third, this bill could prove a mistake because it provides the leaders of Iran and Libya with a convenient excuse for their own failures. Both regimes have inflicted great suffering on their people. The elites siphon off more and more money to prop up their own positions. But as the discontent rises among the Libyan and Iranian people, Qadhafi and the Ayatollahs will just point to the United States and say: "See what the Americans are doing to you."

Fourth, I am concerned that this is the easy way out for the administration. Enactment of this bill will replace the more necessary need. The administration, I'm convinced, will continue to fail to do the harder work of leading a coherent, multilateral response to the appalling policies of Iran. The test of our policy must be its impact on Iran's current regime. It is not enough that our goals are laudable. Our actions must be focused on stopping Iran's dangerous behavior, and this takes the hard work of multilateral action.

Mr. Speaker, in sum, Iran and Libya threaten international peace and security. Our goal must be to change their behavior. Whatever we do, it must be effective. We need our allies with us, not against us. There was a time when the United States could sound the alarm and Europe would rally to our side. That day is over. Economic sanctions and secondary boycotts have not—and will not—work when they are unilateral.

With enactment of this bill, I'm concerned we will have jeopardized our relations with the very countries whose support we need to eventually reach the goal of turning Iran and Libya away from their current terrorist behavior.

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the Iran-Libya Oil Sanctions Act. This bill is important to the United States because it seeks to limit Iran's and Libya's ability to destabilize the Middle East. These sanctions will limit both countries' ability to export terrorism and upset the peace process in the Middle East.

I am a strong advocate of this bill because it will hit these parish nations where it hurts—oil production. By limiting foreign investment into the petroleum sector, this legislation will prevent both nations from funding the expansionist military policies. It will make it more difficult for Iran to purchase additional diesel submarines whose sole purpose is to close off oil exports from the gulf. It will hinder Libyan efforts to increase their stockpile of chemical weapons. And most importantly it will constrict Iran's ability to obtain a nuclear weapon.

This bill sends a clear message to both Iran and Libya that America will not sit idly and watch them build up their military capabilities for the sole purpose of regional intimidation. I urge my colleagues to support final passage of this bill.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### FOOD QUALITY PROTECTION ACT OF 1996

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1627) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1627

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Quality Protection Act of 1996".

#### TITLE I—SUSPENSION-APPLICATORS

##### SEC. 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

##### Subtitle A—Suspension

##### SEC. 102. SUSPENSION.

(a) SECTION 6(c)(1).—The second sentence of section 6(c)(1) (7 U.S.C. 136d(c)(1)) is amended to read: "Except as provided in paragraph (3), no order of suspension may be issued under this subsection unless the Administrator has issued, or at the same time issues, a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b)."

(b) SECTION 6(c)(3).—Section 6(c)(3) (7 U.S.C. 136d(c)(3)) is amended—

(1) by inserting after the first sentence the following new sentence: "The Administrator may issue an emergency order under this paragraph before issuing a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b) and the Administrator shall proceed to issue the notice under subsection (b) within 90 days of issuing an emergency order. If the Administrator does not issue a notice under subsection (b) within 90 days of issuing an emergency order, the emergency order shall expire."; and

(2) by striking "In that case" and inserting "In the case of an emergency order".

##### SEC. 103. TOLERANCE REEVALUATION AS PART OF REREGISTRATION.

Section 4(g)(2) (7 U.S.C. 136a-1(g)(2)) is amended by adding at the end the following:

"(E) As soon as the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to pesticides containing a particular active ingredient, the Administrator shall—

"(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

"(ii) determine whether such tolerance or exemption meets the requirements of that Act;

"(iii) determine whether additional tolerances or exemptions should be issued;

"(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

"(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act as are warranted by such determinations."

**SEC. 104. SCIENTIFIC ADVISORY PANEL.**

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) in the first sentence, by striking “The Administrator shall” and inserting:

“(1) IN GENERAL.—The Administrator shall”; and

(2) by adding at the end the following:

“(2) SCIENCE REVIEW BOARD.—There is established a Science Review Board to consist of 60 scientists who shall be available to the Scientific Advisory Panel to assist in reviews conducted by the Panel. Members of the Board shall be selected in the same manner as members of temporary subpanels created under paragraph (1). Members of the Board shall be compensated in the same manner as members of the Panel.”.

**SEC. 105. NITROGEN STABILIZER.**

(a) SECTION 2.—Section 2 (7 U.S.C. 136) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “or” after “defoliant,” and inserting “, or nitrogen stabilizer” after “desiccant”;

(B) at the end of paragraph (3) by striking “and”;

(C) at the end of paragraph (4) by striking the period and inserting “; and”; and

(D) at the end by adding the following:

“(5) in the case of a nitrogen stabilizer, an ingredient which will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria.”;

(2) in subsection (u), by striking “and” before “(2)” and by inserting “and (3) any nitrogen stabilizer,” after “desiccant.”; and

(3) at the end by adding the following:

“(hh) NITROGEN STABILIZER.—The term ‘nitrogen stabilizer’ means any substance or mixture of substances intended for preventing or hindering the process of nitrification, denitrification, ammonia volatilization, or urease production through action upon soil bacteria. Such term shall not include—

“(1) dicyandiamide;

“(2) ammonium thiosulfate; or

“(3) any substance or mixture of substances.—

“(A) that was not registered pursuant to section 3 prior to January 1, 1992; and

“(B) that was in commercial agronomic use prior to January 1, 1992, with respect to which after January 1, 1992, the distributor or seller of the substance or mixture has made no specific claim of prevention or hindering of the process of nitrification, denitrification, ammonia volatilization urease production regardless of the actual use or purpose for, or future use or purpose for, the substance or mixture. Statements made in materials required to be submitted to any State legislative or regulatory authority, or required by such authority to be included in the labeling or other literature accompanying any such substance or mixture shall not be deemed a specific claim within the meaning of this subsection.”.

(b) SECTION 3(f).—Section 3(f) (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(4) MIXTURES OF NITROGEN STABILIZERS AND FERTILIZER PRODUCTS.—Any mixture or other combination of—

“(A) 1 or more nitrogen stabilizers registered under this Act; and

“(B) 1 or more fertilizer products,

shall not be subject to the provisions of this section or sections 4, 5, 7, 15, and 17(a)(2) if the mixture or other combination is accompanied by the labeling required under this Act for the nitrogen stabilizer contained in the mixture or other combination, the mixture or combination is mixed or combined in accordance with such labeling, and the mixture or combination does not contain any ac-

tive ingredient other than the nitrogen stabilizer.”.

**SEC. 106. PERIODIC REGISTRATION REVIEW.**

(a) SECTION 6.—Section 6 (7 U.S.C. 136d) is amended—

(1) in subsection (a), by striking the heading and inserting the following:

“(a) EXISTING STOCKS AND INFORMATION.—”; and

(2) by amending paragraph (1) of subsection (a) to read as follows:

“(1) EXISTING STOCKS.—The Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 3 or 4, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this Act.”.

(b) SECTION 3.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

“(g) REGISTRATION REVIEW.—

“(1)(A) GENERAL RULE.—The registrations of pesticides are to be periodically reviewed. The Administrator shall by regulation establish a procedure for accomplishing the periodic review of registrations. The goal of these regulations shall be a review of a pesticide’s registration every 15 years. No registration shall be canceled as a result of the registration review process unless the Administrator follows the procedures and substantive requirements of section 6.

“(B) LIMITATION.—Nothing in this subsection shall prohibit the Administrator from undertaking any other review of a pesticide pursuant to this Act.

“(2)(A) DATA.—The Administrator shall use the authority in subsection (c)(2)(B) to require the submission of data when such data are necessary for a registration review.

“(B) DATA SUBMISSION, COMPENSATION, AND EXEMPTION.—For purposes of this subsection, the provisions of subsections (c)(1), (c)(2)(B), and (c)(2)(D) shall be utilized for and be applicable to any data required for registration review.”.

**Subtitle B—Training for Maintenance Applicators and Service Technicians****SEC. 120. MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS DEFINITIONS.**

Section 2 (7 U.S.C. 136), as amended by section 106, is amended by adding at the end the following:

“(jj) MAINTENANCE APPLICATOR.—The term ‘maintenance applicator’ means any individual who, in the principal course of such individual’s employment, uses, or supervises the use of, a pesticide not classified for restricted use (other than a ready to use consumer products pesticides); for the purpose of providing structural pest control or lawn pest control including janitors, general maintenance personnel, sanitation personnel, and grounds maintenance personnel. The term ‘maintenance applicator’ does not include private applicators as defined in section 2(e)(2); individuals who use antimicrobial pesticides, sanitizers or disinfectants; individuals employed by Federal, State, and local governments or any political subdivisions thereof, or individuals who use pesticides not classified for restricted use in or around their homes, boats, sod farms, nurseries, greenhouses, or other non-commercial property.

“(kk) SERVICE TECHNICIAN.—The term ‘service technician’ means any individual who uses or supervises the use of pesticides (other than a ready to use consumer products pesticide) for the purpose of providing structural pest control or lawn pest control on the property of another for a fee. The term ‘service technician’ does not include individuals who use antimicrobial pesticides,

sanitizers or disinfectants; or who otherwise apply ready to use consumer products pesticides.”.

**SEC. 121. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.**

The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is amended—

(1) by redesignating sections 30 and 31 as sections 33 and 34, respectively; and

(2) by adding after section 29 the following:

**“SEC. 30. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.**

“Each State may establish minimum requirements for training of maintenance applicators and service technicians. Such training may include instruction in the safe and effective handling and use of pesticides in accordance with the Environmental Protection Agency approved labeling, and instruction in integrated pest management techniques. The authority of the Administrator with respect to minimum requirements for training of maintenance applicators and service technicians shall be limited to ensuring that each State understands the provisions of this section.”.

**TITLE II—MINOR USE CROP PROTECTION, ANTIMICROBIAL PESTICIDE REGISTRATION REFORM, AND PUBLIC HEALTH PESTICIDES****SEC. 201. REFERENCE.**

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

**Subtitle A—Minor Use Crop Protection****SEC. 210. MINOR CROP PROTECTION.**

(a) DEFINITION.—Section 2 (7 U.S.C. 136), as amended by section 120, is further amended by adding at the end the following:

“(1) MINOR USE.—The term ‘minor use’ means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health where—

“(1) the total United States acreage for the crop is less than 300,000 acres, as determined by the Secretary of Agriculture; or

“(2) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, the use does not provide sufficient economic incentive to support the initial registration or continuing registration of a pesticide for such use and—

“(A) there are insufficient efficacious alternative registered pesticides available for the use;

“(B) the alternatives to the pesticide use pose greater risks to the environment or human health;

“(C) the minor use pesticide plays or will play a significant part in managing pest resistance; or

“(D) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The status as a minor use under this subsection shall continue as long as the Administrator has not determined that, based on existing data, such use may cause an unreasonable adverse effect on the environment and the use otherwise qualifies for such status.”.

(b) EXCLUSIVE USE OF MINOR USE PESTICIDES.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

“(ii) The period of exclusive data use provided under clause (i) shall be extended 1 additional year for each 3 minor uses registered after the date of enactment of this clause and within 7 years of the commencement of the exclusive use period, up to a total of 3 additional years for all minor uses registered by the Administrator if the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, that—

“(I) there are insufficient efficacious alternatives registered pesticides available for the use;

“(II) the alternatives to the minor use pesticide pose greater risks to the environment or human health;

“(III) the minor use pesticide plays or will play a significant part in managing pest resistance; or

“(IV) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The registration of a pesticide for a minor use on a crop grouping established by the Administrator shall be considered for purposes of this clause 1 minor use for each representative crop for which data are provided in the crop grouping. Any additional exclusive use period under this clause shall be modified as appropriate or terminated if the registrant voluntarily cancels the product or deletes from the registration the minor uses which formed the basis for the extension of the additional exclusive use period or if the Administrator determines that the registrant is not actually marketing the product for such minor uses.”;

(3) in clause (iv), as amended by paragraph (1), by striking “and (ii)” and inserting “, (ii), and (iii)”;

(4) at the end of the section, as amended by paragraph (1), by adding the following:

“(v) The period of exclusive use provided under clause (ii) shall not take into effect until 1 year after enactment of this clause, except where an applicant or registrant is applying for the registration of a pesticide containing an active ingredient not previously registered.

“(vi) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to support an amendment adding a new use to an existing registration that does not retain any period of exclusive use, if such data relates solely to a minor use of a pesticide, such data shall not, without the written permission of the original data submitter, be considered by the Administrator to support an application for a minor use by another person during the period of 10 years following the date of submission of such data. The applicant or registrant at the time the new minor use is requested shall notify the Administrator that to the best of their knowledge the exclusive use period for the pesticide has expired and that the data pertaining solely to the minor use of a pesticide is eligible for the provisions of this paragraph. If the minor use registration which is supported by data submitted pursuant to this subsection is voluntarily canceled or if such data are subsequently used to support a nonminor use, the data shall no longer be subject to the exclusive use provisions of this clause but shall instead be considered by the Administrator in accordance with the provisions of clause (i), as appropriate.”.

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following:

“(vi) Upon the request of a registrant the Administrator shall, in the case of a minor

use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under section 4 for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996, if—

“(I) the data to support other uses of the pesticide on a food are being provided;

“(II) the registrant, in submitting a request for such an extension, provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

“(III) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under section 4; and

“(IV) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this clause, the Administrator may take action to modify or revoke the extension under this clause if the Administrator determines that the extension for the minor use may cause an unreasonable adverse effect on the environment. In such circumstance, the Administrator shall provide, in writing to the registrant, a notice revoking the extension of time for submission of data. Such data shall instead be due in accordance with the date established by the Administrator for the submission of the data.”.

(2) REREGISTRATION.—Sections 4(d)(4)(B), 4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a-1(d)(4)(B), (e)(2)(B), and (f)(2)(B)) are each amended by adding at the end the following: “Upon application of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under this section for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996 if—

“(i) the data to support other uses of the pesticide on a food are being provided;

“(ii) the registrant, in submitting a request for such an extension provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

“(iii) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under this section; and

“(iv) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not

met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of section 3(c)(2)(B) or other provisions of this section, as appropriate, regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this subparagraph, the Administrator may take action to modify or revoke the extension under this subparagraph if the Administrator determines that the extension for the minor use may cause an unreasonable adverse effect on the environment. In such circumstance, the Administrator shall provide written notice to the registrant revoking the extension of time for the submission of data. Such data shall instead be due in accordance with the date then established by the Administrator for submission of the data.”.

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) by inserting “IN GENERAL.—” after “(A)”;

(2) by inserting “ADDITIONAL DATA.—” after “(B)”;

(3) by inserting “SIMPLIFIED PROCEDURES.—” after “(C)”;

(4) by adding at the end the following:

“(E) MINOR USE WAIVER.—In handling the registration of a pesticide for a minor use, the Administrator may waive otherwise applicable data requirements if the Administrator determines that the absence of such data will not prevent the Administrator from determining—

“(i) the incremental risk presented by the minor use of the pesticide; and

“(ii) that such risk, if any, would not be an unreasonable adverse effect on the environment.”.

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) by inserting after “(A)” the following: “IN GENERAL.—”;

(2) by inserting after “(B)” the following: “IDENTICAL OR SUBSTANTIALLY SIMILAR.—”;

and

(3) by adding at the end the following:

“(C) MINOR USE REGISTRATION.—  
“(i) The Administrator shall, as expeditiously as possible, review and act on any complete application—

“(I) that proposes the initial registration of a new pesticide active ingredient if the active ingredient is proposed to be registered solely for minor uses, or proposes a registration amendment solely for minor uses to an existing registration; or

“(II) for a registration or a registration amendment that proposes significant minor uses.

“(i) For the purposes of clause (i)—

“(I) the term ‘as expeditiously as possible’ means that the Administrator shall, to the greatest extent practicable, complete a review and evaluation of all data, submitted with a complete application, within 12 months after the submission of the complete application, and the failure of the Administrator to complete such a review and evaluation under clause (i) shall not be subject to judicial review; and

“(II) the term ‘significant minor uses’ means 3 or more minor uses proposed for every nonminor use, a minor use that would, in the judgment of the Administrator, serve as a replacement for any use which has been canceled in the 5 years preceding the receipt of the application, or a minor use that in the opinion of the Administrator would avoid the reissuance of an emergency exemption under section 18 for that minor use.

(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If a registrant makes a request for a minor use waiver, regarding data required by the Administrator, pursuant to

paragraph (2)(E), and if the Administrator denies in whole or in part such data waiver request, the registrant shall have a full-time period for providing such data. For purposes of this subparagraph, the term 'full-time period' means the time period originally established by the Administrator for submission of such data, beginning with the date of receipt by the registrant of the Administrator's notice of denial."

(f) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C. 136a-1(d)(6) and (f)(3)) are each amended by adding at the end the following: "If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this paragraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this paragraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On such a determination the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this paragraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this paragraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration."

(B) Section 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is amended by adding at the end the following: "If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this sub-

paragraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this subparagraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration."

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following:

"(vii) If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this clause in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under section 4 for the supported uses identified pursuant to this clause unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met

the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of this subparagraph regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding the provisions of this clause, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration."

(g) Section 6(f) (7 U.S.C. 136d(f)) is amended—

(1) in paragraph (1)(C)(ii) by striking "90-day" each place it appears and inserting "180-day"; and

(2) in paragraph (3)(A) by striking "90-day" and inserting "180-day".

(h) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following:

"(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED PESTICIDE.—When an application is filed with the Administrator for the registration of a pesticide for a minor use and another registrant subsequently voluntarily cancels its registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place except that the Administrator shall not take such action if the Administrator determines that such minor use may cause an unreasonable adverse effect on the environment. In order to rely on this subsection, the applicant must certify that it agrees to satisfy any outstanding data requirements necessary to support the reregistration of the pesticide in accordance with the data submission schedule established by the Administrator."

(i) ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by section 121, is amended by adding after section 30 the following:

**"SEC. 31. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.**

"(a) The Administrator shall assure coordination of minor use issues through the establishment of a minor use program within the Office of Pesticide Programs. Such office shall be responsible for coordinating the development of minor use programs and policies and consulting with growers regarding minor use issues and registrations and amendments which are submitted to the Environmental Protection Agency.

"(b) The Office of Pesticide Programs shall prepare a public report concerning the progress made on the registration of minor uses, including implementation of the exclusive use as an incentive for registering new minor uses, within 3 years of the passage of the Food Quality Protection Act of 1996."

(j) DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by subsection (i), is amended by adding after section 31 the following:

**"SEC. 32. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.**

"(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this section referred

to as the 'Secretary') shall assure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Regional Project Number 4 (IR-4) as described in section 2 of Public Law 89-106 (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b) (1) MINOR USE PESTICIDE DATA.—

"(A) GRANT AUTHORITY.—The Secretary, in consultation with the Administrator, shall establish a program to make grants for the development of data to support minor use pesticide registrations and reregistrations. The amount of any such grant shall not exceed ½ of the cost of the project for which the grant is made.

"(B) APPLICANTS.—Any person who wants to develop data to support minor use pesticide registrations and reregistrations may apply for a grant under subparagraph (A). Priority shall be given to an applicant for such a grant who does not directly receive funds from the sale of pesticides registered for minor uses.

"(C) DATA OWNERSHIP.—Any data that is developed under a grant under subparagraph (A) shall be jointly owned by the Department of Agriculture and the person who received the grant. Such a person shall enter into an agreement with the Secretary under which such person shall share any fee paid to such person under section 3(c)(1)(F).

"(2) MINOR USE PESTICIDE DATA REVOLVING FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the Minor Use Pesticide Data Revolving Fund. The Fund shall be available without fiscal year limitation to carry out the authorized purposes of this subsection.

"(B) CONTENTS OF THE FUND.—There shall be deposited in the Fund—

"(i) such amounts as may be appropriated to support the purposes of this subsection; and

"(ii) fees collected by the Secretary for any data developed under a grant under paragraph (1)(A).

"(C) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year to carry out the purposes of this subsection \$10,000,000 to remain available until expended."

#### Subtitle B—Antimicrobial Pesticide Registration Reform

##### SEC. 221. DEFINITIONS.

Section 2 (7 U.S.C. 136), as amended by section 210(a) is further amended—

(1) in subsection (u), by adding at the end the following: "The term 'pesticide' does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term 'critical device' includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term 'semi-critical device' includes any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body."; and

(2) by adding at the end the following:

"(mm) ANTIMICROBIAL PESTICIDE.—

"(1) IN GENERAL.—The term 'antimicrobial pesticide' means a pesticide that—

"(A) is intended to—

"(i) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or

"(ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and

"(B) in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.

"(2) EXCLUDED PRODUCTS.—The term 'antimicrobial pesticide' does not include —

"(A) a wood preservative or antifouling paint product for which a claim of pesticidal activity other than or in addition to an activity described in paragraph (1) is made;

"(B) an agricultural fungicide product; or

"(C) an aquatic herbicide product.

"(3) INCLUDED PRODUCTS.—The term 'antimicrobial pesticide' does include any other chemical sterilant product (other than liquid chemical sterilant products exempt under subsection (u)), any other disinfectant product, any other industrial microbiocide product, and any other preservative product that is not excluded by paragraph (2)."

##### SEC. 222. FEDERAL AND STATE DATA COORDINATION.

Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by section 210(f)(2), is amended by adding at the end the following:

"(viii) (I) If data required to support registration of a pesticide under subparagraph (A) is requested by a Federal or State regulatory authority, the Administrator shall, to the extent practicable, coordinate data requirements, test protocols, timetables, and standards of review and reduce burdens and redundancy caused to the registrant by multiple requirements on the registrant.

"(II) The Administrator may enter into a cooperative agreement with a State to carry out subclause (I).

"(III) Not later than 1 year after the date of enactment of this clause, the Administrator shall develop a process to identify and assist in alleviating future disparities between Federal and State data requirements."

##### SEC. 223. LABEL AND LABELING.

Section 3(c) (7 U.S.C. 136a(c)) is amended by adding at the end the following:

"(9) LABELING.—

"(A) ADDITIONAL STATEMENTS.—Subject to subparagraphs (B) and (C), it shall not be a violation of this Act for a registrant to modify the labeling of an antimicrobial pesticide product to include relevant information on product efficacy, product composition, container composition or design, or other characteristics that do not relate to any pesticidal claim or pesticidal activity.

"(B) REQUIREMENTS.—Proposed labeling information under subparagraph (A) shall not be false or misleading, shall not conflict with or detract from any statement required by law or the Administrator as a condition of registration, and shall be substantiated on the request of the Administrator.

"(C) NOTIFICATION AND DISAPPROVAL.—

"(i) NOTIFICATION.—A registration may be modified under subparagraph (A) if —

"(I) the registrant notifies the Administrator in writing not later than 60 days prior to distribution or sale of a product bearing the modified labeling; and

"(II) the Administrator does not disapprove of the modification under clause (ii).

"(ii) DISAPPROVAL.—Not later than 30 days after receipt of a notification under clause (i), the Administrator may disapprove the modification by sending the registrant notification in writing stating that the proposed language is not acceptable and stating the reasons why the Administrator finds the proposed modification unacceptable.

"(iii) RESTRICTION ON SALE.—A registrant may not sell or distribute a product bearing a disapproved modification.

"(iv) OBJECTION.—A registrant may file an objection in writing to a disapproval under clause (ii) not later than 30 days after receipt of notification of the disapproval.

"(v) FINAL ACTION.—A decision by the Administrator following receipt and consideration of an objection filed under clause (iv) shall be considered a final agency action.

"(D) USE DILUTION.—The label or labeling required under this Act for an antimicrobial pesticide that is or may be diluted for use may have a different statement of caution or protective measures for use of the recommended diluted solution of the pesticide than for use of a concentrate of the pesticide if the Administrator determines that —

"(i) adequate data have been submitted to support the statement proposed for the diluted solution uses; and

"(ii) the label or labeling provides adequate protection for exposure to the diluted solution of the pesticide."

##### SEC. 224. REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.

Section 3 (7 U.S.C. 136a), as amended by section 106(b), is further amended by adding at the end the following:

"(h) REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.—

"(1) EVALUATION OF PROCESS.—To the maximum extent practicable consistent with the degrees of risk presented by an antimicrobial pesticide and the type of review appropriate to evaluate the risks, the Administrator shall identify and evaluate reforms to the antimicrobial registration process that would reduce review periods existing as of the date of enactment of this subsection for antimicrobial pesticide product registration applications and applications for amended registration of antimicrobial pesticide products, including—

"(A) new antimicrobial active ingredients;

"(B) new antimicrobial end-use products;

"(C) substantially similar or identical antimicrobial pesticides; and

"(D) amendments to antimicrobial pesticide registrations.

"(2) REVIEW TIME PERIOD REDUCTION GOAL.—Each reform identified under paragraph (1) shall be designed to achieve the goal of reducing the review period following submission of a complete application, consistent with the degree of risk, to a period of not more than —

"(A) 540 days for a new antimicrobial active ingredient pesticide registration;

"(B) 270 days for a new antimicrobial use of a registered active ingredient;

"(C) 120 days for any other new antimicrobial product;

"(D) 90 days for a substantially similar or identical antimicrobial product;

"(E) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

"(F) 90 to 180 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this paragraph.

"(3) IMPLEMENTATION.—

"(A) PROPOSED RULEMAKING.—

"(i) ISSUANCE.—Not later than 270 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register proposed regulations to accelerate and improve the review of

antimicrobial pesticide products designed to implement, to the extent practicable, the goals set forth in paragraph (2).

“(i) REQUIREMENTS.—Proposed regulations issued under clause (i) shall —

“(I) define the various classes of antimicrobial use patterns, including household, industrial, and institutional disinfectants and sanitizing pesticides, preservatives, water treatment, and pulp and paper mill additives, and other such products intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms, or protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

“(II) differentiate the types of review undertaken for antimicrobial pesticides;

“(III) conform the degree and type of review to the risks and benefits presented by antimicrobial pesticides and the function of review under this Act, considering the use patterns of the product, toxicity, expected exposure, and product type;

“(IV) ensure that the registration process is sufficient to maintain antimicrobial pesticide efficacy and that antimicrobial pesticide products continue to meet product performance standards and effectiveness levels for each type of label claim made; and

“(V) implement effective and reliable deadlines for process management.

“(iii) COMMENTS.—In developing the proposed regulations, the Administrator shall solicit the views from registrants and other affected parties to maximize the effectiveness of the rule development process.

“(B) FINAL REGULATIONS.—

“(i) ISSUANCE.—The Administrator shall issue final regulations not later than 240 days after the close of the comment period for the proposed regulations.

“(ii) FAILURE TO MEET GOAL.—If a goal described in paragraph (2) is not met by the final regulations, the Administrator shall identify the goal, explain why the goal was not attained, describe the element of the regulations included instead, and identify future steps to attain the goal.

“(iii) REQUIREMENTS.—In issuing final regulations, the Administrator shall—

“(I) consider the establishment of a certification process for regulatory actions involving risks that can be responsibly managed, consistent with the degree of risk, in the most cost-efficient manner;

“(II) consider the establishment of a certification process by approved laboratories as an adjunct to the review process;

“(III) use all appropriate and cost-effective review mechanisms, including—

“(aa) expanded use of notification and non-notification procedures;

“(bb) revised procedures for application review; and

“(cc) allocation of appropriate resources to ensure streamlined management of antimicrobial pesticide registrations; and

“(IV) clarify criteria for determination of the completeness of an application.

“(C) EXPEDITED REVIEW.—This subsection does not affect the requirements or extend the deadlines or review periods contained in subsection (c)(3).

“(D) ALTERNATIVE REVIEW PERIODS.—If the final regulations to carry out this paragraph are not effective 630 days after the date of enactment of this subsection, until the final regulations become effective, the review period, beginning on the date of receipt by the Agency of a complete application, shall be —

“(i) 2 years for a new antimicrobial active ingredient pesticide registration;

“(ii) 1 year for a new antimicrobial use of a registered active ingredient;

“(iii) 180 days for any other new antimicrobial product;

“(iv) 90 days for a substantially similar or identical antimicrobial product;

“(v) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

“(vi) 240 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this subparagraph.

“(E) WOOD PRESERVATIVES.—An application for the registration, or for an amendment to the registration, of a wood preservative product for which a claim of pesticidal activity listed in section 2(mm) is made (regardless of any other pesticidal claim that is made with respect to the product) shall be reviewed by the Administrator within the same period as that established under this paragraph for an antimicrobial pesticide product application, consistent with the degree of risk posed by the use of the wood preservative product, if the application requires the applicant to satisfy the same data requirements as are required to support an application for a wood preservative product that is an antimicrobial pesticide.

“(F) NOTIFICATION.—

“(i) IN GENERAL.—Subject to clause (iii), the Administrator shall notify an applicant whether an application has been granted or denied not later than the final day of the appropriate review period under this paragraph, unless the applicant and the Administrator agree to a later date.

“(ii) FINAL DECISION.—If the Administrator fails to notify an applicant within the period of time required under clause (i), the failure shall be considered an agency action unlawfully withheld or unreasonably delayed for purposes of judicial review under chapter 7 of title 5, United States Code.

“(iii) EXEMPTION.—This subparagraph does not apply to an application for an antimicrobial pesticide that is filed under subsection (c)(3)(B) prior to 90 days after the date of enactment of this subsection.

“(4) ANNUAL REPORT.—

“(A) SUBMISSION.—Beginning on the date of enactment of this subsection and ending on the date that the goals under paragraph (2) are achieved, the Administrator shall, not later than March 1 of each year, prepare and submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(B) REQUIREMENTS.—A report submitted under subparagraph (A) shall include a description of—

“(i) measures taken to reduce the backlog of pending registration applications;

“(ii) progress toward achieving reforms under this subsection; and

“(iii) recommendations to improve the activities of the Agency pertaining to antimicrobial registrations.”.

#### SEC. 225. DISPOSAL OF HOUSEHOLD, INDUSTRIAL, OR INSTITUTIONAL ANTIMICROBIAL PRODUCTS.

Section 19(h) (7 U.S.C. 136q(h)) is amended—

(1) by striking “Nothing in” and inserting the following:

“(1) IN GENERAL.—Nothing in”; and

(2) by adding at the end the following:

“(2) ANTIMICROBIAL PRODUCTS.—A household, industrial, or institutional antimicrobial product that is not subject to regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) shall not be subject to the provisions of subsections (a), (e), and (f), unless the Administrator determines that such product must be subject to such provisions to prevent an unreasonable adverse effect on the environment.”.

#### Subtitle C—Public Health Pesticides

##### SEC. 230. DEFINITIONS.

(a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C. 136(bb)) is amended by adding at the end the following: “The Administrator shall consider the risks and benefits of public health pesticides separate from the risks and benefits of other pesticides. In weighing any regulatory action concerning a public health pesticide under this Act, the Administrator shall weigh any risks of the pesticide against the health risks such as the diseases transmitted by the vector to be controlled by the pesticide.”.

(b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by section 221, is amended by adding at the end the following:

“(m) PUBLIC HEALTH PESTICIDE.—The term ‘public health pesticide’ means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.

“(oo) VECTOR.—The term ‘vector’ means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.”.

##### SEC. 231. REGISTRATION.

Section 3(c)(2)(A) (7 U.S.C. 136a(c)(2)(A)) is amended—

(1) by inserting after “pattern of use,” the following: “the public health and agricultural need for such minor use,”; and

(2) by striking “potential exposure of man and the environment to the pesticide” and inserting “potential beneficial or adverse effects on man and the environment”.

##### SEC. 232. REREGISTRATION.

Section 4 (7 U.S.C. 136a-1) is amended—

(1) in subsection (i)(4), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by adding after subparagraph (A) the following:

“(B) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.”;

(2) in subsection (i)(5), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by adding after subparagraph (E) the following:

“(F) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.”;

(3) in subsection (i)(7)(B), by striking “or to determine” and inserting “, to determine” and by inserting before the period the following: “, or to determine the volume usage for public health pesticides”; and

(4) in subsection (k)(3)(A), by striking “or” at the end of clause (i), by striking the period at the end of clause (ii) and inserting thereof “; or”, and by adding after clause (ii) the following:

“(iii) proposes the initial or amended registration of an end use pesticide that, if registered as proposed, would be used for a public health pesticide.”.

**SEC. 233. CANCELLATION.**

Section 6(b) (7 U.S.C. 136d(b)) is amended by adding after the eighth sentence the following: "When a public health use is affected, the Secretary of Health and Human Services should provide available benefits and use information, or an analysis thereof, in accordance with the procedures followed and subject to the same conditions as the Secretary of Agriculture in the case of agricultural pesticides."

**SEC. 234. VIEWS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.**

Section 21 (7 U.S.C. 136s) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Administrator, before publishing regulations under this Act for any public health pesticide, shall solicit the views of the Secretary of Health and Human Services in the same manner as the views of the Secretary of Agriculture are solicited under section 25(a)(2)."

**SEC. 235. AUTHORITY OF ADMINISTRATOR.**

Section 25(a)(1) (7 U.S.C. 136w(a)(1)) is amended—

(1) by inserting after "various classes of pesticides" the following: ", including public health pesticides."; and

(2) by striking "and nonagricultural pesticides" and inserting ", nonagricultural, and public health pesticides".

**SEC. 236. IDENTIFICATION OF PESTS.**

Section 28 (7 U.S.C. 136w-3) is amended by adding at the end the following:

"(d) PUBLIC HEALTH PESTS.—The Administrator, in coordination with the Secretary of Agriculture and the Secretary of Health and Human Services, shall identify pests of significant public health importance and, in coordination with the Public Health Service, develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance."

**SEC. 237. PUBLIC HEALTH DATA.**

Section 4 (7 U.S.C. 136a-1) is amended by adding at the end the following:

"(m) AUTHORIZATION OF FUNDS TO DEVELOP PUBLIC HEALTH DATA.—

"(1) DEFINITION.—For the purposes of this section, 'Secretary' means the Secretary of Health and Human Services, acting through the Public Health Service.

"(2) CONSULTATION.—In the case of a pesticide registered for use in public health programs for vector control or for other uses the Administrator determines to be human health protection uses, the Administrator shall, upon timely request by the registrant or any other interested person, or on the Administrator's own initiative may, consult with the Secretary prior to taking final action to suspend registration under section 3(c)(2)(B)(iv), or cancel a registration under section 4, 6(e), or 6(f). In consultation with the Secretary, the Administrator shall prescribe the form and content of requests under this section.

"(3) BENEFITS TO SUPPORT FAMILY.—The Administrator, after consulting with the Secretary, shall make a determination whether the potential benefits of continued use of the pesticide for public health or health protection purposes are of such significance as to warrant a commitment by the Secretary to conduct or to arrange for the conduct of the studies required by the Administrator to support continued registration under section 3 or reregistration under section 4.

"(4) ADDITIONAL TIME.—If the Administrator determines that such a commitment is warranted and in the public interest, the

Administrator shall notify the Secretary and shall, to the extent necessary, amend a notice issued under section 3(c)(2)(B) to specify additional reasonable time periods for submission of the data.

"(5) ARRANGEMENTS.—The Secretary shall make such arrangements for the conduct of required studies as the Secretary finds necessary and appropriate to permit submission of data in accordance with the time periods prescribed by the Administrator. Such arrangements may include Public Health Service intramural research activities, grants, contracts, or cooperative agreements with academic, public health, or other organizations qualified by experience and training to conduct such studies.

"(6) SUPPORT.—The Secretary may provide for support of the required studies using funds authorized to be appropriated under this section, the Public Health Service Act, or other appropriate authorities. After a determination is made under subsection (d), the Secretary shall notify the Committees on Appropriations of the House Representatives and the Senate of the sums required to conduct the necessary studies.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this section \$12,000,000 for fiscal year 1997, and such sums as may be necessary for succeeding fiscal years."

**Subtitle D—Expedited Registration of Reduced Risk Pesticides****SEC. 250. EXPEDITED REGISTRATION OF PESTICIDES.**

Section 3(c) (7 U.S.C. 136a(c)), as amended by section 223, is amended—

(1) by adding at the end of paragraph (1) the following:

"(G) If the applicant is requesting that the registration or amendment to the registration of a pesticide be expedited, an explanation of the basis for the request must be submitted, in accordance with paragraph (10) of this subsection."; and

(2) by adding at the end the following:

"(10) EXPEDITED REGISTRATION OF PESTICIDES.—

"(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall, utilizing public comment, develop procedures and guidelines, and expedite the review of an application for registration of a pesticide or an amendment to a registration that satisfies such guidelines.

"(B) Any application for registration or an amendment, including biological and conventional pesticides, will be considered for expedited review under this paragraph. An application for registration or an amendment shall qualify for expedited review if use of the pesticide proposed by the application may reasonably be expected to accomplish 1 or more of the following:

"(i) Reduce the risks of pesticides to human health.

"(ii) Reduce the risks of pesticides to non-target organisms.

"(iii) Reduce the potential for contamination of groundwater, surface water, or other valued environmental resources.

"(iv) Broaden the adoption of integrated pest management strategies, or make such strategies more available or more effective.

"(C) The Administrator, not later than 30 days after receipt of an application for expedited review, shall notify the applicant whether the application is complete. If it is found to be incomplete, the Administrator may either reject the request for expedited review or ask the applicant for additional information to satisfy the guidelines developed under subparagraph (A)."

**TITLE III—DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN AND OTHER MEASURES****SEC. 301. DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN.**

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, shall coordinate the development and implementation of survey procedures to ensure that adequate data on food consumption patterns of infants and children are collected.

(b) PROCEDURES.—To the extent practicable, the procedures referred to in subsection (a) shall include the collection of data on food consumption patterns of a statistically valid sample of infants and children.

(c) RESIDUE DATA COLLECTION.—The Secretary of Agriculture shall ensure that the residue data collection activities conducted by the Department of Agriculture in cooperation with the Environmental Protection Agency and the Department of Health and Human Services, provide for the improved data collection of pesticide residues, including guidelines for the use of comparable analytical and standardized reporting methods, and the increased sampling of foods most likely consumed by infants and children.

**SEC. 302. COLLECTION OF PESTICIDE USE INFORMATION.**

(a) IN GENERAL.—The Secretary of Agriculture shall collect data of statewide or regional significance on the use of pesticides to control pests and diseases of major crops and crops of dietary significance, including fruits and vegetables.

(b) COLLECTION.—The data shall be collected by surveys of farmers or from other sources offering statistically reliable data.

(c) COORDINATION.—The Secretary of Agriculture shall, as appropriate, coordinate with the Administrator of the Environmental Protection Agency in the design of the surveys and make available to the Administrator the aggregate results of the surveys to assist the Administrator.

**SEC. 303. INTEGRATED PEST MANAGEMENT.**

The Secretary of Agriculture, in cooperation with the Administrator, shall implement research, demonstration, and education programs to support adoption of Integrated Pest Management. Integrated Pest Management is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. The Secretary of Agriculture and the Administrator shall make information on Integrated Pest Management widely available to pesticide users, including Federal agencies. Federal agencies shall use Integrated Pest Management techniques in carrying out pest management activities and shall promote Integrated Pest Management through procurement and regulatory policies, and other activities.

**SEC. 304. COORDINATION OF CANCELLATION.**

Section 2(bb) (7 U.S.C. 136(bb)) is amended—

(1) by inserting "(1)" after "means"; and

(2) by striking the period at the end of the first sentence and inserting ", or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a)."

**SEC. 305. PESTICIDE USE INFORMATION STUDY.**

(a) The Secretary of Agriculture shall, in consultation with the Administrator of the Environmental Protection Agency, prepare a

report to Congress evaluating the current status and potential improvements in Federal pesticide use information gathering activities. This report shall at least include—

(1) an analysis of the quality and reliability of the information collected by the Department of Agriculture, the Environmental Protection Agency, and other Federal agencies regarding the agricultural use of pesticides; and

(2) an analysis of options to increase the effectiveness of national pesticide use information collection, including an analysis of costs, burdens placed on agricultural producers and other pesticide users, and effectiveness in tracking risk reduction by those options.

(b) The Secretary shall submit this report to Congress not later than 1 year following the date of enactment of this section.

#### TITLE IV—AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

##### SEC 401. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "Food Quality Protection Act of 1996".

(b) REFERENCE.—Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

##### SEC. 402. DEFINITIONS.

(a) SECTION 201(q).—Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows: "(q)(1) The term 'pesticide chemical' means any substance that is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, including all active and inert ingredients of such pesticide.

"(2) The term 'pesticide chemical residue' means a residue in or on raw agricultural commodity or processed food—

"(A) a pesticide chemical; or

"(B) any other added substance that is present on or in the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.

"(3) Notwithstanding paragraphs (1) and (2), the Administrator may by regulation except a substance from the definition of 'pesticide chemical' or 'pesticide chemical residue' if—

"(A) its occurrence as a residue on or in a raw agricultural commodity or processed food is attributable primarily to natural causes or to human activities not involving the use of any substances for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food; and

"(B) the Administrator, after consultation with the Secretary, determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408."

(b) SECTION 201(s).—Paragraphs (1) and (2) of section 201(s) (21 U.S.C. 321(s)) are amended to read as follows:

"(1) a pesticide chemical residue in or on a raw agricultural commodity or processed food; or

"(2) a pesticide chemical; or"

(c) SECTION 201.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'processed food' means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

"(hh) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency."

##### SEC. 403. PROHIBITED ACTS.

Section 301(j) (21 U.S.C. 331(j)) is amended in the first sentence by inserting before the period the following: "; or the violating of section 408(i)(2) or any regulation issued under that section."

##### SEC. 404. ADULTERATED FOOD.

Section 402(a) (21 U.S.C. 342(a)) is amended by striking "(2)(A) if it bears" and all that follows through "(3) if it consists" and inserting the following: "(2)(A) if it bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 408; or (B) if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408(a); or (C) if it is or if it bears or contains (i) any food additive that is unsafe within the meaning of section 409; or (ii) a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512; or (3) if it consists".

##### SEC. 405. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

##### "TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

"SEC. 408. (a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

"(1) GENERAL RULE.—Except as provided in paragraph (2) or (3), any pesticide chemical residue in or on a food shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such pesticide chemical residue in or on such food is in effect under this section and the quantity of the residue is within the limits of the tolerance; or

"(B) an exemption from the requirement of a tolerance is in effect under this section for the pesticide chemical residue.

For the purposes of this section, the term 'food', when used as a noun without modification, shall mean a raw agricultural commodity or processed food.

"(2) PROCESSED FOOD.—Notwithstanding paragraph (1)—

"(A) if a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance for the pesticide chemical residue in or on the processed food if the pesticide chemical has been used in or on the raw agricultural commodity in conformity with a tolerance under this section, such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of the pesticide chemical residue in the processed food is not greater than the tolerance prescribed for the pesticide chemical residue in the raw agricultural commodity; or

"(B) if an exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B).

"(3) RESIDUES OF DEGRADATION PRODUCTS.—If a pesticide chemical residue is present in or on a food because it is a metabolite or other degradation product of a precursor

substance that itself is a pesticide chemical or pesticide chemical residue, such a residue shall not be considered to be unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance or exemption from the need for a tolerance for such residue in or on such food if—

"(A) the Administrator has not determined that the degradation product is likely to pose any potential health risk from dietary exposure that is of a different type than, or of a greater significance than, any risk posed by dietary exposure to the precursor substance;

"(B) either—

"(i) a tolerance is in effect under this section for residues of the precursor substance in or on the food, and the combined level of residues of the degradation product and the precursor substance in or on the food is at or below the stoichiometrically equivalent level that would be permitted by the tolerance if the residue consisted only of the precursor substance rather than the degradation product; or

"(ii) an exemption from the need for a tolerance is in effect under this section for residues of the precursor substance in or on the food; and

"(C) the tolerance or exemption for residues of the precursor substance does not state that it applies only to particular named substances and does not state that it does not apply to residues of the degradation product.

"(4) EFFECT OF TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of section 402(a)(1).

"(b) AUTHORITY AND STANDARD FOR TOLERANCE.—

"(1) AUTHORITY.—The Administrator may issue regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food—

"(A) in response to a petition filed under subsection (d); or

"(B) on the Administrator's own initiative under subsection (e).

As used in this section, the term 'modify' shall not mean expanding the tolerance to cover additional foods.

"(2) STANDARD.—

"(A) GENERAL RULE.—

"(i) STANDARD.—The Administrator may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if the Administrator determines that the tolerance is safe. The Administrator shall modify or revoke a tolerance if the Administrator determines it is not safe.

"(ii) DETERMINATION OF SAFETY.—As used in this section, the term 'safe', with respect to a tolerance for a pesticide chemical residue', means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

"(iii) RULE OF CONSTRUCTION.—With respect to a tolerance, a pesticide chemical residue meeting the standard under clause (i) is not an eligible pesticide chemical residue for purposes of subparagraph (B).

"(B) TOLERANCES FOR ELIGIBLE PESTICIDE CHEMICAL RESIDUES.—

"(i) DEFINITION.—As used in this subparagraph, the term 'eligible pesticide chemical residue' means a pesticide chemical residue as to which—

“(I) the Administrator is not able to identify a level of exposure to the residue at which the residue will not cause or contribute to a known or anticipated harm to human health (referred to in this section as a ‘nonthreshold effect’);

“(II) the lifetime risk of experiencing the nonthreshold effect is appropriately assessed by quantitative risk assessment; and

“(III) with regard to any known or anticipated harm to human health for which the Administrator is able to identify a level at which the residue will not cause such harm (referred to in this section as a ‘threshold effect’), the Administrator determines that the level of aggregate exposure is safe.

“(ii) DETERMINATION OF TOLERANCE.—Notwithstanding subparagraph (A)(i), a tolerance for an eligible pesticide chemical residue may be left in effect or modified under this subparagraph if—

“(I) at least one of the conditions described in clause (iii) is met; and

“(II) both of the conditions described in clause (iv) are met.

“(iii) CONDITIONS REGARDING USE.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

“(I) Use of the pesticide chemical that produces the residue protects consumers from adverse effects on health that would pose a greater risk than the dietary risk from the residue.

“(II) Use of the pesticide chemical that produces the residue is necessary to avoid a significant disruption in domestic production of an adequate, wholesome, and economical food supply.

“(iv) CONDITIONS REGARDING RISK.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

“(I) The yearly risk associated with the nonthreshold effect from aggregate exposure to the residue does not exceed 10 times the yearly risk that would be allowed under subparagraph (A) for such effect.

“(II) The tolerance is limited so as to ensure that the risk over a lifetime associated with the nonthreshold effect from aggregate exposure to the residue is not greater than twice the lifetime risk that would be allowed under subparagraph (A) for such effect.

“(v) REVIEW.—Five years after the date on which the Administrator makes a determination to leave in effect or modify a tolerance under this subparagraph, and thereafter as the Administrator deems appropriate, the Administrator shall determine, after notice and opportunity for comment, whether it has been demonstrated to the Administrator that a condition described in clause (iii)(I) or clause (iii)(II) continues to exist with respect to the tolerance and that the yearly and lifetime risks from aggregate exposure to such residue continue to comply with the limits specified in clause (iv). If the Administrator determines by such date that such demonstration has not been made, the Administrator shall, not later than 180 days after the date of such determination, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

“(vi) INFANTS AND CHILDREN.—Any tolerance under this subparagraph shall meet the requirements of subparagraph (C).

“(C) EXPOSURE OF INFANTS AND CHILDREN.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator—

“(i) shall assess the risk of the pesticide chemical residue based on—

“(I) available information about consumption patterns among infants and children

that are likely to result in disproportionately high consumption of foods containing or bearing such residue among infants and children in comparison to the general population;

“(II) available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals; and

“(III) available information concerning the cumulative effects on infants and children of such residues and other substances that have a common mechanism of toxicity; and

“(ii) shall—

“(I) ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue; and

“(II) publish a specific determination regarding the safety of the pesticide chemical residue for infants and children.

The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children. In the case of threshold effects, for purposes of clause (ii)(I) an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children. Notwithstanding such requirement for an additional margin of safety, the Administrator may use a different margin of safety for the pesticide chemical residue only if, on the basis of reliable data, such margin will be safe for infants and children.

“(D) FACTORS.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator shall consider, among other relevant factors—

“(i) the validity, completeness, and reliability of the available data from studies of the pesticide chemical and pesticide chemical residue;

“(ii) the nature of any toxic effect shown to be caused by the pesticide chemical or pesticide chemical residue in such studies;

“(iii) available information concerning the relationship of the results of such studies to human risk;

“(iv) available information concerning the dietary consumption patterns of consumers (and major identifiable subgroups of consumers);

“(v) available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity;

“(vi) available information concerning the aggregate exposure levels of consumers (and major identifiable subgroups of consumers) to the pesticide chemical residue and to other related substances, including dietary exposure under the tolerance and all other tolerances in effect for the pesticide chemical residue, and exposure from other non-occupational sources;

“(vii) available information concerning the variability of the sensitivities of major identifiable subgroups of consumers;

“(viii) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects; and

“(ix) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appro-

priate for the use of animal experimentation data.

“(E) DATA AND INFORMATION REGARDING ANTICIPATED AND ACTUAL RESIDUE LEVELS.—

“(i) AUTHORITY.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may consider available data and information on the anticipated residue levels of the pesticide chemical in or on food and the actual residue levels of the pesticide chemical that have been measured in food, including residue data collected by the Food and Drug Administration.

“(ii) REQUIREMENT.—If the Administrator relies on anticipated or actual residue levels in establishing, modifying, or leaving in effect a tolerance, the Administrator shall pursuant to subsection (f)(1) require that data be provided five years after the date on which the tolerance is established, modified, or left in effect, and thereafter as the Administrator deems appropriate, demonstrating that such residue levels are not above the levels so relied on. If such data are not so provided, or if the data do not demonstrate that the residue levels are not above the levels so relied on, the Administrator shall, not later than 180 days after the date on which the data were required to be provided, issue a regulation under subsection (e)(1), or an order under subsection (f)(2), as appropriate, to modify or revoke the tolerance.

“(F) PERCENT OF FOOD ACTUALLY TREATED.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may, when assessing chronic dietary risk, consider available data and information on the percent of food actually treated with the pesticide chemical (including aggregate pesticide use data collected by the Department of Agriculture) only if the Administrator—

“(i) finds that the data are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide chemical residue;

“(ii) finds that the exposure estimate does not understate exposure for any significant subpopulation group;

“(iii) finds that, if data are available on pesticide use and consumption of food in a particular area, the population in such area is not dietarily exposed to residues above those estimated by the Administrator; and

“(iv) provides for the periodic reevaluation of the estimate of anticipated dietary exposure.

“(3) DETECTION METHODS.—

“(A) GENERAL RULE.—A tolerance for a pesticide chemical residue in or on a food shall not be established or modified by the Administrator unless the Administrator determines, after consultation with the Secretary, that there is a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food.

“(B) DETECTION LIMIT.—A tolerance for a pesticide chemical residue in or on a food shall not be established at or modified to a level lower than the limit of detection of the method for detecting and measuring the pesticide chemical residue specified by the Administrator under subparagraph (A).

“(4) INTERNATIONAL STANDARDS.—In establishing a tolerance for a pesticide chemical residue in or on a food, the Administrator shall determine whether a maximum residue level for the pesticide chemical has been established by the Codex Alimentarius Commission. If a Codex maximum residue level has been established for the pesticide chemical and the Administrator does not propose to adopt the Codex level, the Administrator shall publish for public comment a notice explaining the reasons for departing from the Codex level.

“(c) AUTHORITY AND STANDARD FOR EXEMPTIONS.—

“(1) AUTHORITY.—The Administrator may issue a regulation establishing, modifying, or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food—

“(A) in response to a petition filed under subsection (d); or

“(B) on the Administrator’s initiative under subsection (e).

“(2) STANDARD.—

“(A) GENERAL RULE.—

“(i) STANDARD.—The Administrator may establish or leave in effect an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food only if the Administrator determines that the exemption is safe. The Administrator shall modify or revoke an exemption if the Administrator determines it is not safe.

“(ii) DETERMINATION OF SAFETY.—The term ‘safe’, with respect to an exemption for a pesticide chemical residue, means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

“(B) FACTORS.—In making a determination under this paragraph, the Administrator shall take into account, among other relevant considerations, the considerations set forth in subparagraphs (C) and (D) of subsection (b)(2).

“(3) LIMITATION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on food shall not be established or modified by the Administrator unless the Administrator determines, after consultation with the Secretary—

“(A) that there is a practical method for detecting and measuring the levels of such pesticide chemical residue in or on food; or

“(B) that there is no need for such a method, and states the reasons for such determination in issuing the regulation establishing or modifying the exemption.

“(d) PETITION FOR TOLERANCE OR EXEMPTION.—

“(1) PETITIONS AND PETITIONERS.—Any person may file with the Administrator a petition proposing the issuance of a regulation—

“(A) establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food; or

“(B) establishing, modifying, or revoking an exemption from the requirement of a tolerance for such a residue.

“(2) PETITION CONTENTS.—

“(A) ESTABLISHMENT.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall be supported by such data and information as are specified in regulations issued by the Administrator, including—

“(i)(I) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition; and

“(II) a statement that the petitioner agrees that such summary or any information it contains may be published as a part of the notice of filing of the petition to be published under this subsection and as part of a proposed or final regulation issued under this section;

“(ii) the name, chemical identity, and composition of the pesticide chemical residue and of the pesticide chemical that produces the residue;

“(iii) data showing the recommended amount, frequency, method, and time of application of that pesticide chemical;

“(iv) full reports of tests and investigations made with respect to the safety of the pesticide chemical, including full informa-

tion as to the methods and controls used in conducting those tests and investigations;

“(v) full reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used;

“(vi) a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food, or for exemptions, a statement why such a method is not needed;

“(vii) a proposed tolerance for the pesticide chemical residue, if a tolerance is proposed;

“(viii) if the petition relates to a tolerance for a processed food, reports of investigations conducted using the processing method(s) used to produce that food;

“(ix) such information as the Administrator may require to make the determination under subsection (b)(2)(C);

“(x) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects;

“(xi) information regarding exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue;

“(xii) practical methods for removing any amount of the residue that would exceed any proposed tolerance; and

“(xiii) such other data and information as the Administrator requires by regulation to support the petition.

If information or data required by this subparagraph is available to the Administrator, the person submitting the petition may cite the availability of the information or data in lieu of submitting it. The Administrator may require a petition to be accompanied by samples of the pesticide chemical with respect to which the petition is filed.

“(B) MODIFICATION OR REVOCATION.—The Administrator may by regulation establish the requirements for information and data to support a petition to modify or revoke a tolerance or to modify or revoke an exemption from the requirement for a tolerance.

“(3) NOTICE.—A notice of the filing of a petition that the Administrator determines has met the requirements of paragraph (2) shall be published by the Administrator within 30 days after such determination. The notice shall announce the availability of a description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed or shall set forth the petitioner’s statement of why such a method is not needed. The notice shall include the summary required by paragraph (2)(A)(i)(I).

“(4) ACTIONS BY THE ADMINISTRATOR.—

“(A) IN GENERAL.—The Administrator shall, after giving due consideration to a petition filed under paragraph (1) and any other information available to the Administrator—

“(i) issue a final regulation (which may vary from that sought by the petition) establishing, modifying, or revoking a tolerance for the pesticide chemical residue or an exemption of the pesticide chemical residue from the requirement of a tolerance (which final regulation shall be issued without further notice and without further period for public comment);

“(ii) issue a proposed regulation under subsection (e), and thereafter issue a final regulation under such subsection; or

“(iii) issue an order denying the petition.

“(B) PRIORITIES.—The Administrator shall give priority to petitions for the establish-

ment or modification of a tolerance or exemption for a pesticide chemical residue that appears to pose a significantly lower risk to human health from dietary exposure than pesticide chemical residues that have tolerances in effect for the same or similar uses.

“(C) EXPEDITED REVIEW OF CERTAIN PETITIONS.—

“(i) DATE CERTAIN FOR REVIEW.—If a person files a complete petition with the Administrator proposing the issuance of a regulation establishing a tolerance or exemption for a pesticide chemical residue that presents a lower risk to human health than a pesticide chemical residue for which a tolerance has been left in effect or modified under subsection (b)(2)(B), the Administrator shall complete action on such petition under this paragraph within 1 year.

“(ii) REQUIRED DETERMINATIONS.—If the Administrator issues a final regulation establishing a tolerance or exemption for a safer pesticide chemical residue under clause (i), the Administrator shall, not later than 180 days after the date on which the regulation is issued, determine whether a condition described in subclause (I) or (II) of subsection (b)(2)(B)(iii) continues to exist with respect to a tolerance that has been left in effect or modified under subsection (b)(2)(B). If such condition does not continue to exist, the Administrator shall, not later than 180 days after the date on which the determination under the preceding sentence is made, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

“(e) ACTION ON ADMINISTRATOR’S OWN INITIATIVE.—

“(1) GENERAL RULE.—The Administrator may issue a regulation—

“(A) establishing, modifying, suspending under subsection (1)(3), or revoking a tolerance for a pesticide chemical or a pesticide chemical residue;

“(B) establishing, modifying, suspending under subsection (1)(3), or revoking an exemption of a pesticide chemical residue from the requirement of a tolerance; or

“(C) establishing general procedures and requirements to implement this section.

“(2) NOTICE.—Before issuing a final regulation under paragraph (1), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 60 days for public comment on the proposed regulation, except that a shorter period for comment may be provided if the Administrator for good cause finds that it would be in the public interest to do so and states the reasons for the finding in the notice of proposed rulemaking.

“(f) SPECIAL DATA REQUIREMENTS.—

“(1) REQUIRING SUBMISSION OF ADDITIONAL DATA.—If the Administrator determines that additional data or information are reasonably required to support the continuation of a tolerance or exemption that is in effect under this section for a pesticide chemical residue on a food, the Administrator shall—

“(A) issue a notice requiring the person holding the pesticide registrations associated with such tolerance or exemption to submit the data or information under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act;

“(B) issue a rule requiring that testing be conducted on a substance or mixture under section 4 of the Toxic Substances Control Act; or

“(C) publish in the Federal Register, after first providing notice and an opportunity for comment of not less than 60 days’ duration, an order—

“(i) requiring the submission to the Administrator by one or more interested persons of a notice identifying the person or

persons who will submit the required data and information;

“(ii) describing the type of data and information required to be submitted to the Administrator and stating why the data and information could not be obtained under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act or section 4 of the Toxic Substances Control Act;

“(iii) describing the reports of the Administrator required to be prepared during and after the collection of the data and information;

“(iv) requiring the submission to the Administrator of the data, information, and reports referred to in clauses (ii) and (iii); and

“(v) establishing dates by which the submissions described in clauses (i) and (iv) must be made.

The Administrator may under subparagraph (C) revise any such order to correct an error. The Administrator may under this paragraph require data or information pertaining to whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects.

“(2) NONCOMPLIANCE.—If a submission required by a notice issued in accordance with paragraph (1)(A), a rule issued under paragraph (1)(B), or an order issued under paragraph (1)(C) is not made by the time specified in such notice, rule, or order, the Administrator may by order published in the Federal Register modify or revoke the tolerance or exemption in question. In any review of such an order under subsection (g)(2), the only material issue shall be whether a submission required under paragraph (1) was not made by the time specified.

“(g) EFFECTIVE DATE, OBJECTIONS, HEARINGS, AND ADMINISTRATIVE REVIEW.—

“(1) EFFECTIVE DATE.—A regulation or order issued under subsection (d)(4), (e)(1), or (f)(2) shall take effect upon publication unless the regulation or order specifies otherwise. The Administrator may stay the effectiveness of the regulation or order if, after issuance of such regulation or order, objections are filed with respect to such regulation or order pursuant to paragraph (2).

“(2) FURTHER PROCEEDINGS.—

“(A) OBJECTIONS.—Within 60 days after a regulation or order is issued under subsection (d)(4), (e)(1)(A), (e)(1)(B), (f)(2), (n)(3), or (n)(5)(C), any person may file objections thereto with the Administrator, specifying with particularity the provisions of the regulation or order deemed objectionable and stating reasonable grounds therefor. If the regulation or order was issued in response to a petition under subsection (d)(1), a copy of each objection filed by a person other than the petitioner shall be served by the Administrator on the petitioner.

“(B) HEARING.—An objection may include a request for a public evidentiary hearing upon the objection. The Administrator shall, upon the initiative of the Administrator or upon the request of an interested person and after due notice, hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections. The presiding officer in such a hearing may authorize a party to obtain discovery from other persons and may upon a showing of good cause made by a party issue a subpoena to compel testimony or production of documents from any person. The presiding officer shall be governed by the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of a reasonable fees and ex-

penses as a condition to requiring testimony of the witness. On contest, such a subpoena may be enforced by a Federal district court.

“(C) FINAL DECISION.—As soon as practicable after receiving the arguments of the parties, the Administrator shall issue an order stating the action taken upon each such objection and setting forth any revision to the regulation or prior order that the Administrator has found to be warranted. If a hearing was held under subparagraph (B), such order and any revision to the regulation or prior order shall, with respect to questions of fact at issue in the hearing, be based only on substantial evidence of record at such hearing, and shall set forth in detail the findings of facts and the conclusions of law or policy upon which the order or regulation is based.

“(h) JUDICIAL REVIEW.—

“(1) PETITION.—In a case of actual controversy as to the validity of any regulation issued under subsection (e)(1)(C), or any order issued under subsection (f)(1)(C) or (g)(2)(C), or any regulation that is the subject of such an order, any person who will be adversely affected by such order or regulation may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein that person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of such order or regulation, a petition praying that the order or regulation be set aside in whole or in part.

“(2) RECORD AND JURISDICTION.—A copy of the petition under paragraph (1) shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by the Administrator for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which the Administrator based the order or regulation, as provided in section 2112 of title 28, United States Code. Upon the filing of such a petition, the court shall have exclusive jurisdiction to affirm or set aside the order or regulation complained of in whole or in part. As to orders issued following a public evidentiary hearing, the findings of the Administrator with respect to questions of fact shall be sustained only if supported by substantial evidence when considered on the record as a whole.

“(3) ADDITIONAL EVIDENCE.—If a party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal thereof) shall be taken before the Administrator in the manner and upon the terms and conditions the court deems proper. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order or regulation accordingly. The Administrator shall file with the court any such modified finding, order, or regulation.

“(4) FINAL JUDGMENT; SUPREME COURT REVIEW.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or any order and any regulation which is the subject of such an order shall be final, subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of a regulation or order.

“(5) APPLICATION.—Any issue as to which review is or was obtainable under this sub-

section shall not be the subject of judicial review under any other provision of law.

“(i) CONFIDENTIALITY AND USE OF DATA.—

“(1) GENERAL RULE.—Data and information that are or have been submitted to the Administrator under this section or section 409 in support of a tolerance or an exemption from a tolerance shall be entitled to confidential treatment for reasons of business confidentiality and to exclusive use and data compensation to the same extent provided by sections 3 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Data and information that are entitled to confidential treatment under paragraph (1) may be disclosed, under such security requirements as the Administrator may provide by regulation, to—

“(i) employees of the United States authorized by the Administrator to examine such data and information in the carrying out of their official duties under this Act or other Federal statutes intended to protect the public health; or

“(ii) contractors with the United States authorized by the Administrator to examine such data and information in the carrying out of contracts under this Act or such statutes.

“(B) CONGRESS.—This subsection does not authorize the withholding of data or information from either House of Congress or from, to the extent of matter within its jurisdiction, any committee or subcommittee of such committee or any joint committee of Congress or any subcommittee of such joint committee.

“(3) SUMMARIES.—Notwithstanding any provision of this subsection or other law, the Administrator may publish the informative summary required by subsection (d)(2)(A)(i) and may, in issuing a proposed or final regulation or order under this section, publish an informative summary of the data relating to the regulation or order.

“(j) STATUS OF PREVIOUSLY ISSUED REGULATIONS.—

“(1) REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues in or on raw agricultural commodities promulgated, in accordance with section 701(e), under the authority of section 406(a) upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsections (d) and (e), and shall be subject to review under subsection (q).

“(2) REGULATIONS UNDER SECTION 409.—Regulations that established tolerances for substances that are pesticide chemical residues in or on processed food, or that otherwise stated the conditions under which such pesticide chemicals could be safely used, and that were issued under section 409 on or before the date of the enactment of this paragraph, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsection (d) or (e), and shall be subject to review under subsection (q).

“(3) REGULATIONS UNDER SECTION 408.—Regulations that established tolerances or exemptions under this section that were issued on or before the date of the enactment of this paragraph shall remain in effect unless modified or revoked under subsection (d) or (e), and shall be subject to review under subsection (q).

“(k) TRANSITIONAL PROVISION.—If, on the day before the date of the enactment of this subsection, a substance that is a pesticide chemical was, with respect to a particular pesticidal use of the substance and any resulting pesticide chemical residue in or on a particular food—

“(1) regarded by the Administrator or the Secretary as generally recognized as safe for use within the meaning of the provisions of subsection (a) or section 201(s) as then in effect; or

“(2) regarded by the Secretary as a substance described by section 201(s)(4);

such a pesticide chemical residue shall be regarded as exempt from the requirement for a tolerance, as of the date of enactment of this subsection. The Administrator shall by regulation indicate which substances are described by this subsection. Any exemption under this subsection may be modified or revoked as if it had been issued under subsection (c).

“(l) HARMONIZATION WITH ACTION UNDER OTHER LAWS.—

“(1) COORDINATION WITH FIFRA.—To the extent practicable and consistent with the review deadlines in subsection (q), in issuing a final rule under this subsection that suspends or revokes a tolerance or exemption for a pesticide chemical residue in or on food, the Administrator shall coordinate such action with any related necessary action under the Federal Insecticide, Fungicide, and Rodenticide Act.

“(2) REVOCATION OF TOLERANCE OR EXEMPTION FOLLOWING CANCELLATION OF ASSOCIATED REGISTRATIONS.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, cancels the registration of each pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit its use in connection with the production, storage, or transportation of such food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall revoke any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A revocation under this paragraph shall become effective not later than 180 days after—

“(A) the date by which each such cancellation of a registration has become effective; or

“(B) the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

“(3) SUSPENSION OF TOLERANCE OR EXEMPTION FOLLOWING SUSPENSION OF ASSOCIATED REGISTRATIONS.—

“(A) SUSPENSION.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, suspends the use of each registered pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall suspend any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A suspension under this paragraph shall become effective not later than 60 days after the date by which each such suspension of use has become effective.

“(B) EFFECT OF SUSPENSION.—The suspension of a tolerance or exemption under subparagraph (A) shall be effective as long as the use of each associated registration of a pesticide is suspended under the Federal Insecticide, Fungicide, and Rodenticide Act. While a suspension of a tolerance or exemption is effective the tolerance or exemption shall not be considered to be in effect. If the suspension of use of the pesticide under that

Act is terminated, leaving the registration of the pesticide for such use in effect under that Act, the Administrator shall rescind any associated suspension of tolerance or exemption.

“(4) TOLERANCES FOR UNAVOIDABLE RESIDUES.—In connection with action taken under paragraph (2) or (3), or with respect to pesticides whose registrations were suspended or canceled prior to the date of the enactment of this paragraph under the Federal Insecticide, Fungicide, and Rodenticide Act, if the Administrator determines that a residue of the canceled or suspended pesticide chemical will unavoidably persist in the environment and thereby be present in or on a food, the Administrator may establish a tolerance for the pesticide chemical residue. In establishing such a tolerance, the Administrator shall take into account both the factors set forth in subsection (b)(2) and the unavoidability of the residue. Subsection (e) shall apply to the establishment of such tolerance. The Administrator shall review any such tolerance periodically and modify it as necessary so that it allows no greater level of the pesticide chemical residue than is unavoidable.

“(5) PESTICIDE RESIDUES RESULTING FROM LAWFUL APPLICATION OF PESTICIDE.—Notwithstanding any other provision of this Act, if a tolerance or exemption for a pesticide chemical residue in or on a food has been revoked, suspended, or modified under this section, an article of that food shall not be deemed unsafe solely because of the presence of such pesticide chemical residue in or on such food if it is shown to the satisfaction of the Secretary that—

“(A) the residue is present as the result of an application or use of a pesticide at a time and in a manner that was lawful under the Federal Insecticide, Fungicide, and Rodenticide Act; and

“(B) the residue does not exceed a level that was authorized at the time of that application or use to be present on the food under a tolerance, exemption, food additive regulation, or other sanction then in effect under this Act;

unless, in the case of any tolerance or exemption revoked, suspended, or modified under this subsection or subsection (d) or (e), the Administrator has issued a determination that consumption of the legally treated food during the period of its likely availability in commerce will pose an unreasonable dietary risk.

“(6) TOLERANCE FOR USE OF PESTICIDES UNDER AN EMERGENCY EXEMPTION.—If the Administrator grants an exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) for a pesticide chemical, the Administrator shall establish a tolerance or exemption from the requirement for a tolerance for the pesticide chemical residue. Such a tolerance or exemption from a tolerance shall have an expiration date. The Administrator may establish such a tolerance or exemption without providing notice or a period for comment on the tolerance or exemption. The Administrator shall promulgate regulations within 365 days after the date of the enactment of this paragraph governing the establishment of tolerances and exemptions under this paragraph. Such regulations shall be consistent with the safety standard under subsections (b)(2) and (c)(2) and with section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

“(m) FEES.—

“(1) AMOUNT.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of

the Administrator's functions under this section. Under the regulations, the performance of the Administrator's services or other functions under this section, including—

“(A) the acceptance for filing of a petition submitted under subsection (d);

“(B) establishing, modifying, leaving in effect, or revoking a tolerance or establishing, modifying, leaving in effect, or revoking an exemption from the requirement for a tolerance under this section;

“(C) the acceptance for filing of objections under subsection (g); or

“(D) the certification and filing in court of a transcript of the proceedings and the record under subsection (h);

may be conditioned upon the payment of such fees. The regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purposes of this subsection.

“(2) DEPOSIT.—All fees collected under paragraph (1) shall be deposited in the Reregistration and Expedited Processing Fund created by section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act. Such fees shall be available to the Administrator, without fiscal year limitation, for the performance of the Administrator's services or functions as specified in paragraph (1).

“(n) NATIONAL UNIFORMITY OF TOLERANCES.—

“(1) QUALIFYING PESTICIDE CHEMICAL RESIDUE.—For purposes of this subsection, the term ‘qualifying pesticide chemical residue’ means a pesticide chemical residue resulting from the use, in production, processing, or storage of a food, of a pesticide chemical that is an active ingredient and that—

“(A) was first approved for such use in a registration of a pesticide issued under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act on or after April 25, 1985, on the basis of data determined by the Administrator to meet all applicable requirements for data prescribed by regulations in effect under that Act on April 25, 1985; or

“(B) was approved for such use in a reregistration eligibility determination issued under section 4(g) of that Act on or after the date of enactment of this subsection.

“(2) QUALIFYING FEDERAL DETERMINATION.—For purposes of this subsection, the term ‘qualifying Federal determination’ means a tolerance or exemption from the requirement for a tolerance for a qualifying pesticide chemical residue that—

“(A) is issued under this section after the date of the enactment of this subsection and determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption); or

“(B)(i) pursuant to subsection (j) is remaining in effect or is deemed to have been issued under this section, or is regarded under subsection (k) as exempt from the requirement for a tolerance; and

“(ii) is determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption).

“(3) LIMITATION.—The Administrator may make the determination described in paragraph (2)(B)(ii) only by issuing a rule in accordance with the procedure set forth in subsection (d) or (e) and only if the Administrator issues a proposed rule and allows a period of not less than 30 days for comment on the proposed rule. Any such rule shall be reviewable in accordance with subsections (g) and (h).

“(4) STATE AUTHORITY.—Except as provided in paragraphs (5), (6), and (8) no State or political subdivision may establish or enforce

any regulatory limit on a qualifying pesticide chemical residue in or on any food if a qualifying Federal determination applies to the presence of such pesticide chemical residue in or on such food, unless such State regulatory limit is identical to such qualifying Federal determination. A State or political subdivision shall be deemed to establish or enforce a regulatory limit on a pesticide chemical residue in or on a food if it purports to prohibit or penalize the production, processing, shipping, or other handling of a food because it contains a pesticide residue (in excess of a prescribed limit).

“(5) PETITION PROCEDURE.—

“(A) IN GENERAL.—Any State may petition the Administrator for authorization to establish in such State a regulatory limit on a qualifying pesticide chemical residue in or on any food that is not identical to the qualifying Federal determination applicable to such qualifying pesticide chemical residue.

“(B) PETITION REQUIREMENTS.—Any petition under subparagraph (A) shall—

“(i) satisfy any requirements prescribed, by rule, by the Administrator; and

“(ii) be supported by scientific data about the pesticide chemical residue that is the subject of the petition or about chemically related pesticide chemical residues, data on the consumption within such State of food bearing the pesticide chemical residue, and data on exposure of humans within such State to the pesticide chemical residue.

“(C) AUTHORIZATION.—The Administrator may, by order, grant the authorization described in subparagraph (A) if the Administrator determines that the proposed State regulatory limit—

“(i) is justified by compelling local conditions; and

“(ii) would not cause any food to be a violation of Federal law.

“(D) TREATMENT.—In lieu of any action authorized under subparagraph (C), the Administrator may treat a petition under this paragraph as a petition under subsection (d) to modify or revoke a tolerance or an exemption. If the Administrator determines to treat a petition under this paragraph as a petition under subsection (d), the Administrator shall thereafter act on the petition pursuant to subsection (d).

“(E) REVIEW.—Any order of the Administrator granting or denying the authorization described in subparagraph (A) shall be subject to review in the manner described in subsections (g) and (h).

“(6) URGENT PETITION PROCEDURE.—Any State petition to the Administrator pursuant to paragraph (5) that demonstrates that consumption of a food containing such pesticide residue level during the period of the food's likely availability in the State will pose a significant public health threat from acute exposure shall be considered an urgent petition. If an order by the Administrator to grant or deny the requested authorization in an urgent petition is not made within 30 days of receipt of the petition, the petitioning State may establish and enforce a temporary regulatory limit on a qualifying pesticide chemical residue in or on the food. The temporary regulatory limit shall be validated or terminated by the Administrator's final order on the petition.

“(7) RESIDUES FROM LAWFUL APPLICATION.—No State or political subdivision may enforce any regulatory limit on the level of a pesticide chemical residue that may appear in or on any food if, at the time of the application of the pesticide that resulted in such residue, the sale of such food with such residue level was lawful under this section and under the law of such State, unless the State demonstrates that consumption of the food containing such pesticide residue level dur-

ing the period of the food's likely availability in the State will pose an unreasonable dietary risk to the health of persons within such State.

“(8) SAVINGS.—Nothing in this Act preempts the authority of any State or political subdivision to require that a food containing a pesticide chemical residue bear or be the subject of a warning or other statement relating to the presence of the pesticide chemical residue in or on such food.

“(o) CONSUMER RIGHT TO KNOW.—Not later than 2 years after the date of the enactment of the Food Quality Protection Act of 1996, and annually thereafter, the Administrator shall, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, publish in a format understandable to a lay person, and distribute to large retail grocers for public display (in a manner determined by the grocer), the following information, at a minimum:

“(1) A discussion of the risks and benefits of pesticide chemical residues in or on food purchased by consumers.

“(2) A listing of actions taken under subparagraph (B) of subsection (b)(2) that may result in pesticide chemical residues in or on food that present a yearly or lifetime risk above the risk allowed under subparagraph (A) of such subsection, and the food on which the pesticide chemicals producing the residues are used.

“(3) Recommendations to consumers for reducing dietary exposure to pesticide chemical residues in a manner consistent with maintaining a healthy diet, including a list of food that may reasonably substitute for food listed under paragraph (2).

Nothing in this subsection shall prevent retail grocers from providing additional information.

“(p) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

“(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall in consultation with the Secretary of Health and Human Services develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

“(2) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act or the science advisory board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

“(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator—

“(A) shall provide for the testing of all pesticide chemicals; and

“(B) may provide for the testing of any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance.

“(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by order, exempt from the requirements of this section a biologic substance or other substance if the Administrator determines that the substance is anticipated not to produce any effect in humans similar to an effect produced by a naturally occurring estrogen.

“(5) COLLECTION OF INFORMATION.—

“(A) IN GENERAL.—The Administrator shall issue an order to a registrant of a substance for which testing is required under this subsection, or to a person who manufactures or imports a substance for which testing is required under this subsection, to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information.

“(B) PROCEDURES.—To the extent practicable the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of test costs, and develop, as necessary, procedures for handling of confidential business information.

“(C) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

“(i) SUSPENSION.—If a registrant of a substance referred to in paragraph (3)(A) fails to comply with an order under subparagraph (A) of this paragraph, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the registrant. Any suspension proposed under this paragraph shall become final at the end of the 30-day period beginning on the date that the registrant receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the registrant has complied fully with this paragraph.

“(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the registrant has failed to comply with an order under subparagraph (A) of this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

“(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a registrant if the Administrator determines that the registrant has complied fully with this paragraph.

“(D) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a registrant) who fails to comply with an order under subparagraph (A) shall be liable for the same penalties and sanctions as are provided under section 16 of the Toxic Substances Control Act (15 U.S.C. 2601 and following) in the case of a violation referred to in that section. Such penalties and sanctions shall be assessed and imposed in the same manner as provided in such section 16.

“(6) AGENCY ACTION.—In the case of any substance that is found, as a result of testing and evaluation under this section, to have an endocrine effect on humans, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

“(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing—

“(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

“(B) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

“(C) recommendations for any further actions (including any action described in

paragraph (6)) that the Administrator determines are appropriate based on the findings.

“(g) SCHEDULE FOR REVIEW.—

“(1) IN GENERAL.—The Administrator shall review tolerances and exemptions for pesticide chemical residues in effect on the day before the date of the enactment of the Food Quality Protection Act of 1996, as expeditiously as practicable, assuring that—

“(A) 33 percent of such tolerances and exemptions are reviewed within 3 years of the date of enactment of such Act;

“(B) 66 percent of such tolerances and exemptions are reviewed within 6 years of the date of enactment of such Act; and

“(C) 100 percent of such tolerances and exemptions are reviewed within 10 years of the date of enactment of such Act.

In conducting a review of a tolerance or exemption, the Administrator shall determine whether the tolerance or exemption meets the requirements of subsections (b)(2) or (c)(2) and shall, by the deadline for the review of the tolerance or exemption, issue a regulation under subsection (d)(4) or (e)(1) to modify or revoke the tolerance or exemption if the tolerance or exemption does not meet such requirements.

“(2) PRIORITIES.—In determining priorities for reviewing tolerances and exemptions under paragraph (1), the Administrator shall give priority to the review of the tolerances or exemptions that appear to pose the greatest risk to public health.

“(3) PUBLICATION OF SCHEDULE.—Not later than 12 months after the date of the enactment of the Food Quality Protection Act of 1996, the Administrator shall publish a schedule for review of tolerances and exemptions established prior to the date of the enactment of the Food Quality Protection Act of 1996. The determination of priorities for the review of tolerances and exemptions pursuant to this subsection is not a rulemaking and shall not be subject to judicial review, except that failure to take final action pursuant to the schedule established by this paragraph shall be subject to judicial review.

“(r) TEMPORARY TOLERANCE OR EXEMPTION.—The Administrator may, upon the request of any person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act or upon the Administrator's own initiative, establish a temporary tolerance or exemption for the pesticide chemical residue for the uses covered by the permit. Subsections (b)(2), (c)(2), (d), and (e) shall apply to actions taken under this subsection.

“(s) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.”

#### SEC. 406. AUTHORIZATION FOR INCREASED MONITORING.

For the fiscal years 1997 through 1999, there is authorized to be appropriated in the aggregate an additional \$12,000,000 for increased monitoring by the Secretary of Health and Human Services of pesticide residues in imported and domestic food.

#### SEC. 407. ALTERNATIVE ENFORCEMENT.

Section 303(g) (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

(2) by inserting after paragraph (1) the following:

“(2)(A) Any person who introduces into interstate commerce or delivers for introduction into interstate commerce an article of food that is adulterated within the meaning of section 402(a)(2)(B) shall be subject to a civil money penalty of not more than

\$50,000 in the case of an individual and \$250,000 in the case of any other person for such introduction or delivery, not to exceed \$500,000 for all such violations adjudicated in a single proceeding.

“(B) This paragraph shall not apply to any person who grew the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the criminal authorities under this section to sanction such person for the introduction or delivery for introduction into interstate commerce of the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the seizure authorities of section 304 or the injunction authorities of section 302 with respect to the article of food that is adulterated.

“(C) In a hearing to assess a civil penalty under this paragraph, the presiding officer shall have the same authority with regard to compelling testimony or production of documents as a presiding officer has under section 408(g)(2)(B). The third sentence of paragraph (3)(A) shall not apply to any investigation under this paragraph.”

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” each place it occurs and inserting “paragraph (1) or (2)”;

(4) in paragraph (4), as so redesignated, by striking “(2)(A)” and inserting “(3)(A)”;

(5) in paragraph (5), as so redesignated, by striking “(3)” each place it occurs and inserting “(4)”.

### TITLE V—FEES

#### SEC. 501. REREGISTRATION FEES.

(a) SECTION 4(i).—Section 4(i) (7 U.S.C. 136a-1(i)), as amended by section 232(2), is amended—

(1) in paragraphs (5)(H) and (6), by striking “1997” and inserting “2001”; and

(2) in paragraph (5)(C), by inserting “(i)” after “(C)” and by adding at the end the following:

“(i) in each of the fiscal years 1998, 1999, and 2000, the Administrator is authorized to collect up to an additional \$2,000,000 in a manner consistent with subsection (k)(5) and the recommendations of the Inspector General of the Environmental Protection Agency. The total fees that may be collected under this clause shall not exceed \$6,000,000.”

(b) SECTION 4(k)(1).—Section 4(k)(1) (7 U.S.C. 136a-1(k)(1)) is amended by inserting before the period the following: “which shall be known as the Reregistration and Expedited Processing Fund.”

(c) SECTION 4(k)(2).—Section 4(k)(2) (7 U.S.C. 136a-1(k)(2)) is amended to read as follows:

“(2) SOURCE AND USE.—

“(A) All moneys derived from fees collected by the Administrator under subsection (i) shall be deposited in the fund and shall be available to the Administrator, without fiscal year limitation, specifically to offset the costs of reregistration and expedited processing of the applications specified in paragraph (3). Such moneys derived from fees may not be expended in any fiscal year to the extent such moneys derived from fees would exceed money appropriated for use by the Administrator and expended in such year for such costs of reregistration and expedited processing of such applications. The Administrator shall, prior to expending any such moneys derived from fees—

“(i) effective October 1, 1997, adopt specific and cost accounting rules and procedures as approved by the General Accounting Office and the Inspector General of the Environmental Protection Agency to ensure that moneys derived from fees are allocated solely to the costs of reregistration and expedited processing of the applications specified

in paragraph (3) in the same portion as appropriated funds;

“(ii) prohibit the use of such moneys derived from fees to pay for any costs other than those necessary to achieve reregistration and expedited processing of the applications specified in paragraph (3); and

“(iii) ensure that personnel and facility costs associated with the functions to be carried out under this paragraph do not exceed agency averages for comparable personnel and facility costs.

“(B) The Administrator shall also—

“(i) complete the review of unreviewed reregistration studies required to support the reregistration eligibility decisions scheduled for completion in accordance with subsection (l)(2); and

“(ii) contract for such outside assistance as may be necessary for review of required studies, using a generally accepted competitive process for the selection of vendors of such assistance.”

(d) SECTION 4(k)(3).—Section 4(k)(3) (7 U.S.C. 136a-1(k)(3)) is amended—

(1) in subparagraph (A), by striking out “for each of the fiscal years 1992, 1993, and 1994, 1/7th of the maintenance fees collected, up to 2 million each year” and inserting in lieu thereof “for each of the fiscal years 1997 through 2001, not more than 1/7 of the maintenance fees collected in such fiscal year”; and

(2) by adding a new subparagraph (C) to read as follows:

“(C) So long as the Administrator has not met the time frames specified in clause (ii) of section 3(c)(3)(B) with respect to any application subject to section 3(c)(3)(B) that was received prior to the date of enactment of the Food Quality Protection Act of 1996, the Administrator shall use the full amount of the fees specified in subparagraph (A) for the purposes specified therein. Once all applications subject to section 3(c)(3)(B) that were received prior to such date of enactment have been acted upon, no limitation shall be imposed by the preceding sentence of this subparagraph so long as the Administrator meets the time frames specified in clause (ii) of section 3(c)(3)(B) on 90 percent of affected applications in a fiscal year. Should the Administrator not meet such time frames in a fiscal year, the limitations imposed by the first sentence of this subparagraph shall apply until all overdue applications subject to section 3(c)(3)(B) have been acted upon.”

(e) SECTION 4(k)(5).—Section 4(k)(5) (7 U.S.C. 136a-1(k)(5)) is amended to read as follows:

“(5) ACCOUNTING AND PERFORMANCE.—The Administrator shall take all steps necessary to ensure that expenditures from fees authorized by subsection (i)(5)(C)(ii) are used only to carry out the goals established under subsection (l). The Reregistration and Expedited Processing Fund shall be designated as an Environmental Protection Agency component for purposes of section 3515(c) of title 31, United States Code. The annual audit required under section 3521 of such title of the financial statements of activities under this Act under section 3515(b) of such title shall include an audit of the fees collected under subsection (i)(5)(C) and disbursed, of the amount appropriated to match such fees, and of the Administrator's attainment of performance measure and goals established under subsection (l). Such an audit shall also include a review of the reasonableness of the overhead allocation and adequacy of disclosures of direct and indirect costs associated with carrying out the reregistration and expedited processing of the applications specified in paragraph (3), and the basis for and accuracy of all costs paid with moneys derived from such fees. The Inspector General shall conduct the annual audit and report

the findings and recommendations of such audit to the Administrator and to the Committees on Agriculture of the House of Representatives and the Senate. The cost of such audit shall be paid for out of the fees collected under subsection (i)(5)(C)."

(f) GOALS.—Subsections (l) and (m) of section 4 (7 U.S.C. 136a-1), as amended by section 237, are redesignated as subsections (m) and (n) respectively and the following is inserted after subsection (k):

"(l) PERFORMANCE MEASURES AND GOAL.—The Administrator shall establish and publish annually in the Federal Register performance measures and goals. Such measures and goals shall include—

"(1) the number of products reregistered, canceled, or amended, the status of reregistration, the number and type of data requests under section 3(c)(2)(B) issued to support product reregistration by active ingredient, the progress in reducing the number of unreviewed, required reregistration studies, the aggregate status of tolerances reassessed, and the number of applications for registration submitted under subsection (k)(3) that were approved or disapproved;

"(2) the future schedule for reregistrations, including the projection for such schedules that will be issued under subsection (g)(2)(A) and (B) in the current fiscal year and the succeeding fiscal year; and

"(3) the projected year of completion of the reregistrations under this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] will each control 20 minutes.

Mr. Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1627, the Food Quality Protection Act, represents nearly a decade of effort to modernize the Federal pesticide regulatory system. Today the Committee on Agriculture and the Committee on Commerce will accomplish what many thought simply could not be done; that is, successful consideration on the floor of a pesticide reform bill.

Mr. Speaker, this bill has been cosponsored by over 240 Members. This bill was made possible by a recognition from all sides of the debate that the proper use of safe pesticides is a critical element in protecting public health and ensuring a safe, abundant, and affordable food supply for our American consumers. To that end, H.R. 1627 does provide wide latitude for the Environmental Protection Agency to adapt its regulatory system to meet the constantly improving scientific information that is available.

H.R. 1627 reforms the outdated Delaney clause to allow modern science, rather than arbitrary rules, to be used in evaluating pesticide risks and benefits. Just as important, because the new standard will be narrative rather than specific, this legislation will allow the regulatory process to be adjusted as scientific risks and benefit assessments simply progress.

H.R. 1627 also provides additional incentives to register new, safer pesticides through new authorities that allow the EPA to streamline the pesticide registration procedures, including antimicrobial pesticides.

In addition, the bill provides several incentives for interested parties who wish to pursue the registration of so-called "minor use" pesticides to ensure their availability in critical public health and agricultural use situations.

This bill requires the Federal Government to fully consider any special risk to infants and children in regulatory actions. Specifically, when there is not enough reliable data on the risks to infants and children submitted to support the setting of a food tolerance, the bill provides the EPA administrator the flexibility to adjust a pesticide food tolerance to ensure that infants and children are indeed safe.

In the National Academy of Sciences report, *Pesticides in the Diets of Infants and Children*, the NAS highlighted the EPA's current practice of applying an additional tenfold safety factor to the established thousandfold safety margin in order to ensure safety for fetal development. In addition, the bill does provide the EPA the additional flexibility to apply a safety factor of less than ten-fold if the administrator determines such a level will be safe for infants and for children.

To further protect infants and children, the bill requires the EPA, the Department of Agriculture, and the FDA to coordinate their efforts to collect accurate dietary information on the eating patterns of U.S. consumers of all ages to ensure the EPA has reliable data from which to make rational science-based regulatory decisions.

H.R. 1627 also provides the EPA the resources necessary to continue the long-delayed reregistration of existing pesticides. Over the next 5 years the EPA administrator is authorized to collect up to \$76 million in reregistration fees from the pesticide industry to help the agency meet the task of completing the reviewing of the data of pesticides registered prior to 1985. To ensure these funds are used only for the reregistration program and to enable Congress to meet its oversight responsibilities relative to the program goals, this legislation requires a stringent annual financial and performance audit of the monies collected and appropriated for the reregistration program.

Everyone involved in this legislation had made significant compromises to reach the goal of passing a valuable reform, a critical reform of pesticide law. As we near the finish line, it is important to commend everyone involved on both committees in Congress and many others for the hard work that certainly brings us to this point.

I personally would like to mention the contributions of our former colleague and the former Secretary of Agriculture, the late Edward Madigan; our former colleague, the late Mr. Bill Emerson of Missouri; the chairman emeritus of the House Committee on Agriculture, the gentleman from Texas Mr. KIKA DE LA GARZA, the godfather of this entire effort; the gentleman from Texas, Mr. GEORGE BROWN; the gen-

tleman from Texas, Mr. STENHOM, who has been a valuable help to us down through the years; the gentleman from California, Mr. CONDIT; the distinguished chairman of the Committee on Commerce, the gentleman from Virginia, Mr. BLILEY; Mr. Bruce, a former colleague from Illinois; Mr. Lehman, a former colleague from California, and Mr. Rowland, a former colleague from Georgia.

The ultimate success of this reform will rest with the professionalism and the common sense of the Environmental Protection Agency. Congress will be watching closely as we try to implement these reforms. We will, to ensure that science, not emotion, is the basis of the pesticide regulation.

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been a long time in coming. I am speaking of the amendment to FIFRA and the food and drug law. Today we have a package before this House that makes amendment to how we regulate pesticides, and it is on the suspension calendar. It is hard to believe that we have come all this way.

Mr. Speaker, let me echo appreciation to all of those Chairman ROBERTS has mentioned as having worked on this effort. I would like to add only our former colleague from Iowa, Mr. Berkeley Bedell, who diligently worked on this issue and had it almost to the brink of passage at one time.

Mr. Speaker, I have no objections to the present bill. However, I have concerns about how it will be implemented. One of the biggest hurdles, if not the biggest, to getting where we are today has been the infamous or famous Delaney clause.

Whatever one's perspective might be, the Delaney clause was a political outgrowth of the public's fear in the 1950's of the disease that was being increasingly diagnosed: cancer. Americans were facing this mysterious killer more frequently. Interestingly, at the same time medicine was improving and physicians were diagnosing more cancer. Today we have the capability to measure to parts per trillion. There is no justifiable reason for a test based on zero tolerance like we have with the Delaney clause.

Mr. Speaker, I would like to mention that all of the areas that have been covered by the chairman of the committee, minor use crop protection, antimicrobial pesticide registration reform, and public health pesticides, were all very diligently and studiously worked on by members of the Committee on Agriculture.

I would like to commend our friends from the Committee on Commerce, the chairman, the ranking member, and the ranking member of the Subcommittee on Health and Environment, for all the work they have done, and for their diligence in seeing that the needs of society are met to the extent that it is possible.

I have always maintained, Mr. Speaker, that Americans enjoy the safest, least expensive, and most abundant food supply in the world and that legislation is the art of the possible. We are here with that, with what is possible. It is not perfect. This is what could be agreed upon. Probably in the future it might be further looked at, but for now it is the extent of what is possible, considering all of the areas of concern. To all of those from the Committee on Commerce, we commend them and appreciate their work and cooperation.

Mr. Speaker, commending my colleagues from the Commerce Committee on the work that they have done, I yield half of my time, 10 minutes, to the gentleman from California [Mr. WAXMAN], and I ask unanimous consent he be permitted to control that time. He was chairman of the subcommittee and did tremendous work, and now is the ranking member of that committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, it is with great pleasure that I yield 6 minutes to the distinguished gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce, without whose effective leadership we would not be here today passing a critical reform on the Suspension Calendar.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for his kind remarks and for yielding me the time.

Mr. Speaker, today this House has a great opportunity to strengthen America's food safety laws and improve the safety and quality of its food supply. H.R. 1627, the Food Quality Protection Act of 1996, is a landmark bipartisan agreement that will bring Federal regulations of the Nation's food producers into the 21st century.

As everyone knows, reforming America's food safety laws has been an issue in Congress for more than a decade. For as long as I can recall, Republicans and Democrats alike have tried to replace the outdated Delaney clause with a modern, workable safety standard. The Delaney clause is a holdover that reflects the science of the 1950's.

In fact, the Delaney clause has been criticized almost since its inception in 1958. How long was that? Well, consider in 1958 "At the Hop" by Danny and the Juniors, was one of America's favorite songs; "Gunsmoke" riveted millions of families to their black and white TV sets; and a gallon of gasoline cost 30 cents.

Perhaps more telling of all, 1958 was the year Fidel Castro came to power in Cuba. Like Castro, the Delaney clause has cast a long and dark shadow over the years. By establishing a counter-productive standard for food safety, the clause has frozen science for 40 years.

In 1958 our knowledge of carcinogens was in its infancy. Our ability to iden-

tify trace amounts of pesticide residues was primitive by comparison to today. We had not even begun to think about risk assessment. Where before we could detect pesticide residues in measurements of parts per million, today we do so in parts per billion, and in some cases, parts per trillion.

□ 1230

We know more about cancer today than we did then and about the relative risks of trace amounts of carcinogens. In fact only one thing has remained constant since 1958, the Delaney clause itself. But despite bipartisan consensus that the Delaney clause needed reform, Congress was never able to achieve agreement on how best to do so until now.

After weeks of bipartisan negotiations, the Committee on Commerce reported out a strong bill that makes much-needed improvements to the regulation of pesticides. Under the legislation before us today, the Delaney clause will be replaced with a unified safety standard. The standard will protect our food quality standards by allowing for the approval of pesticide tolerances when there is a reasonable certainty no harm will come to the consuming public.

For the first time, we will be able to address the issue of food safety comprehensively, taking into account the safety of the consuming public, preservation of the food supply and economic benefits as well. The legislation establishes strong protections for infants and children, adopting the recommendations of the National Research Council's report.

I would like to thank particularly the staff on the minority side, Kay Holcombe and Phil Schilero, to the administration's Dr. Goldman, Jim Adolia and Bill Schultz, and my staff, Howard Cohen and Eric Berger.

This legislation before us today contains amendments to the Food, Drug and Cosmetic Act exactly as reported by the House Committee on Commerce. I feel confident that our efforts today will improve the safety, abundance and affordability of the Nation's food supply.

We would not be here without the cooperation of everyone, particularly my friends, the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee, and the gentleman from Hollywood, CA [Mr. WAXMAN], the ranking member of the subcommittee, whom I sometimes have a slight disagreement with, and to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, who has worked long and hard on this issue.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. DE LA GARZA] for yielding me this time.

Mr. Speaker, it seems like some of the best decades of my life have been spent working on FIFRA, and I am very happy to see this day arrive today. I can remember quite well when the gentleman from Texas [Mr. DE LA GARZA], who had been wrestling with this problem as chairman of the appropriate subcommittee, turned that subcommittee over to me and to the gentleman from Kansas [Mr. ROBERTS], our ranking member, and we worked diligently for many years in an effort to reach the position where we are today. We had the support of Presidents of both parties, and yet we were never able to succeed.

I recite this because I think we should appreciate that this bill, along with a few others such as the telecommunications bill, have come to fruition only after generations. This may be an example—these two bills, telecommunications and this—of the benefits and the productivity of working together on a bipartisan basis to solve real problems in the most constructive possible way. I think we have done that here.

I have to pay particular tribute to the gentleman from Kansas [Mr. ROBERTS], my good friend, who never gave up, who continued to persevere. While he has praised my role, it is his role that is really the one that is most significant. I gave up years ago, and he kept on working until we have reached this day of success.

Of course I must also praise our colleagues on the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentleman from California [Mr. WAXMAN]. The Committee on Commerce will be recognized as the source of the most important and productive legislation we have passed in this Congress and, despite my occasional arguments with the gentleman from Michigan [Mr. DINGELL], I praise him for this.

This is a day that many people thought we were not going to see. But today, we are going to pass a bipartisan bill to reform our pesticide laws. H.R. 1627 replaces the Delaney clause with a commonsense alternative that is not only scientifically defensible, but will result in comprehensive protection of public health.

H.R. 1627, is a good bill. Each of the diverse array of interest groups who have followed this legislation would probably wish to have something included in, or excluded from it. So, from each of their perspectives. H.R. 1627 would not be considered a perfect bill, but they believe H.R. 1627 represents a significant improvement over current law. The bill is the result of a great deal of hard work by the Agriculture and Commerce Committees and the administration to fashion these compromises and achieve consensus.

Chairman ROBERTS and I have worked on pesticide legislation together for many years. I would like to commend him for his efforts and for conducting an inclusive, bipartisan process

during the consideration of this legislation by the Agriculture Committee. This is the way the legislative process should work.

I am pleased to support H.R. 1627, and I urge my colleagues to do the same.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, this is quite a historic moment, for today we consider in the House a piece of legislation that literally has been pending before Congress for over a decade. This bill overhauls the way the Government regulates pesticides, and at long last deals with the thorny issue of differing standards for different kinds of food products, and with the scientifically outdated application of the Delaney clause.

It is an amazing compromise that has been reached, which has brought together some of the most staunch and bitter rivals in this debate—consumer and environmental groups, the food industry, American agriculture, and the Federal Government agencies who oversee pesticide use and safety—the Environmental Protection Agency and the Food and Drug Administration.

This bill represents the product of that successful negotiation. It meets the need of the agriculture and food industries for proper, consistent regulation of pesticides, without arbitrary standards such as the outdated and inappropriate Delaney clause.

In accomplishing that goal, the bill delicately strikes the essential balance between this legitimate need and consumer desire to continue the already high level of safety of American food.

Specifically, the legislation adopts the widely held view that special attention must be paid to dietary habits and health needs of special populations, such as children. At the same time, it provides flexibility to use methods and numbers that are appropriate and supported by valid information.

Significantly, the bill recognizes the importance of pesticides to the food supply, and builds this benefit into the evaluation of how pesticides are used.

No one group or individual will consider this to be perfect legislation, nor does it fulfill the full agenda of any one party. Its development required significant concessions from every quarter; it demonstrates that worthy goals are achievable through compromise. We are pleased that bipartisan negotiation produced good legislation.

I want to express my appreciation to my colleagues from California, Michigan, Texas, and New York—Mr. WAXMAN, Mr. STUPAK, Mr. HALL, and Mr. TOWNS.

Mr. Speaker, I commend the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce, and also the gentleman from Florida [Mr. BILIRAKIS], the chairman

of the subcommittee. I also want to commend the gentleman from Kansas [Mr. ROBERTS], the gentleman from California [Mr. CONDIT], and the gentleman from Texas [Mr. DE LA GARZA]. The gentleman from Texas [Mr. DE LA GARZA] is the valuable ranking member of the Committee on Agriculture and has long been interested in this. Those gentlemen and many others, along with the staff, have made an outstanding contribution to the solution of the problems before us today. I commend them and I thank them for the outstanding job which they have done.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. BILIRAKIS], the chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman yielding this time to me. I, too, would like to make a few brief points concerning the legislation before us today.

The Food Quality Protection Act is more than just an important reform initiative. It is, as others have already said, the culmination of intensive bipartisan negotiations and, as we have heard here today, has the strong support of Members on both sides of the aisle.

The high level of support for this bill is actually not very surprising when we stop to think about it. Food safety reform has been a primary focus of Congress for more than a decade. That is because for farmers, for processors, manufacturers and of course for consumers the zero risk standard of the Delaney clause has served to freeze 1950 science into law.

When the Delaney clause was enacted in 1958, the body of scientific knowledge on cancer was very limited. Of course we have made tremendous strides, thank God, in detecting and fighting cancer but our pesticide regulations have not been allowed to keep pace with scientific advances.

As a result, it is essential that we adopt a modern consistent standard for determining the safety of our food supply. H.R. 1627 has the support of the Food Chain Coalition which includes the American Farm Bureau Federation, the American Meat Institute, Grocery Manufacturers of America, the Independent Bakers Association, the National Cattlemen's Beef Association, the National Farmers Union, the United Fresh Fruit and Vegetable Association, and, of course, so many others that I have not mentioned.

The legislation before us is a long-overdue step forward in the Nation's efforts to produce the best food supply possible. It establishes a unified general risk-setting standard for pesticides based on a standard of safety which is defined as a reasonable certainty of no harm.

It contains requirements for tolerance setting which are directly responsible to the recommendations of the National Research Council's report on

"Pesticides in the Diets of Infants and Children."

It allows the use of benefits in specific situations, such as where the risk of not using the pesticide is greater than the risk of using it, and where the pesticide is needed to avoid a significant disruption in the domestic production of an adequate, wholesome, and economic food supply.

It retains the national uniformity for Federal pesticide residue tolerance except in limited cases.

It gives the administrator the authority to require data or information to determine whether a pesticide chemical may have an effect similar to an effect produced by a naturally occurring estrogen or other endocrine effect.

It provides for a consumer information booklet to be distributed by EPA to large retail grocers.

It establishes limited civil penalties as an alternate to the current heavy-handed enforcement tools of seizure, injunctions, and criminal action.

I am very pleased, as my colleagues might imagine, Mr. Speaker, with the bipartisan spirit that has helped craft this legislation. I want to commend the gentleman from Virginia [Mr. BLILEY], the chairman, the gentleman from Michigan [Mr. DINGELL], and the gentleman from California [Mr. WAXMAN] for their great contributions to this effort and, most important, the staffs who worked long and late hours to get us to this point. This is a reform measure of which we all have reason to be proud.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 1627 and want to commend Chairmen BLILEY and ROBERTS, subcommittee Chairman BILIRAKIS, and JOHN DINGELL for their efforts to resolve this issue and bring this important legislation to the floor.

In the last 2 weeks, we have worked together to resolve a problem that has frustrated Congress for nearly two decades. And in reaching this agreement, we have found a way to reconcile fundamentally different positions into a strong bill that will benefit all Americans.

The starting point for this compromise is the repeal of the Delaney Clause and the creation of a single health-based standard that will apply to all foods. This reform gives industry needed regulatory flexibility while providing important health protections to American families.

In passing this legislation we are ensuring that pesticides will present no danger to our children. H.R. 1627 requires the Environmental Protection Agency—when establishing safety tolerances that apply to all Americans—to consider any special impacts a pesticide may have on infants and children and ensure that any aggregate exposure to a pesticide chemical residue present a reasonable certainty of no harm to them. This provision cannot be waived for eligible pesticide chemical residues.

H.R. 1627 also establishes an estrogen screening program and a right-to-know initiative that will provide vital information to consumers.

I am pleased to announce to my colleagues that H.R. 1627 is supported by a number of environmental and public health groups, including: the American Preventative Medical Association; the American Public Health Association; Center for Science in the Public Interest; Citizen Action; Citizen Health; Consumers Union; the Environmental Defense Fund; the Environmental Working Group; the National Audobon Society; the National PTA; the National Wildlife Federation; the National Resources Defense Council; Physicians for Social Responsibility; Public Voice; and World Wildlife Fund.

This is not a bill of winners and losers. It is a bill of winners. Industry wins because it receives regulatory relief and health and environmental public interest groups win because important health safeguards are guaranteed. Most importantly, H.R. 1627 is a major victory for common sense and for all Americans.

This compromise is only possible because a lot of hard work has been done by congressional staff and administration officials. And I want to commend both industry and environmental groups for their willingness to put aside long-held positions and find common ground in this proposal.

Mr. Speaker, I do want to mention that while this bill is originating in the House, there has been an enormous amount of work that has been done on this legislation in the other body, and I particularly want to single out the work that has been done by Senators KENNEDY, LEAHY, LUGAR, and KASSEBAUM. They have struggled with this issue and we hope they will now, after we pass this bill, join with us in putting the finishing touches on the work for which they have endeavored for so many years.

Our colleagues deserve commendation, particularly Chairman BLILEY, Mr. BILIRAKIS, Mr. DINGELL and others who will be addressing us.

Mr. Speaker, I reserve the balance of my time.

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Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CONDIT], the ranking member of the subcommittee.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Speaker, this culminates over a decade of work by many Members of Congress, and without their leadership this would not be happening today. I want to single out a few people: the gentleman from Kansas, Chairman ROBERTS, the gentleman from Virginia, Chairman BLILEY, the gentleman from Texas, Mr. DE LA GARZA, the gentleman from Michigan, Mr. DINGELL, the gentleman from Cali-

fornia, Mr. WAXMAN, and the gentleman from Florida, Mr. BILIRAKIS. Without their hard work, we could not have accomplished what we are accomplishing here today.

I strongly believe that the resulting legislation represents the best approach for needed reform in food safety. This action sends a strong message that many Members of Congress are serious about this essential reform and we must not miss this opportunity to move forward.

The Delaney Clause, while well-intended 34 years ago, has become a problem that must be replaced by sound science and negligible risk. H.R. 1627 will finally replace the inconsistent standard that now governs pesticide residue with a single modern standard applied uniformly to pesticide residue in all foods. We cannot tell farmers that a minimum level of certain pesticide residue is safe on fresh market produce but not safe enough on such products sent to be processed.

This is an historical day. A lot of people have worked very hard, and I am delighted and honored to be a part of this solution.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a former member of the House Committee on Agriculture, a distinguished member of the Committee on Appropriations, and a gentleman who has worked long and hard on the Delaney Clause.

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I would like to just take a moment to congratulate everyone, both sides of the aisle, Republicans and Democrats, chairmen and ranking members, who worked to find a reasonable solution to this problem. This is a problem that the country, our producers, our processors, our consumers, it has bedeviled them for a long, long time, and this approach to legislation is remarkable. The result is remarkable. It is good for everyone.

I carried the rider last year on the Delaney Clause that would have prevented the EPA from delicensing chemicals that did not meet the standard that the court required them to meet. That was a strong measure. We backed away from that to provide some pressure to the legislative process. The Committee on Commerce responded, and I think it is a terrific solution, and I congratulate all of you.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, we do a lot of bills around here that never are signed into law, but let me say that here is one that will be because it is a compromise.

Mr. Speaker, let me just say that, as a member of the Commerce Commit-

tee, this is the second major bill from the Commerce Committee—I know Agriculture has a major role—the first one being telecommunications and now this one, that is going to be signed into law. Credit goes to the gentleman from Virginia, Chairman BLILEY, the gentleman from Texas, Mr. DE LA GARZA, the gentleman from Kansas, Mr. ROBERTS, the gentleman from California, Mr. WAXMAN, and the gentleman from Michigan, Mr. DINGELL.

I have been in Congress 14 years. We started working on this bill, someone said 10 years ago, I think the gentleman from California [Mr. CONDIT]. It seems to me the first year I was here we started working, never could come together, always major divisions. The Delaney Clause is like an institution. It is like a building that you cannot take down.

It has been modified. It is a good compromise and, Mr. Chairman, I commend those that worked hard on this. It shows that we can get something done if we just work together and compromise and forget that there is an election and a presidential election, which I know is very difficult to do these days. I do want to commend the authors of this bill.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I would like to begin by thanking the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. BILIRAKIS], and of course the gentleman from California [Mr. WAXMAN], and the majority and minority staff, as well as the gentleman from Kansas [Mr. ROBERTS], and of course the gentleman from Texas [Mr. DE LA GARZA], for their outstanding job in bringing us to where we are today.

If we do not change the Delaney Clause, fruits and vegetables will become less abundant and poorer in quality. Consumers, particularly low-income consumers, will not have access to fruits and vegetables that are affordable and readily available. If we urge Americans to improve their health by changing their diets, then we must ensure that the elements of a healthy diet, like fresh fruits and vegetables, are both economical and available.

The measures before us today will ensure continued access by all Americans to safe, abundant, and affordable foods. The bipartisan support of H.R. 1627 has resulted in a balanced approach to reform of the Delaney Clause in a very positive way.

Mr. Speaker, I urge all my colleagues to vote for this bill. Failure to do so only harms the American consumers, and I think that we do not want to harm them, we want to help them. This bill is help for them.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume. We have no further request for time on this side.

(Mr. ROBERTS asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. ROBERTS. Mr. Speaker, I would like to observe this: I would like to thank the gentleman from California [Mr. BROWN] very much for his very kind comments. GEORGE BROWN has provided more expertise on FIFRA than perhaps any other Member.

The gentleman from Texas [Mr. DE LA GARZA] mentioned the gentleman from Iowa, Mr. Berkley Bedell. I can remember well when we passed a FIFRA reform on the House side. It did not pass the Senate. We had adjourned, and Berkley Bedell had me in tow over on the Senate side trying to find real live Senators to try to get this done. So this one is for Berkley.

I would like to also thank my staff. There are no self-made men or women in public office. It is your friends and staff who make you what you are, more especially Mr. Bill O'Conner, who worked long and hard for Mr. Madigan both when he was the ranking member of the committee and the Secretary of Agriculture.

I would like to mention Mr. Gary Mitchell, who is our staff director, who had the FIFRA responsibilities when I was the ranking member of the subcommittee.

And, more especially, Mr. Dale Moore. Dale is a former rodeo rider, and every time we let the FIFRA horse out of the chute, we could not even saddle him, let alone ride the full 10 seconds to finally get something done. So in this particular case where it is a rodeo of achievement, if you will, I especially want to thank Dale.

It is rare during an even-numbered year when we have had great controversy and strong differences of opinion in this Congress, that we have a situation where the gentleman from Virginia, TOM BLILEY, the gentleman from Florida, MIKE BILIRAKIS, and the gentleman from Kansas, PAT ROBERTS, stood with the gentleman from Texas, KIKI DE LA GARZA, the gentleman from Michigan, JOHN DINGELL, and the gentleman from California, HENRY WAXMAN, representing the environmental community, the agriculture community, industry, and the administration.

We have done something and we are proud of it. We have 55 different organizations who have signed on with this reform. It is good reform. It is the kind of thing that we should do more of.

Mr. Speaker, I include for the RECORD report language to accompany H.R. 1627 regarding the use of registered pesticides to protect public health and safety, and a letter from the Environmental Protection Agency on the same matter; as well as report language developed to address a concern related to the Endangered Species Act:

REPORT LANGUAGE TO ACCOMPANY H.R. 1627  
USE OF REGISTERED PESTICIDES TO PROTECT  
PUBLIC HEALTH AND SAFETY

The Committee is aware of the potential for situations in which public health and

safety may be compromised by efforts to protect endangered species. There are commercial facilities which are part of this nation's food production and distribution system, such as processing plants, warehouses, grocery stores, restaurants, etc., which are located in critical habitat areas where the use of pest control tools may be prohibited or severely restricted. While the Committee recognizes the importance of preventing the destruction of endangered species, it is concerned that unwarranted actions to protect a species could result in the unchecked spread of rodent-, insect-, or other pest vector-borne diseases that could pose serious threats to consumer and food safety.

The Committee strongly believes that preserving the safety and wholesomeness of this nation's food supply is paramount. Managers of food processing and handling facilities, and public health officials, must be able to take the steps necessary to control pests that may pose a threat to public health. The managers of these facilities generally rely on certified commercial applicators or persons under their direct supervision who are trained to apply rodenticides and other pesticides in safe manner, which helps ensure that these products are only used when and where necessary.

One of the overriding goals of H.R. 1627 is to eliminate the statutory and regulatory paradoxes that inhibit the efficient, science-based administration of FIFRA and the Federal Food, Drug, and Cosmetic Act. The Committee believes this goal should be considered when reforms to other statutes, such as the Endangered Species Act, are undertaken to make certain that the safety and wholesomeness of a consumer's food supply, especially for infants and children, is adequately protected.

The Committee recognizes this concern can be addressed rationally in many cases through the cooperative efforts of federal and state regulatory officials, and is encouraged that federal and state agencies are examining this issue. For example, the California Environmental Protection Agency's Department of Pesticide Regulation states, "A categorical exemption for food processing plants and other industrial and institutional use could probably be made with little, if any, impact on listed species. In particular, the use of toxicant inside of buildings or immediately adjacent to buildings does not seem to pose a hazard to listed species."

The Committee expects the EPA to investigate this issue and any related situations where competing regulatory actions by the Agency, other federal agencies, or state agencies pose a threat to consumers or the U.S. food supply, and to act quickly to remedy these situations. In addition, if the EPA is unable to address the situation in an efficient and fair manner, the Agency should promptly notify this and any other committee of appropriate jurisdiction. If resolution is prohibited because of competing or inconsistent provisions of law, the Committee also expects the Agency to provide legislative proposals that may be needed to ensure that the Administrator has sufficient statutory authority to address these situations in a common sense, science-based manner.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY,  
Washington, DC, July 18, 1996.

Hon. PAT ROBERTS,  
Chairman, Committee on Agriculture, House of  
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request regarding clarification of the effect that endangered species protection measures may have on the use of pesticides to control pests in food processing or handling warehouses. We understand that some are con-

cerned that endangered species protection measures could inappropriately restrict, within areas designated for the protection of endangered species, use of certain pesticides. Specifically, a concern was raised that use of pesticides that are important to control pests which may damage or contaminate food items may be unduly limited by endangered species protection measures in the State of California.

We believe that the federal, state and local agencies in California responsible for endangered species protection recognized this concern and have worked with all stakeholders to appropriately resolve this situation. Furthermore, the information available to us indicates that pesticide labels and the state-initiated endangered species plans do not unnecessarily restrict responsible pesticide use and do provide for both safe and effective use of pesticides in these situations.

Obviously, we understand that controlling pests in food storage and processing facilities can be a significant public health concern, and we will continue to work with the appropriate state and federal officials to make sure that important public health protection measures are not unnecessarily restricted.

In addition, we stand ready to work with you, members of your committee, and the state, local and Federal authorities to resolve legitimate concerns that may arise regarding this issue. Please let me know if I may be of further assistance.

Sincerely,  
LYNN R. GOLDMAN, M.D.,  
Assistant Administrator.

FOOD CHAIN COALITION,  
July 23, 1996.

Hon. THOMAS J. BLILEY, Jr.,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR CONGRESSMAN BLILEY: Last week, representatives of the Administration, industry and the environmental community reached compromise agreement on H.R. 1627, "The Food Quality Protection Act," after several weeks of negotiations. This bill represents the best opportunity in a decade to modernize the Delaney Clause and strengthen our nation's food laws.

The House of Representatives is expected today to consider H.R. 1627, and the Senate has indicated the intention to quickly follow suit. As Americans working to produce, process and market our nation's food supply, we urge your support for this critically important bill.

There is virtually unanimous agreement that an overhaul of the outdated Delaney clause for pesticide residues is long overdue. With the very limited number of legislative days remaining this year, the need for action to accomplish that objective is now more urgent than ever.

EPA recently proposed disallowing the use of five pesticides on a number of crops under the Delaney Clause, even though the agency has repeatedly stated its belief that those pesticides pose no significant health risk to consumers. By April 1997, EPA is due to determine whether to disallow up to 40 additional uses; without corrective action, farmers could lose the use of a number of safe and effective crop protection tools that keep the American food supply abundant and affordable.

The compromise version of "The Food Quality Protection Act" has received bipartisan praise from both the House and Senate, with key Republican and Democratic leaders stating that it is their goal to see this legislation signed into law by the President this

year. We urge its prompt adoption by the House.

Sincerely,

Agricultural Council of California; Agri Bank; Agri-Mark, Inc.; Agway, Inc.; American Bakers Association; American Crystal Sugar Company; American Farm Bureau Federation; American Meat Institute; American Feed Industry Association; Apricot Producers of California; and Atlantic Dairy Cooperative.

Biscuit & Cracker Manufacturers Association; Blue Diamond Growers; California Tomato Growers Association, Inc.; California Pear Growers; Chemical Specialties Manufacturers Association; Chocolate Manufacturers Association; Gold Kist, Inc.; Grocery Manufacturers of America; and Growmark.

Harvest States; Independent Bakers Association; International Apple Institute; International Dairy Foods Association; Kansas Grain and Feed Association; Kraft Foods, Incorporated; Land O'Lakes; Michigan Agribusiness Association; Milk Marketing Inc.; National Agricultural Aviation Association; and National Cattlemen's Beef Association.

National Confectioners Association; National Council of Farmer Cooperatives; National Farmers Union; National Food Processors Association; National Grain and Feed Association; National Grain Trade Council; National Grange; National Grape Cooperative Association, Inc.; National Pasta Association; and Nebraska Cooperative Council.

North American Export Grain Association; Oklahoma Grain and Feed Association; Produce Marketing Association; Pro-Fac Cooperative; SF Services, Inc.; Snack Food Association; South Dakota Association of Cooperatives; and Southern States Cooperative.

Tortilla Industry Association; USA Rice Federation; United Fresh Fruit and Vegetable Association; Upstate Milk Cooperatives, Inc.; Utah Council of Farmer Cooperatives; and Wisconsin Agri-Service Association.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I want to point out that what we are doing here today is what the American people expect of us, to work out compromises, not to go to any extreme but to look for a middle ground. I want to particularly thank the chairman of our committee, the gentleman from Virginia [Mr. BLILEY], for this leadership, and the gentleman from Florida [Mr. BILIRAKIS], as the chairman of the subcommittee.

We do have on occasion, a difference of opinion. We have a different starting point as we look at the role of government; but they were good enough to look at this as a practical matter, to try to think through how we could make a constructive proposal work so that we could get an idea passed into law.

I want to thank all the staff of our committee, Howard Cohen, Eric Berger, Kay Holcombe; Greg Dotson, and Phil Schilirup; and the people in the administration, as well, Lynn Goldman, Jim Aidala, Larry Elsworth, Bill Schultz, and Phil Barnett.

I would point out that President Clinton put this issue on the agenda when he proposed that we do something on this very matter. The bill we are sending to the Senate and then hopefully on to him in many ways tracks what he proposed and in many ways improves and changes it.

Mr. Speaker, we have a good bill. It is a good compromise. The American people should look upon this with favor. I ask our colleagues, as well, to give their support to it.

Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me add my commendation to all of the staffs from the committees, including the hard work done by the members' staff of the Agriculture Committee.

Mr. Speaker, when I became a subcommittee chairman three decades ago, the first major bill that was referred to our subcommittee was FIFRA. I did not know what the word stood for at that time, and I have worked with FIFRA since then. As Members know, I will not be returning the next session of Congress, and I think probably with this unanimity and all this good will, that it may well be the crown of my retirement that we hopefully go through the Senate and finish with a FIFRA bill as I leave this Congress.

We worked diligently. There have been many, many long hours of hard work. There have been discussions, heated and otherwise, but to arrive at this point on a suspension calendar is something worthy to be remembered. It is historic, and I am so proud to have been a small part of this endeavor. It will be something that I can go home with and point to with pride.

With that, I ask all of the Members to give us their support and their vote on this legislation.

Mr. BUYER. Mr. Speaker, the bill before us today is long overdue. I am delighted that this legislation has not only passed two House committees but will pass the full House of Representatives today. There have been times that I never thought we would be able to get to this point. Those in the agribusiness industry know first hand what a truly historic agreement this is. I applaud the Agriculture Committee and the Commerce Committee for completing action on this legislation and bringing it to the floor of the House.

Mr. Speaker, almost 4 years ago, I formed the Fifth District Agricultural and Rural Advisory Committee. Made of those who daily work in their agribusiness and farm communities, this committee listed reforms of the Delaney clause as one of their top concerns. The efforts of the 104th Congress to bring common sense to this matter without endangering the supply of food in the United States is to be commended.

H.R. 1627, the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], reforms the outdated Delaney clause and allows sound science to prevail. It offers a framework of standards that allows the EPA the flexibility to consider pertinent public health factors when setting pesticide residue levels.

Mr. Speaker, most would agree that the United States enjoys the safest food supply in the world. The abundance and affordability is in large part due to the prudent use of pest control. Pesticides are necessary tools that when used in a responsible manner contribute

significantly to the health of individuals and the environment. It is this bill, H.R. 1627, that takes into consideration both the individual and the environment.

Mr. Speaker, technology today makes zero risk a much outdated policy. This legislation provides a commonsense answer to ensuring consumer access to a healthy, abundant, affordable, and most importantly—a safe food supply. I congratulate Mr. ROBERTS and Mr. BLILEY on this historic agreement.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 1627, the Pesticide Regulation Reform Act. I want to congratulate my colleagues who have worked so hard to produce a bill that helps our farmers while protecting public safety, and has considered the concerns of consumer and environmental groups as well.

Fixing the provision known as the Delaney clause is important. When this provision was written, only the largest percentages of carcinogens could be detected in the food supply. With modern technology now being able to detect trace quantities in the range of parts per trillion and beyond, updating this law is critical. EPA itself has tried to use a more workable, scientific standard, but the courts have ruled otherwise.

This legislation will help our farmers by using less intrusive, modern standards. In using more common-sense tolerance standards, we not only protect consumers, but may reduce the cost to farmers of getting their goods to market. This is also good for consumers. In addition, the bill observes the special needs of infants and children who may be more susceptible to the presence of pesticides in food.

Finally, the legislation achieves balance in considering the benefits of risk analysis and recognition of the public's right of access to information on Government policy. Informed consumers are happy consumers, and this bill gives badly needed aid to our farmers while helping to keep consumers aware of changes in agricultural regulations.

Mr. Speaker, America's farmers have made great sacrifices this year, not only in sharing budget cuts but in widely accepting the recently passed farm bill. This legislation is a small step in recognizing the farmer's contribution to a balanced budget and fiscal stability for our country.

Mr. BEREUTER. Mr. Speaker, this Member is concerned that H.R. 1627 did not include even a modified version of a provision that was included in the original House Agriculture Committee bill per this Member's request, which was subsequently deleted from this bill.

This Member has severe reservations and regrets and faults the administration—specifically Environmental Protection Agency Administrator Carol Browner, Department of Agriculture Secretary Dan Glickman, and Department of the Interior Secretary Bruce Babbitt—which in a letter to the House Agriculture Committee chairman, the distinguished gentleman from Kansas [Mr. ROBERTS], attempted to intimidate the committee into deleting this Member's modified provision. This Member protested this deletion strenuously and by all legitimate means.

Specifically, this Member's provision would have allowed Indian tribes to enforce FIFRA regulations for the entire area of a reservation only if at least 50 percent of the lands in the reservation are owned by the tribe or Indians. This provision is needed to address legitimate

concerns raised by non-Indian landowners who own land within reservation boundaries. Non-Indians own more than one-half of the land in two Indian reservations within this Member's congressional district. In fact on one reservation in this Member's district, non-Indians won about 84 percent of the land. This provision is very important to constituents in this Member's district to assure that the relations between members of Indian tribes and non-Indians owning land within reservation boundaries are not further exacerbated.

Where we have more than one-half of the reservation owned by non-Indians—and the one case mentioned previously where about 84 percent is owned by non-Indians—it is reasonable that non-Indian lands have FIFRA enforcement by State government just as States enforce FIFRA for the rest of the State. That is what the language suggested by this Member would have done. The way it is now, non-Indian property owners will have enforcement conducted by a governmental body—the tribal council—for which they have absolutely no role in electing. Many of the Member's constituents have made it absolutely clear that this regulation of private property by officials employed by a tribal government will exacerbate Indian/non-Indian relations. This Member's language would have avoided that problem by preserving the tribal council's role in enforcing FIFRA regulation on Indian owned or tribal lands on reservations if they own more than 50 percent of the reservation land.

Mr. Speaker, nevertheless, the critical advances in this legislation, especially as they relate to the Delaney clause, argue overwhelmingly for the support of this legislation.

Mr. GUTKNECHT. Mr. Speaker, today's long-overdue passage of H.R. 1627, the Food Quality Protection Act, is further evidence that this Congress not only talks about regulatory reform, but acts on it.

Food processors and farmers in my district want to preserve the safety of our Nation's food supply. They also recognize that our technology has outgrown the regulatory demands of the Delaney Clause. For decades, they have urged Congress to update this law. I am pleased that today we have.

I hope passage of H.R. 1627 will allow the House to move forward in passing another reform bill that enjoys bipartisan support—H.R. 3338, the Antimicrobial Pesticide Registration Reform Act.

This bill allows for a separate regulatory definition for antimicrobial pesticides. Under current conditions, the EPA treats antimicrobials—substances like bleaches and cleansers that limit the growth of microorganisms—like more traditional pesticides, even though their uses differ significantly. This has caused unreasonable and unnecessary delays in getting improved products to market.

I urge the House to continue to demonstrate its commitment to commonsense regulatory reform by acting on H.R. 3338.

Mr. CAMP. Mr. Speaker, I rise in support of H.R. 1627, a commonsense environmental measure that is good for American consumers and American farmers. The bill reforms the out-of-date Delaney clause that was passed in the 1950's to protect the food supply from cancer-causing products.

The bill before us actually strengthens the objectives of the 1950's law. It strengthens regulations of raw food, while bringing balance

to current standards for processed food. Why do we need the changes in this bill? Well, in the 1950's, testing equipment could detect cancer-causing residues to the range of one part per million. With today's testing equipment, we can detect parts per trillion. What does all that mean? That means with today's testing equipment, we can detect a glass of beer in Lake Michigan. And since the 1950's Delaney clause says that no traces of cancer-causing residues can exist in the food supply, and traces can be found in parts per trillion now, the EPA simply cannot enforce this impossibly high standard.

Now that we can detect residues to such minute levels, we have to give the EPA enforceable standards to protect our food supply. And our bill does just that. We tell the EPA to establish a reasonable certainty standard so that it can take advantage of the latest scientific advances to maintain our food safety, while not being bound by those very advances to impossible-to-enforce laws.

What will our bill result in? Safer and newer pesticides for our farmers. Better harvests, because farmers will not be limited to, and be forced to overuse, fewer pesticides to protect their crops. Safer food for Americans, because the EPA will finally have an enforceable food safety law. I urge support for H.R. 1627.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion of the gentleman from Kansas [Mr. ROBERTS] that the House suspend the rules and pass the bill, H.R. 1627, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1627, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier

today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3564, as amended, by the yeas and nays, and H.R. 1627, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATO ENLARGEMENT FACILITATION ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3564.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rule and pass the bill, H.R. 3564, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 353, nays 65, not voting 15, as follows:

[Roll No. 338]  
YEAS—353

Ackerman	Clyburn	Geren
Allard	Coble	Gibbons
Andrews	Coleman	Gilchrest
Archer	Collins (MI)	Gillmor
Armey	Combest	Gilman
Bachus	Condit	Gonzalez
Baesler	Costello	Goodlatte
Baker (CA)	Cox	Goodling
Baker (LA)	Coyne	Gordon
Baldacci	Cramer	Goss
Ballenger	Crane	Graham
Barcia	Cremeans	Green (TX)
Barrett (NE)	Cummings	Greene (UT)
Barrett (WI)	Cunningham	Greenwood
Bartlett	Davis	Gunderson
Barton	de la Garza	Gutierrez
Bass	DeLauro	Gutknecht
Bateman	DeLay	Hall (OH)
Becerra	Deutsch	Hall (TX)
Bentsen	Diaz-Balart	Hamilton
Bereuter	Dickey	Hansen
Bevill	Dicks	Harman
Bilbray	Dingell	Hastert
Bilirakis	Dixon	Hastings (FL)
Bishop	Doggett	Hastings (WA)
Bliley	Dooley	Hayes
Blumenauer	Doolittle	Hayworth
Blute	Dornan	Hefley
Boehlert	Doyle	Hefner
Boehner	Dreier	Heineman
Bonilla	Dunn	Herger
Bonior	Durbin	Hilliard
Borski	Edwards	Hinchey
Boucher	Ehlers	Hobson
Brewster	Ehrlich	Hoekstra
Browder	Engel	Hoke
Brown (CA)	English	Holden
Brown (FL)	Eshoo	Horn
Brown (OH)	Evans	Hostettler
Brownback	Ewing	Houghton
Bryant (TN)	Farr	Hoyer
Bunn	Fawell	Hunter
Bunning	Fields (TX)	Hyde
Burr	Flake	Inglis
Burton	Flanagan	Istook
Callahan	Foglietta	Jackson (IL)
Calvert	Foley	Jackson-Lee
Camp	Forbes	(TX)
Campbell	Fowler	Jefferson
Canady	Fox	Johnson (CT)
Cardin	Frank (MA)	Johnson (SD)
Castle	Franks (CT)	Johnson, E. B.
Chabot	Franks (NJ)	Johnson, Sam
Chambliss	Frelinghuysen	Jones
Chapman	Frisa	Kanjorski
Christensen	Frost	Kaptur
Chrysler	Galleghy	Kasich
Clay	Ganske	Kelly
Clayton	Gejdenson	Kennedy (MA)
Clement	Gekas	Kennedy (RI)
Clinger	Gephardt	Kennelly