

# CASE

## Food Safety and Pesticides

### Challenge:

Everyone eats. We expect abundant and affordable food supplies while assuring that pesticide residues on food are within safe limits. But how do regulators set those limits when the science is evolving? How much risk are we as a society willing to accept – is it zero, or a very small risk?

### Result:

In 1993, the Keystone Center facilitated a dialogue on food safety and pesticides. The diverse interests involved reached consensus on reforms to federal pesticide regulation, enhancements for the safety of imported foods, responsible pesticide use, and the development and use of safer pesticides and pesticide alternatives. In 1996, Congress passed the Food Quality Protection Act with the active involvement of many of the players who participated in the dialogue. The new provisions included revising the nation's approach to how risk assessments are done, including a specific mechanism to consider risks to children.

## Participants

American Farm Bureau Federation  
American Soybean Association  
California Certified Organic Farmers  
California Environmental Protection Agency  
California Rural Legal Assistance  
Center for Science in the Public Interest  
Chemical Manufacturers Association  
Del Monte Research Center  
Dow Elanco  
DuPont Company  
Eikermann Natural Foods Farm  
Environmental Defense Fund  
FMC Corporation  
Foreman and Heidepriem  
General Foods USA  
Grocery Manufacturers of America  
Institute for Evaluating Health Risks  
Jones Communications  
League of Women Voters  
McDermott, Will & Emery  
Monsanto  
National Agricultural Chemicals Association  
National Association of Wheat Growers  
National Council of Farmer Cooperatives  
National Family Farm Coalition

National Food Processors Association  
Natural Resources Defense Council  
North Carolina State University  
Pennsylvania Apple Marketing Program  
Poverty Lane Orchards  
Texas Department of Agriculture  
U.S. Department of Agriculture  
U.S. Environmental Protection Agency  
U.S. Food and Drug Administration  
U.S. House Agriculture Committee  
U.S. House Energy and Commerce Committee  
U.S. House Government Operations Committee  
U.S. House Science, Space and Technology Committee  
U.S. Senate Agriculture, Nutrition and Forestry Committee  
U.S. Senate Labor and Human Resources Committee  
United Agri-Products Inc.  
United Fresh Fruits and Vegetables Association  
Weinberg Consulting Group Inc.

### MEDIATORS

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## Issues

People expect abundant and affordable food supplies, with the assurance that pesticide residues on food are within safe limits. Questions about what is safe and how to achieve it often generate considerable controversy. In the late 1980s, growing public concerns about the current regulatory system for evaluating and assuring the safety of the food supply triggered Congress to amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Developments continued along several fronts, including controversial regulatory changes proposed by Congress, key Supreme Court decisions on the Delaney Clause regarding

application of cancer risk assessment to food additives, and the release of an important study on pesticides and children's food further enlarge the growing public policy debate.

Regulators faced very complex issues, including complicated scientific and technical considerations, evolving methods for risk calculation, social and economic concerns, and diverse interests with different personal concern and opinions about a safe food supply. The ongoing regulatory activity, legal challenges, and intense media attention to food safety issues added additional challenges for the groups involved.

## Process

In 1993, the Keystone Center convened and facilitated a dialogue on pesticides residues and food to formulate recommendations on risk assessment and management, export of pesticides and the safety of imported foods, and the impact of changes in pesticide use practices on agricultural and industrial processes.

Participants in the policy dialogue came from: federal regulatory agencies; chemical and food companies and trade associations; national environmental, citizen and consumer groups; farm organizations; state agencies; and Congress. They recognized the great challenge of the wide diversity of opinions and perspectives within the group, and agreed to address the challenge in part by narrowing the focus of discussions to center on pesticide residues on food. Commitment to good faith conversations and hearing the view of others by participants also helped make the dialogue productive.

The group reached consensus on reforms to federal pesticide regulation, enhancements for the safety of imported foods, responsible pesticide use, and the development and use of safer pesticides and pesticide alternatives. Specific actions recommended included: increased inspections and sampling for imported foods; a request to Congress to consider devoting additional resources to FDA's total diet study to evaluate exposure levels for pesticide residues; and a suggestion that federal agencies reexamine the penalty structure for pesticide misuse. Specific recommendations also were made concerning agricultural practices, including: regional integrated pest management centers, funding for the 1990 Farm Bill, program assistance to growers from food processors, and improvements in research and extension programs.

# Results

In 1996, Congress unanimously passed the Food Quality Protection Act (FQPA) with the active involvement of many of the players who participated in the dialogue. The new provisions amended FIFRA and the Federal Food, Drug and Cosmetic Act (FFDCA), removing the Delaney clause and revising the nation's approach to how risk assessments are done, including a specific mechanism to consider risks to children. The new law requires an explicit determination that tolerances are safe for children, includes an additional safety factor of up to ten-fold to account for uncertainty in data, and requires consideration of children's special sensitivity and exposure to pesticides.

These amendments fundamentally changed the way EPA regulates pesticides, based on a new standard of "reasonable certainty of no harm" that must be applied to all pesticides used on foods. According to EPA, "For over two decades, there have been efforts to update and resolve inconsistencies in the two major pesticide statutes, but consensus on necessary reforms remained elusive. The 1996 law represents a major breakthrough, amending both major pesticide laws to establish a more consistent, protective regulatory scheme, grounded in sound science. It mandates a single, health-based standard

for all pesticides in all foods; provides special protections for infants and children; expedites approval of safer pesticides; creates incentives for the development and maintenance of effective crop protection tools for American farmers; and requires periodic re-evaluation of pesticide registrations and tolerances to ensure that the scientific data supporting pesticide registrations will remain up to date in the future."

Everyone eats. So, sensitivity to food safety issues will never go away. However, this dialogue and earlier ones on a wide variety of chemical policy issues convened both by The Keystone Center and The Conservation Foundation may have laid the foundation for a greater willingness to engage in collaborative dialogues as issues arise. Among many examples, The Keystone Center facilitated EPA's Food Safety Advisory Committee to consider FQPA implementation issues, and RESOLVE currently facilitates EPA's Children's Health Protection Advisory Committee, which provides a continuing forum for dialogue on ways to reduce cancer risks to children, including the science policy issues that have arisen during implementation of FQPA.

Scientific/Technical Obstacles and Actions	
OBSTACLE	ACTION
Limited data to assess health risks	Focused outcome of dialogue/ recommendations on basic themes and considerations, rather than specific steps
Scientific uncertainty around cancer risk	Hired an outside expert to develop projections using different risk assumptions