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THE PESTICIDE RE-REGISTRATION DILEMMA AND ITS IMPACT

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STATE PESTICIDE ISSUES

Minor Use

Minor use pesticides are those that produce relatively little revenue for their manufacturers (or "registrants"), considering the cost of maintaining these registrations. However, minor use pesticides are of major significance in agricultural production, to growers as well as consumers. Without these small-scale but ornamentals that we enjoy in the United States, worth billions of dollars, could not be grown successfully.

Minor use pesticide registrations include:

* many, if not most, pesticide uses on fruit and vegetable crops;

* uses on commercially grown flowers, ornamentals, trees and turf grass;

* infrequent or very limited acreage use on major crops, such as wheat, soybeans or corn, where the pest problem being treated is not widespread;

* non-agriculture use, such as mosquito and rodent control, industrial pest control uses, disinfectants, etc.

Many of these crops are grown on less than 10,000 acres nationwide, and only 500 acres of total production for one crop is not uncommon. Therefore, these are low-volume, low-profit markets for pesticides. This is the crux of the problem.

Minor use pesticides are endangered for economic, not safety reasons. Agrichemical companies cannot afford to develop or keep them on the market.

In 1988, Congress mandated a rigid timetable for a safety review of all pesticides registered before 1984. The goal is to ensure that older products conform to modern standards and pose no unreasonable risks to environment.

Faced with the enormous cost of reregistration, chemical companies must decide which products and uses to retain and which to drop. In terms of time, technical support, and dollars, there are costs associated with the data and fee requirements of reregistration for each use listed on a pesticide product label. A full array of toxicology, metabolism, residue, and environmental studies runs into millions of dollars. Residue data alone for a single crop ranges from $15,000 to 135,000. On top of these costs, EPA recently imposed higher annual "maintenance fees" on each pesticide use. As a result of the reregistration effort about 20,000 registrations, both active and inactive, have been dropped.

Not only is the availability of currently registered minor uses threatened, the prospects for new product replacements and non-chemical alternatives are scant, if any. The costs of research, development, and registration exceed the potential dollar value of the market.

Congress has recognized the special needs of minor crops and permitted EPA flexibility to respond. In 1978, EPA was directed to make minor use data requirements commensurate with magnitude of use and degree of exposure. Consideration is to be given to economic factors and the impact of data requirements on the incentives to support a minor use.

As a result, EPA's minor use policy includes a commitment to "give special attention to minor uses in all aspects" of their activities. A sincere attempt has been made by EPA to implement this policy through specific regulations to simplify and expedite minor use registrations.

Unfortunately, utilization of these policies has been severely limited by the absence of clear guidelines of precisely what constitutes a "minor crop." By some interpretations, minor crops are restricted to a few edible crops of low-dietary intake, while others believe the intent was to include all fruits, vegetables, nuts, herbs, spices, and commercially grown ornamentals, trees and turf.

Growers and food processors have made great efforts to minimize the use of chemicals through integrated pest management (IPM) -- an approach that relies on the use of multiple tactics and attentive management. IPM programs involve many minor uses and minor crops, and these programs depend on pesticide uses that may

be cancelled. If this occurs, it may take some time to develop new IPM programs.

A limited choice of pesticides available to respond to a specific problem can actually lead to more pesticide use and decreased effectiveness of the alternatives. With fewer products available, pest resistance is likely to increase. This may require additional applications of the pesticides that remain and place greater stress on non-chemical controls. Lack of approved products will encourage misuse or illegal use of pesticides that are registered for other crops.

This will have an impact in the State regulatory agencies that are responsible for enforcement of the federal and state pesticide laws.

There is no simple, easy solution. It is difficult to ease registration requirements without appearing to exempt minor use pesticides from tests and regulations that are important to restore public confidence in food safety.

Storage and Disposal Problems

A spin off of reregistration and special review has been the voluntary cancellation and or regulated cancellation of pesticides. The recent action on Ethyl Parathion has resulted in a situation where a number of growers and dealers are left with a substantial amount of parathion in farm or dealer storage. We are receiving numerous phone calls from these people stating that the product cannot be used up by the December 31, 1991 deadline; that the dealer will not take the product back from the grower; that the registrant will not take the product back from the dealer etc; all these people are asking what should they do with the product. The end result is that the states are left with a storage and disposal problem of a hazardous material. EPA may have created more of a problem than they solved with this cancellation.

It is important that a regulatory agency considered all the effects, both positive and negative, of a decision before it is finalized. As EPA works its way through the reregistration program it is important that they be given the tools and flexibility to make and implement good decisions so there will be minimal impact on proven IPM programs, crop production and the public.