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# Congress of the United States

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April 24, 2003

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The Honorable Tommy G. Thompson  
Secretary of Health and Human Services  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Secretary:

I am writing to provide you with important information from a new GAO report that for the first time comprehensively reviews pesticide use on tobacco and its regulation in the United States.<sup>1</sup> This report finds that there is massive use of pesticides on tobacco with virtually no federal oversight.

According to GAO, more than 25 million pounds of pesticides are used in tobacco production in the United States, and tobacco ranks sixth among all agricultural commodities in the amount of pesticides applied per acre.<sup>2</sup> GAO found that tobacco pesticides include some of the most dangerous pesticides used in the United States, including organophosphates, organochlorines, and carbamates. According to GAO, these pesticides have “potential short and long term health effects,” including acute poisoning, cancer, nervous system damage, and birth defects.<sup>3</sup>

For every other product treated with pesticides and consumed by humans or animals, the U.S. government assesses the adverse health impact of the pesticides used, sets safe limits on pesticide residues, and routinely tests residue levels to assure compliance. According to GAO, however, tobacco products have largely managed to escape all three of these layers of oversight.

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<sup>1</sup>GAO, *Pesticides on Tobacco: Federal Activities to Assess Risks and Monitor Residues* (Mar. 2003).

<sup>2</sup>*Id.* at 4, 38.

<sup>3</sup>*Id.* at 7.

Here are some of the major findings from the report:

- **No agency comprehensively considers the adverse health impact of the massive use of pesticides on tobacco.**

While the Environmental Protection Agency considers the short-term health impact of pesticide use during the pesticide registration process, there are several important limitations to the agency's role. First, EPA bases its assessment on raw tobacco, not manufactured cigarettes or smokeless tobacco.<sup>4</sup> Second, despite GAO's finding that tobacco pesticides can potentially cause cancer and nervous system damage, EPA does not consider any long-term health impacts of exposure to pesticides on tobacco.<sup>5</sup> Third, EPA does not include pesticides on tobacco as part of its global risk assessments performed under the Food Quality and Protection Act.<sup>6</sup> As a result, children and others exposed to these pesticides through their diets may exceed recommended allowances by direct or secondhand exposure to tobacco products.

- **No agency sets limits on residues of approved pesticides on raw tobacco, or performs comprehensive tests to determine the levels of pesticides on raw tobacco.**

While USDA sets limits on 20 pesticides that have been banned for use in the United States on raw domestic and imported tobacco leaf, there are no limits on pesticides that are approved for use. According to GAO, "residues of pesticides approved for use on tobacco in the United States are not federally regulated."<sup>7</sup> As a result, for dozens of pesticides, any amount found on a raw tobacco leaf is legal. This absence of oversight contrasts with laws in Spain, Germany and Italy, which regulate levels of 58, 79, and 100 pesticides, respectively.<sup>8</sup>

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<sup>4</sup>*Id.* at 15.

<sup>5</sup>*Id.* at 19.

<sup>6</sup>*Id.* at 19.

<sup>7</sup>*Id.* at 27.

<sup>8</sup>*Id.* at 28.

- **No agency sets any limits on pesticide residues on manufactured tobacco products or performs tests to determine the level of pesticides on manufactured tobacco products.**

Neither EPA nor USDA sets any limits on pesticide residues on manufactured cigarettes and smokeless tobacco products.<sup>9</sup> As a result, cigarettes may legally contain any amount of any pesticide, no matter how toxic, whether approved for use in the United States or not.

- **Current USDA testing and regulation of pesticides banned for use on tobacco is out of date and inadequate.**

USDA tests imported and domestic raw tobacco leaf for the presence of 20 pesticides not permitted for use on tobacco in the United States. However, USDA's list of pesticides for testing has not changed since 1989, despite the fact that over 30 pesticides have since been banned from use on tobacco by EPA.<sup>10</sup> To prevent the importation of foreign tobacco with banned pesticides, GAO has recommended that USDA update its list of pesticides for testing.<sup>11</sup> Yet even expanded testing of raw tobacco by USDA would leave manufactured cigarettes and smokeless tobacco products entirely untested.

In addition to reviewing applicable laws and regulations, GAO looked for evidence that the use of pesticides on tobacco harms those exposed directly and indirectly to cigarette smoke. GAO found that EPA's limited testing of pesticides has not shown an immediate health risk. According to GAO, tobacco experts believe that the health effects of the tobacco itself are greater than the health effects of pesticide residues on tobacco.

Nonetheless, these gaping holes in regulation are strong arguments for increased federal oversight. The CDC estimates that cigarettes and smokeless tobacco products are used by millions of children every day and kill more than 400,000 Americans each year.<sup>12</sup> Federal regulation has the potential to prevent suffering and death by setting performance standards for

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<sup>9</sup>*Id.* at 27.

<sup>10</sup>*Id.* at 29.

<sup>11</sup>*Id.* at 33.


<sup>12</sup>CDC, *Annual Smoking-Attributable Mortality, Years of Potential Life Lost, and Economic Costs — United States, 1995–1999*, Morbidity and Mortality Weekly Reports, 300–3 (Apr. 12, 2002). CDC, *Incidence of Initiation of Cigarette Smoking Among U.S. Teens* (online at [www.cdc.gov/tobacco/research\\_data/youth/initfact.htm](http://www.cdc.gov/tobacco/research_data/youth/initfact.htm)).

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tobacco products on the market. As additives that are not integral to tobacco products and may not even be necessary, pesticides are potentially a prime target for such oversight.

Two years ago, you stated: "Speaking for myself, I think tobacco should be regulated."<sup>13</sup> Since that statement, however, the Administration has done nothing to support tobacco regulation. I urge you to provide leadership in this Administration and support strong federal regulation of tobacco products, including authority to measure and regulate the use of pesticides and other additives to tobacco.

Sincerely,

  
Henry A. Waxman  
Ranking Minority Member

cc: The Honorable Ann Veneman  
Secretary of Agriculture  
U.S. Department of Agriculture

The Honorable Christine Todd Whitman  
Administrator  
Environmental Protection Agency

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<sup>13</sup>*Thompson Talks of Regulating Cigarettes*, Washington Post (Mar. 28, 2001).