

GAO

Testimony

For Release On
Delivery Expected
at 9:45 a.m. EST
Monday
December 14, 1987

H.R. 3504: Pesticide Monitoring Improvements Act

Statement of
Hugh J. Wessinger, Senior Associate Director
Resources, Community, and Economic Development Division

Before the
Subcommittee on Health and Environment
Committee on Energy and Commerce
House of Representatives



040813

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to present our views on H.R. 3504, which addresses the Food and Drug Administration's (FDA) monitoring of food for pesticide residues. As you know, FDA's testing of selective food samples is the principal method by which FDA enforces regulatory requirements for the type and amount of pesticide residues that are allowed in foods that are marketed in the United States. In our two most recent reports¹ and in subsequent testimony² on FDA's monitoring of food for pesticide residues, we identified significant gaps in FDA's coverage of foods, exporting countries, and pesticides. H.R. 3504 mandates activities intended to overcome and avoid serious gaps in FDA's monitoring program.

One gap was that FDA was not periodically sampling imported foods from many countries that regularly export food to the United States. For example, over the 3-year period covered by our review, FDA had not sampled any pineapples from the country having the largest volume of pineapple exports to the United States at that time. Furthermore, FDA had sampled pineapples from only 9 of the 26 countries that exported pineapples to the United States in each of the 3 years. The significance of this gap in coverage is clear when one considers the results of the FDA's sampling of pineapples during that period: of the 137 samples of imported pineapples that FDA tested, about 28 percent contained illegal pesticide residues.

¹Pesticides: Better Sampling and Enforcement Needed on Imported Food (GAO/RCED-86-219, Sept. 26, 1986); Pesticides: Need to Enhance FDA's Ability to Protect the Public From Illegal Residues (GAO/RCED-87-7, Oct. 27, 1986).

²Federal Regulation of Pesticide Residues in Food (GAO/T-RCED-87-21, Apr. 30, 1987).

A contributing factor in this situation is that FDA was not conducting an overall analysis of its monitoring program that would have brought to light this and other gaps in its monitoring program. Such analysis is particularly important with regard to imported foods for two reasons: (1) the violation rate for imported food has been averaging twice that of domestically grown food, and (2) foreign growers are not governed by the same restrictions on pesticide use as are domestic growers. We concluded that such an analysis is necessary for an efficient and effective monitoring program.

Section 2 of H.R. 3504 would strengthen FDA's monitoring program by addressing the gaps in the coverage of pesticides, food products, and food from specific countries. Section 2 directs FDA to do three things. First, it requires FDA to develop and maintain information annually on the types and volume of foods imported into the United States from each country. Second, FDA is to compile and summarize information annually on how often each food type from each country was sampled, the pesticides for which they were tested, the pesticide residues found, and whether or not the residues detected were illegal. Third, section 2 directs FDA to analyze the data in order to identify gaps in its pesticide, food, and country coverage, and to focus its testing resources on detecting substances which pose a public health concern.

We believe that these actions are necessary to eliminate the gaps in coverage we found. Eliminating such gaps in FDA's coverage would provide a greater assurance that FDA's monitoring program is able to detect serious, recurring pesticide residue violations.

A second gap is that FDA was not regularly testing food for a number of pesticides that may be present in food. Some of these pesticides, according to FDA, require continuous or periodic testing because they are potential health hazards and they are likely to be used in food. A case in point concerns EBDCs

(ethylenebisdithiocarbamates). EBDCs represent about 57 percent of the total fungicides used in foreign countries; they are used on commodities such as potatoes, tomatoes, grapes, bananas, other fruits, nuts, and rice. The EBDCs break down into a compound called ETU (ethylene thiourea), which is classified as a probable human carcinogen by the Environmental Protection Agency (EPA) and has also been found to cause birth defects in laboratory animals. Although FDA considers EBDCs to warrant monitoring it had not tested any imported foods for EBDCs during the 8-1/2-year period that we looked at EBDC sampling, from October 1, 1978, to March 9, 1987. Since then, however, FDA has begun to test some imported food for EBDCs.

A contributing factor to such gaps in FDA's monitoring of imported foods is its limited information about (1) the pesticides used on imported foods and (2) foreign pesticide programs. We concluded that FDA's monitoring of imported food could be improved if the agency had more complete information about the pesticides used on the foods being imported into the United States, and we suggested several alternatives that should be considered to obtain such information. One of these alternatives was to require importers to identify the pesticides used on food imported into the United States. Another was to develop agreements with foreign countries for the exchange of information on pesticides used on food.

Sections 3 and 4 of the bill address the limitations in the information available on pesticide uses, practices, and programs in foreign countries that export food to the United States. In general, section 3 provides for collecting information from importers about pesticides used on each imported raw agricultural commodity, and section 4 provides for the compilation of information about pesticide regulations in exporting countries.

Section 3 would require importers to identify the pesticides that were used in the production of the food being imported. Failure to provide this information would result in the shipment's being denied entry. If FDA determines that reports were incomplete, the importer would be required to submit the results of laboratory analysis showing that the food has been tested for residues of all reported pesticides as well as any unreported pesticides that FDA found in the previous shipment. Obviously, if these results showed any illegal residues the food would be denied entry.

We support the provisions of section 3 because we believe their enactment will enhance FDA's ability to monitor imported food for violative pesticide residues. The most obvious benefit to be derived from these provisions is that they will provide FDA with specific information about which pesticides were used on the foods being imported into the United States. Knowing which specific pesticides have been used would assist FDA in deciding what food to sample, which pesticides to test for, and which testing method(s) to use. Another major benefit is that these provisions will enable FDA to develop an important body of knowledge about pesticide use worldwide. Such a database would be far more comprehensive and more current than any now available.

FDA has begun to rely on the Battelle World Agrochemical Data Bank, acquired in 1986, for foreign pesticide use information. This data base was developed primarily as a marketing aid for pesticide manufacturers. A significant limitation is that it contains data on pesticide use in about 30 countries and on about 30 crops in each of these countries. However, the United States imports food from about 150 countries and, therefore, the Battelle data bank does not address pesticide use in most of these countries. Also, for the 30 countries that are covered, pesticide usage data are limited to selected crops and may not cover some of the crops that are imported to the United States. Another

limitation is that, although the Battelle data base is considered by FDA to be the most comprehensive available, how well it reflects actual pesticide use is uncertain. Unlike the proposed disclosure of pesticides used by importers, the Battelle data does not directly identify the pesticides that were actually used on the food being tested; rather they provide information about what pesticides are frequently used on that crop in that country.

Finally, the Battelle data base consists of three studies--insecticides, herbicides and fungicides--each of which is updated every third year. There is some uncertainty about the future extent and availability of this data. For instance, Battelle has indicated that the next scheduled update of insecticide use data will be done for only 12 foreign countries rather than for the 30 countries for which data were originally anticipated.

In addition to the benefits already mentioned, the section 3 reporting requirement has the potential for producing several other significant benefits:

- It may discourage the use of pesticides that are not allowed in the United States;
- it may encourage growers and importers to become more informed about United States' pesticide residue tolerances; and
- it may encourage importers to be more selective and not handle shipments of questionable safety.

We do have a suggestion to make regarding the scope of what is covered under section 3 of the bill. Section 3 requires reporting on pesticide use on raw agricultural commodities. As generally defined, raw agricultural commodities would not include some very significant imported commodities such as orange and apple juice

concentrates, condensed tomato items, and canned and frozen vegetables. Imported apple juice concentrate, for instance, accounts for more than half of all of the apple juice consumed in the United States. We believe that the Subcommittee should consider extending the reporting requirement to single-item processed foods such as apple and orange juice concentrates, tomato paste, and canned or frozen single vegetables.

We continue to believe that FDA should supplement the Battelle information because of the limitations cited. Furthermore, we believe that the best way to do this would be as section 3 of the bill requires--that the importer report on the pesticides that were used on the food being imported. This requirement, if implemented, will provide FDA with the most current and comprehensive information on which pesticides are in fact being used on the food that is imported to the United States.

While section 3 is directed at obtaining information from importers regarding pesticides used on individual food commodities entering the United States, section 4 is directed at developing information about pesticide regulations in other countries. Section 4 directs the Secretary of Health and Human Services to compile and keep current three kinds of information on each foreign country that exports significant quantities of food products to the United States: (1) the identification of the entities and individuals who are responsible for the registration and monitoring of pesticide use, (2) the laboratories used for pesticide use monitoring, and (3) manuals or other publications that set out the pesticides approved for use in the country. Section 4 also requires the Secretary to cooperate with the responsible entity in each country in providing current information on violations of U.S. pesticide tolerances found in food products exported to the United States.

The kind of information that FDA is being directed to compile represents basic information about pesticide regulations in other countries. It would enhance FDA's ability to target its monitoring efforts by providing an indication about the kinds of controls that the various countries are exercising over the use of pesticides.

Section 5 addresses auditing of private laboratories that test for pesticide residues in food when certification is required by FDA. It directs the Secretary of Health and Human Services to issue guidelines for ensuring the validity and reliability of test results reported by private laboratories. Our work did not include an evaluation of FDA's performance in this area. However, we agree with the general premise of section 5 that, when certification of a food shipment is required, FDA needs reasonable assurance that private laboratories' test results are reliable.

Section 6 of the bill addresses research to develop better methods for detecting pesticide residues in food. Specifically, it would require the Secretary of Health and Human Services, in consultation with the Administrator of EPA, to do two things. First, the Secretary would develop long-range plans and timetables for research on better methods for (1) detecting multiple pesticide residues with a single test and (2) detecting pesticide residues more rapidly. Second, the Secretary is directed to determine whether the use of rapid detection methods can improve the cost effectiveness of FDA's monitoring and enforcement activities.

Although our work did not include an evaluation of FDA's research on analytical methods, our report on FDA's monitoring of domestic food did address the scope and limitation of the analytical methods available to and used by FDA. We noted how such limitations contribute to gaps in FDA's coverage of certain pesticides, and we concluded that FDA should continue research efforts to develop improved analytical methods. The provisions of section 6 are consistent with that conclusion.

- - - - -

In conclusion, Mr. Chairman, we believe that the kind of information and analysis called for by the bill will better enable FDA to use its limited resources more effectively by targeting its efforts to the foods, countries of origin, and pesticides where the potential risks are the greatest and where monitoring is most needed. We support the overall approach of the bill to bring about improvements in FDA's monitoring of food for pesticide residues and the specific provisions of the bill to do so. This concludes my prepared statement. We would be pleased to respond to any questions you might have at this time.