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sistent with the national interest, ratification would give EPA new authorities to protect the environment. But ratification requires all inside-the-Beltway parties to step back and view things from the more practical, "What's the problem?" perspective of the ordinary Americans they represent.

*Stephen F. Harper is Corporate Director, EHS and Energy Policy, of Intel Corporation in Washington, D.C.*

## With Accords In Force, A Need For Speed

CLAUDIA A. McMURRAY

For over three decades the United States has been a leader in developing sound and effective risk management regimes in the fields of toxic chemicals and pesticides. The United States was among the first countries to begin addressing the human health and environmental threats posed by pesticides and other toxic substances.

This is why the Bush administration has urged that Congress make it possible to join three important international agreements to address toxic chemicals and pesticides: the Stockholm Convention on Persistent Organic Pollutants, the POPs Protocol to the Convention on Long Range Transboundary Air Pollution, and the Rotterdam Convention on Prior Informed Consent. These three agreements are a cornerstone of international efforts to foster environmentally sound management of chemicals. Joining these accords would confirm our commitment to protection of human health and the environment in this country and around the world, and would allow us to participate fully in the processes by which these agree-

ments will evolve over time.

There is widespread agreement that the accords represent a significant step in the effort to protect the global environment. While the United States no longer uses or manufactures the POPs chemicals, some developing countries continue to use them. Because POPs are capable of long-range transport, no one country acting alone can address their human health and environmental effects.

That is why joining these agreements remains a priority for the Bush administration. All stakeholders should be able to find common ground on these accords, which are pragmatic in their efforts at implementation. The Stockholm Convention, for example, includes a flexible system of financial and technical assistance through which developing countries can receive help to meet their obligations under the treaty. The procedure to govern the addition of chemicals to the convention is science-based, and should a new chemical be added, obligation would enter into force for the United States only if it agrees to be bound — an "opt-in" option to ensure that decisions made by the convention do not prejudice domestic decisionmaking.

The administration has urged that Congress pass pending legislation such as the three bills already introduced in the House and Senate committees to allow the United States to implement the agreements. Each one plays a vital role in ensuring the protection of human health and the environment.

It is critical we move rapidly, because all three accords have been in force for some time. The governing bodies of each of these agreements have met several times, and will convene again soon to make decisions on the future of their respective accords. As a recognized leader in the field of toxic chemicals management, the United States needs to have a seat at the table to shape the future de-

velopment of each treaty. We look forward to working with Congress to expedite U.S. entry into these important agreements.

*Claudia A. McMurray is Assistant Secretary of State for Oceans, Environment, and Science.*

## Let's Not Undermine FIFRA

DOUGLAS T. NELSON

Ratification of the POP, PIC, and LRTAP treaties is being held hostage by the polarization that now characterizes most congressional action. One could ask where is the middle ground for any legislative initiative beyond appropriations and national security, let alone international treaties.

The debate centers on the robustness of the U.S. regulatory scheme versus the overtly precautionary intent of the treaties. For pesticides, the issue is coordinating treaty requirement with FIFRA and its regulations.

Pesticides are among the most heavily regulated compounds in the United States. FIFRA creates a risk/benefit approach for registering pesticides for agricultural, home and garden, biocide, and vector control purposes. Manufacturers must subject the proposed molecule to an extensive battery of tests to determine that it does not cause "unreasonable adverse effects" to humans or the environment, and its use is subject to strict controls. EPA has unrestricted cancellation and suspension authority and a due process procedure to insure all stakeholders' opinions are heard.

It is this process, refined over 36 years by EPA and before that USDA, that could be impacted by the treaties. New international

regulatory bodies evaluate chemicals and then list those determined to be persistent organic chemicals or require prior informed consent for import. If the POP review committee lists a chemical, cancellation by ratifying nations is required unless the country opts out. FIFRA's lengthy and thorough evaluation could be superseded, and U.S. consumers would lose the benefit of an EPA registered chemical.

To insure that U.S. sovereignty and its well-established regulatory process are not preempted or undermined, implementing legislation that recognizes a middle ground is required. FIFRA's extensive requirements must be preempted, at the same time taking into account legitimate concerns raised by the international community.

The crop protection industry believes that countries should have the option to exempt production and use of specific pesticides from these treaties and to require mitigation measures for pesticide use, provided such decisions are based on socio-economic and risk/benefit assessments. Any approach based solely on arbitrary banning or eliminating beneficial use pesticides must be avoided. In addition, any decision by an importing country under PIC should be applied without prejudice to U.S. exports so that both domestic manufacture in those countries and imports from all sources will cease. Evidence of international trade in a chemical must exist before subjecting it to a PIC listing.

Given the eagerness of some people to add chemicals to these lists regardless of the risk/benefit evaluation, it is reassuring that members of the House and Senate Agriculture Committees have been able to craft a compromise that maintains FIFRA preeminence while acknowledging treaty-based concerns. Legislation was reported out of the House Agriculture Committee on July 27 by a unanimous vote. A corresponding FIFRA bill is pending before the Senate Agriculture Committee.

To avoid the potential subjection of U.S. crop protection products to arbitrary bans and unfair trade barriers of other nations, it is vital that the U.S. ratify and implement the Rotterdam PIC and Stockholm POPs Conventions. Only in this way can the U.S. fully participate as a voting member in future Conferences of the Parties to the conventions. Or the United States will continue to participate as an observer while signatory countries impose their agenda.

*Douglas T. Nelson is Executive Vice President and General Counsel of CropLife America in Washington, D.C.*

## Ideology Yields Abandonment Of Middle Ground

REP. HILDA L. SOLIS

The Stockholm Convention is an important step to protecting public health at home and abroad from highly toxic substances. Unfortunately, implementing it has become more about advancing ideology than developing good public policy. This extremism has left the middle ground abandoned and prospects of passing broadly supported implementing legislation empty.

H.R. 4591, which passed the House Energy and Commerce Committee on a near party line vote, undermines the intent of the convention. It contains an egregious cost-benefit standard which will virtually ensure no future persistent organic pollutant is regulated. It preempts the rights of our states to implement or maintain regulations which are more stringent than federal regulations — a right in most other environmental laws. It leaves our nation's most vulnerable communities, including minority and low-income Ameri-

cans, at risk and is broadly opposed by state attorneys general, public health advocates, environmental organizations, and labor groups.

The Bush administration is equally negligent. It has not drafted any language to make necessary changes to TSCA in the last two sessions of Congress. Between November 2004 and my subcommittee's hearing last March, the only contact from the administration was a letter promising to "work closely" on this issue. Testifying at that hearing, Assistant Secretary of State Claudia McMurray confirmed that the administration has not convened meetings with outside interests to resolve differences on implementing legislation. As a result, I find any call to action on implementing language by the Bush administration disingenuous.

Legislation I introduced represents a path forward. H.R. 4800 would effectively and efficiently allow for the implementation of the Stockholm Convention and the further regulation of substances agreed to by the United States. It tracks the treaty language and contains a standard that then Secretary of State Colin Powell wrote is consistent with the risk-based decisionmaking in chemical regulations under existing law. It is supported by the American Nurses Association, the National Hispanic Environmental Council, the lead U.S. negotiators, 11 state attorneys general, two dozen American Indian and Alaska Native tribes, the AFL-CIO, United Steelworkers, and more than 60 environmental and public health groups. Unfortunately the committee rejected my legislation on a party line vote.

I also offered my colleagues an opportunity to achieve the middle ground on implementing legislation. Prior to consideration of H.R. 4591 by the full Energy and Commerce Committee, I recommended a stakeholder process to resolve differences and move forward in a bipartisan manner. Unfortunately,