



October 13, 1999

The Honorable Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Room W1200  
Washington, D.C. 20460

**Re: Tolerance Reassessment and the Tolerance Reassessment Advisory Committee**

Dear Ms. Browner:

The FQPA Implementation Working Group (“IWG”) is requesting your assistance concerning two matters which are extremely important to the U.S. food and agriculture sector. The first concerns assuring continuation of tolerances associated with pesticide uses that have been voluntarily withdrawn or cancelled from a pesticide registration for a time sufficient to assure that treated foods have cleared channels of trade. The second concerns assuring the continuation and enhancement of the Tolerance Reassessment Advisory Committee (“TRAC”) process.

The IWG is an ad hoc association of various representatives of the food production and marketing chain. Its hundreds of members are organizations and companies who grow, pack, ship, process and distribute food and nonfood crops, and allied services including agricultural chemical and biotechnology companies. Our members are involved in providing and marketing much of the food produced in the United States.

With respect to our first issue, the IWG is concerned with the way in which the Environmental Protection Agency is considering addressing tolerance revocation for uses of pesticide chemicals that have been voluntarily withdrawn or cancelled from a registration. Historically, when such action was taken, the Agency allowed sufficient time for foods treated with the pesticide to clear the channels of trade before action was taken to revoke the corresponding tolerance. When fresh and processed food products were included, the Agency would allow two to four years for clearing the channels of trade before moving to revoke the corresponding tolerances. Even with the passage of the FQPA, the members of the IWG believe that the Agency practice of providing channels of trade protection before a tolerance is revoked is necessary to help avoid a disruption in the marketplace for foods. FQPA addressed this concern in § 408(1)(5), yet allows tolerance to expire before the pipeline residues have cleared. The tolerance system is a well understood, time-tested system that has been used by the food industry and its customers to address pesticide residue issues. The premature revocation of a tolerance has the potential of creating significant uncertainties, increasing risks on retailers and processors in particular, and thereby increasing the burden on growers. To avoid market

disruption potentials, the Agency should continue to assure that the pipeline is clear before finalizing the cancellation of a tolerance.

Regarding the TRAC, it has been demonstrated to be an invaluable tool both in educating the public in how the Agency conducts its regulatory responsibilities, but also in serving as a forum for a free exchange associated with the development of Agency policies for tolerance reassessment in particular. It is understood that you are considering eliminating the TRAC this month. If that is true, we would strongly urge you to reconsider such action. In our view, its work is not complete. It continues to serve a very valuable purpose in the tolerance reassessment process. Such an advisory committee is one which is actually trying to accomplish its mission. It should not be terminated prematurely.

The IWG appreciates the opportunity to provide these views to you. We would be happy to meet with you to discuss them further if you would like. We look forward to continuing dialogue on these two matters.

Sincerely,

*/s/ Mark Maslyn*

Mark Maslyn  
FQPA IWG Chairman

pc: The Honorable Dan Glickman

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