

TESTIMONY OF
ALEXANDRA DAPOLITO DUNN, ESQ.
ASSISTANT ADMINISTRATOR, OFFICE OF CHEMICAL SAFETY AND POLLUTION
PREVENTION
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SENATE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY
JULY 25, 2019

Good morning Chairman Roberts, Ranking Member Stabenow, and members of the committee. I am Alexandra Dunn, Assistant Administrator of the Office of Chemical Safety and Pollution Prevention at the U.S. Environmental Protection Agency (EPA). It is a privilege to be here with my federal colleagues to discuss the EPA's role in and plans for regulating hemp.

Safe pesticide use is extremely important to our society, particularly in the production of U.S. food and fiber. Innovation in pesticide use has greatly increased U.S. agricultural productivity and contributed to a predictable food supply and stable food prices. The EPA estimates that pesticides used to control various insects, weeds, and fungus diseases add billions of dollars per year to the U.S. economy, translating into a bolstered workforce of American jobs. Additionally, the pesticide industry accounts for meaningful aspects of the U.S. economy -- a dozen major pesticide producers; another 100 small producers; 1,700 pesticide formulators and 25,000 distributors; 23,000 commercial pest control firms; more than two million farms; and

more than 88 million households.¹ There are more than 17,000 registered pesticide products containing more than 1,200 active ingredients, with uses ranging from insect repellents, household sanitizers, lawn and garden chemicals, hospital and restaurant disinfectants, biotechnology products, and a broad range of agricultural crop protection chemicals used to provide an abundant food supply. The wide range of entities intersecting with pesticides yields challenges for EPA's administration for an efficient and equitable regulatory program. Over time, the EPA has proven to be a nimble and adaptive regulator, such that innovation in the pesticide marketplace is advanced while public health and the environment are protected.

I am pleased to provide an overview of how the EPA regulates pesticides to protect human health and the environment while making valuable tools readily available to provide a safe and abundant food and crop supply.

PESTICIDE REGULATION

The EPA regulates pesticides under the authorities of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food Drug and Cosmetic Act (FFDCA); the Food Quality Protection Act of 1996; the Endangered Species Act (ESA); and the Pesticide Registration Improvement Extension Act (PRIA).

The EPA has developed a highly regarded program for evaluating pesticide safety and making regulatory decisions. Our approach to decision-making is based on the best available science and public transparency. Using these approaches, the agency makes decisions consistent with information that is peer-reviewed and protective of human health and the environment.

¹ EPA Pesticide Industry Sales and Usage: 2008-2012 Market Estimates

Credibility is at the core of meeting the requirements of pesticide registration and reevaluation activities. The EPA has integrated efficiencies into our risk assessment process, enabling the agency to successfully meet the requirements and decision-making goals of PRIA. We have done this in a collaborative manner with our regulatory partners and stakeholder community.

Under FIFRA, the EPA ensures that, when used properly, pesticides provide significant benefits to society, such as controlling disease causing organisms, protecting the environment from invasive species, and fostering an affordable, safe and abundant food supply. FIFRA's safety standard requires the EPA to weigh these types of benefits against risk to the environment that might result from using a pesticide.

FIFRA generally requires that before any pesticide may be sold or distributed in the United States, the EPA must license its sale through a process called "registration." During registration, the agency examines every pesticide product that is intended to be distributed or sold in our country. In addition, under FFDCA, the EPA sets "tolerances" (maximum residue limits) for pesticides used on food or animal feed. The EPA may establish a tolerance or a tolerance exemption for a pesticide residue in food or feed only if the agency finds that there is a "reasonable certainty of no harm" from consumption of the pesticide-treated food and from other non-occupational sources of exposure.

FIFRA also requires the EPA to reexamine previously approved pesticides every 15 years through a program called "registration review." Any changes to the use of a pesticide identified through registration or registration review, as necessary for safe use, appear on product labels. The EPA is statutorily required to complete review of all pesticides by October 1, 2022.

2018 FARM BILL AND HEMP

On December 20, 2018, President Trump signed into law the 2018 Agricultural Improvement Act, also known as the Farm Bill. Section 10113 of the Farm Bill provides for the cultivation, transport, and sale of hemp, a variety of *Cannabis sativa* that contains 0.3% tetrahydrocannabinol (THC) or less on a dry weight basis.

Again, FIFRA provides that the EPA must approve the use of a pesticide on crops and its labeling in order for that product to be sold in the U.S. Therefore, before a pesticide can be used on hemp, it must first be approved by the EPA. Thanks to the 2018 Farm Bill and the strong economic forecasts for hemp production, the EPA anticipates that pesticide registrants will intensify their interest in gaining crop protection approvals for use on hemp under FIFRA. Starting with an initial registration application we received in May 2019, I can report that the agency has recently begun to receive a number of registration requests seeking to add hemp to pesticide labels. Currently, there are 10 product registration requests under review at the EPA. We have developed an approach for reviewing these actions; and we plan to engage the public in the context of our decision-making on these initial actions by requesting public comment via *Federal Register* notice of receipts.

The pending requests involve biological and microbial chemicals, which tend to be very low impact on the environment. The EPA is prioritizing these requests and reviewing them on an expedited basis consistent with our authorities. I anticipate these will be the first of a group of decisions that will support growers and this new industry. Moreover, the statutory scheme and the agency's regulatory policies offer a strong basis for the EPA to support this developing industry. For instance, minor crops or niche crops may be eligible for a PRIA fee exemption,

since the costs of the registration process may be a barrier for registrants to support labels for low acreage crops. The EPA is also having discussions with our partners at USDA's Inter-regional Research Project #4 (IR-4 Project) who support minor and specialty crop growers through the generation of field residue trial data, which are the critical data needed to support tolerance petitions submitted to the EPA under FFDCA. Hemp projects are currently advancing through the IR-4 system for research and we are working with them and other data developers to ensure that the needed information can be efficiently generated. Moving forward, as registrants submit applications, the EPA stands ready to evaluate and make timely registration decisions for submitted hemp labels.

COLLABORATION

The EPA recognizes the importance of effective collaboration with our federal partners and co-regulators in achieving our mission of protecting public health and the environment. We value our strong partnerships, not only for implementing and enforcing regulatory decisions, but also for the collaboration and input we receive while working through challenging issues. The 2018 Farm Bill requires coordination on hemp between federal partners. The EPA is engaged in an interagency hemp working group with the Department of Agriculture (USDA), the Food and Drug Administration (FDA), and the Department of Justice (DOJ). The agency is also in discussions with the Health Canada Pest Management Regulatory Agency about their approved pesticide labels and approaches to regulating hemp. A theme that cuts across the work of the federal partners is our recognition of the definitional limitation for hemp in the 2018 Farm Bill concerning the quantification of the hemp plant's THC content. Marijuana with THC levels higher than 0.3 percent remains a regulated item under the Controlled Substances Act. Therefore,

FIFRA regulatory approvals for this crop would be limited to hemp cultivation for harvested crops with a low concentration of THC, defined in the law as no more than 0.3 percent on a dry weight basis.

State agencies have a co-regulatory role in administering and enforcing FIFRA, and the EPA is working with states on hemp related issues through the State FIFRA Issues Research and Evaluation Group (SFIREG), a committee of the Association of American Pesticide Control Officials (AAPCO).

In addition, the EPA sought input on hemp issues from the Pesticide Program Dialogue Committee (PPDC) during a meeting in May. The PPDC is a chartered forum for stakeholder representatives from commodity groups, registrants, and nongovernmental organizations to provide input on pesticide regulatory, policy, and program implementation issues.

CONCLUSION

The EPA has a history of working in strong collaboration with our federal partners, co-regulators, the grower community and stakeholders to address potential pesticide risks while still providing growers with the necessary tools to meet their pest management needs. We are committed to assisting hemp producers with obtaining the pest management tools needed to help them transition to commercial production of this crop. The agency's effective and long-standing methods for working with industry, grower groups, states and other partners will ensure that producer requirements for pest management and environmental protection can both be achieved.

Thank you for the opportunity to testify today. I will be happy to answer any questions you and the other members may have.