

104TH CONGRESS
1ST SESSION

H. R. 53

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. DOOLEY (for himself, Mr. EMERSON, and Mr. HERGER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Public Health Pesticides Protection Act of 1995”.

6 (b) **REFERENCE.**—Whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-

1 sion of the Federal Insecticide, Fungicide, and
2 Rodenticide Act.

3 **SEC. 2. DEFINITIONS.**

4 (a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C.
5 136(bb)) is amended by adding at the end the following:
6 “The Administrator shall consider the risks and benefits
7 of public health pesticides separate from the risks and
8 benefits of other pesticides. In weighing any regulatory ac-
9 tion concerning a public health pesticide under this Act,
10 the Administrator shall weigh any risks of the pesticide
11 against the health risks such as the diseases transmitted
12 by the vector to be controlled by the pesticide.”.

13 (b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136)
14 is amended by adding at the end the following:

15 “(hh) MINOR USE.—The term ‘minor use’ means the
16 total anticipated small volume use of any pesticide product
17 against a particular pest or group of pests which, by itself,
18 would not economically justify a full, separate pesticide
19 registration. Wherever a minor use is designated in this
20 Act for agricultural crop production or agricultural uses,
21 such term includes any use intended to protect the public
22 from insects or other pests or the diseases which such
23 pests may transmit to man or domestic animals.

24 “(ii) PUBLIC HEALTH PESTICIDE.—The term ‘public
25 health pesticide’ means any minor use pesticide product

1 registered for use and used predominantly in public health
2 programs for vector control or for other recognized health
3 protection uses, including the prevention or mitigation of
4 viruses, bacteria, or other microorganisms (other than vi-
5 ruses, bacteria, or other microorganisms on or in living
6 man or other living animal) that pose a threat to public
7 health.

8 “(jj) VECTOR.—The term ‘vector’ means any animal
9 capable of transmitting the causative agent of human dis-
10 ease or capable of producing human discomfort or injury,
11 including mosquitoes, flies, fleas, cockroaches, or other in-
12 sects and ticks, mites, or rats.”.

13 **SEC. 3. REGISTRATION.**

14 Section 3(c)(2)(A) (7 U.S.C. 136a(c)(2)(A)) is
15 amended—

16 (1) by inserting after “pattern of use,” the fol-
17 lowing: “the public health and agricultural need for
18 such minor use,”, and

19 (2) by striking out “potential exposure of man
20 and the environment to the pesticide” and inserting
21 in lieu thereof “potential beneficial or adverse effects
22 on man and the environment”.

23 **SEC. 4. REREGISTRATION.**

24 Section 4 (7 U.S.C. 136a-1) is amended—

1 (1) in subsection (i)(4), by redesignating sub-
2 paragraphs (B) and (C) as subparagraphs (C) and
3 (D), respectively and by adding after subparagraph
4 (A) the following:

5 “(B) Any pesticide defined as a public
6 health pesticide of which more than 50 percent
7 of its usage is devoted to the promotion of pub-
8 lic health shall be exempt from fees prescribed
9 by paragraph (3).”;

10 (2) in subsection (i)(5), by redesignating sub-
11 paragraphs (F) and (G) as subparagraphs (G) and
12 (H), respectively, and by adding after subparagraph
13 (E) the following:

14 “(F) An end use product that is registered
15 for a public health pesticide of which at least 50
16 percent of its usage is devoted to the promotion
17 of public health shall be exempt from the fees
18 prescribed by this paragraph.”;

19 (3) in subsection (i)(7)(B), by striking out “or
20 to determine” and inserting in lieu thereof “, to de-
21 termine” and by inserting before the period the fol-
22 lowing: “, or to determine the volume usage for pub-
23 lic health pesticides”; and

24 (4) in subsection (k)(3)(A), by striking out “or”
25 at the end of clause (i), by striking the period at the

1 end of clause (ii) and inserting in lieu thereof “; or”,
2 and by inserting after clause (ii) the following:

3 “(iii) proposes the initial or amended
4 registration of an end use pesticide that, if
5 registered as proposed, would be used for
6 a public health pesticide.”.

7 **SEC. 5. CANCELLATION.**

8 Section 6(b) is amended by striking out “or” at the
9 end of paragraph (1), by striking out the period at the
10 end of paragraph (2) and inserting in lieu thereof “; or”,
11 and by adding after paragraph (2) the following:

12 “(3) if a pesticide is registered or proposed for
13 registration for public health uses, to send the notice
14 specified in this subsection to the Secretary of
15 Health and Human Services for review.

16 The Secretary of Health and Human Services shall com-
17 ment under paragraph (3) in accordance with the proce-
18 dures followed and subject to the same conditions as com-
19 ments by the Secretary of Agriculture in the case of agri-
20 cultural pesticides.”.

21 **SEC. 6. VIEWS.**

22 Section 21 (7 U.S.C. 136s) is amended by redesignat-
23 ing subsections (b) and (c) as subsections (c) and (d),
24 respectively, and by adding after subsection (a) the
25 following:

1 “(b) SECRETARY OF HEALTH AND HUMAN SERV-
2 ICES.—The Administrator, before publishing regulations
3 under this Act for any public health pesticide, shall solicit
4 the views of the Secretary of Health and Human Services
5 in the same manner as the views of the Secretary of Agri-
6 culture are solicited under section 25(a).”.

7 **SEC. 7. AUTHORITY OF ADMINISTRATOR.**

8 Section 25(a)(1) (7 U.S.C. 136w(a)(1)) is amend-
9 ed—

10 (1) by inserting after “various classes of pes-
11 ticides” the following: “, including public health pes-
12 ticides,” and

13 (2) by striking out “and nonagricultural pes-
14 ticides” and inserting in lieu thereof “, non-agricul-
15 tural, and public health pesticides”.

16 **SEC. 8. IDENTIFICATION OF PESTS.**

17 Section 28 (7 U.S.C. 136w-3) is amended by adding
18 at the end the following:

19 “(d) PUBLIC HEALTH PESTS.—The Administrator,
20 in coordination with the Secretary of Health and Human
21 Services, shall identify pests of significant public health
22 importance and, in coordination with the Public Health
23 Service, develop and implement programs to improve and
24 facilitate the safe and necessary use of chemical, biologi-

1 cal, and other methods to combat and control such pests
2 of public health importance.”.

3 **SEC. 9. PUBLIC HEALTH PESTICIDES.**

4 The Federal Insecticide, Fungicide, and Rodenticide
5 Act is amended by adding at the end the following:

6 **“SEC. 32. PUBLIC HEALTH PESTICIDES.**

7 “The Administrator, in conjunction with the Sec-
8 retary of Health and Human Services, shall submit an an-
9 nual report to the Congress by March 1 of each year de-
10 scribing the uses of public health pesticides to promote
11 human health protection in the United States. The report
12 shall include—

13 “(1) an analysis of vector control practices,

14 “(2) an analysis of the approximately 50 dis-
15 eases which are associated with arthropods or other
16 vectors, including a consideration of the impact of
17 vector control on the incidence of such diseases,

18 “(3) an analysis of the role of IPM in vector
19 control and how agricultural IPM practices impact
20 public health vector control, and

21 “(4) an analysis of public health pesticides, in-
22 cluding the benefits of vectored disease prevention
23 and a comparison of such benefits to the relative
24 risks of the use of public health pesticides and the
25 risks of vectored diseases.”.

1 **SEC. 10. PUBLIC HEALTH DATA.**

2 Section 4 (7 U.S.C. 136a) is amended by adding at
3 the end the following:

4 “(m) AUTHORIZATION OF FUNDS TO DEVELOP PUB-
5 LIC HEALTH DATA.—

6 “(1) DEFINITION.—For the purposes of this
7 section, Secretary means the Secretary of Health
8 and Human Services, acting through the Public
9 Health Service.

10 “(2) CONSULTATION.—In the case of a pes-
11 ticide registered for use in public health programs
12 for vector control or for other uses the Adminis-
13 trator determines to be human health protection
14 uses, the Administrator shall, upon timely request by
15 the registrant or any other interested person, or on
16 the Administrator’s own initiative may, consult with
17 the Secretary prior to taking final action to suspend
18 registration under section 3(c)(2)(B)(iv), or cancel a
19 registration under sections 4, 6(e), or 6(f). In con-
20 sultation with the Secretary, the Administrator shall
21 prescribe the form and content of requests under
22 this section.

23 “(3) BENEFITS TO SUPPORT FAMILY.—The Ad-
24 ministrator, after consulting with the Secretary,
25 shall make a determination whether the potential
26 benefits of continued use of the pesticide for public

1 health or health protection purposes are of such sig-
2 nificance as to warrant a commitment by the Sec-
3 retary to conduct or to arrange for the conduct of
4 the studies required by the Administrator to support
5 continued registration under section 3 or registra-
6 tion under section 4.

7 “(4) ADDITIONAL TIME.—If the Administrator
8 determines that such a commitment is warranted
9 and in the public interest, the Administrator shall
10 notify the Secretary and shall, to the extent nec-
11 essary, amend a notice issued under section
12 3(c)(2)(B) to specify additional reasonable time peri-
13 ods for submission of the data.

14 “(5) ARRANGEMENTS.—The Secretary shall
15 make such arrangements for the conduct of required
16 studies as the Secretary finds necessary and appro-
17 priate to permit submission of data in accordance
18 with the time periods prescribed by the Adminis-
19 trator. Such arrangements may include Public
20 Health Service intramural research activities, grants,
21 contracts, or cooperative agreements with academic,
22 public health, or other organizations qualified by ex-
23 perience and training to conduct such studies.

24 “(6) SUPPORT.—The Secretary may provide for
25 support of the required studies using funds author-

1 ized to be appropriated under this section, the Pub-
2 lic Health Service Act, or other appropriate authori-
3 ties. After a determination is made under subsection
4 (d), the Secretary shall notify the Committees on
5 Appropriations of the House of Representatives and
6 the Senate of the sums required to conduct the nec-
7 essary studies.

8 “(7) AUTHORIZATION.—There is authorized to
9 be appropriated to carry out the purposes of this
10 section \$12,000,000 for fiscal year 1993, and such
11 sums as may be necessary for succeeding fiscal
12 years.”.

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