

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1867

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1993

Mr. DOOLEY (for himself, Mr. HERGER, Mr. CONDIT, Mr. SMITH of Oregon, Ms. LONG, Mr. BOEHNER, Mr. EMERSON, Mr. EWING, Mr. DOOLITTLE, Mr. CANADY, Mr. LEWIS of Florida, and Mr. GUNDERSON) introduced the following bill; which was referred to the Committee on Agriculture

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## 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 1993”.

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”.

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 redesignig-  
23 nating subsections (b) and (c) as subsections (c) and (d),  
24 respectively, and by adding after subsection (a) the follow-  
25 ing:

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 amended—

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

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

15 **SEC. 8. IDENTIFICATION OF PESTS.**

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

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

1 **SEC. 9. PUBLIC HEALTH PESTICIDES.**

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

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

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

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

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

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

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

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