

Statement of

**James Goodyear, Ph.D.**

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**SUMMARY OF WHY THE REVIEW OF PESTICIDE  
STUDIES SHOULD NOT BE OUTSOURCED**

When orders from the President's office or from Members of Congress are given to agencies, the agency administrators tend to implement those orders, even if they have to violate the meaning of the founding regulations or Executive Order. Thus, when they are told to outsource a certain percentage of their agency's work, they do so, even if that work doesn't qualify for outsource, because: 1) is not a commercial activity, 2) has confidential information in it, 3) has not been shown to be more efficiently accomplished by contractors, 4) requires inherently governmental decisions, 5) is reducing the expertise of the government's scientists, 6) is being outsourced because of budgetary considerations.

I will address these points from my personal experience in the Environmental Protection Agency's (EPA) Office of Pesticide Programs (OPP). Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), chemical companies that wish to register pesticides must demonstrate their safety by doing a series of scientific studies. The scientists in OPP review these studies and make the value judgement of whether the companies have met the legal requirements.

**IT IS NOT A COMMERCIAL ACTIVITY**

There are contractors that do the studies and write the study reports for the registrants, but there are no businesses that actively review studies. The review of scientific studies is an activity that was invented to fulfil the demand created by the decision to outsource these reviews.

**THE STUDIES CONTAIN CONFIDENTIAL INFORMATION**

Many study reports contain confidential business information in them. Only government employees should see these business secrets. EPA scientists must be cleared to handle this information. EPA's management claims that allowing nongovernment personnel to see this information is allowable, because

they have given themselves permission to violate the confidentiality provisions of the FIFRA. There is no justification for this bending of the trust that manufactures have placed in EPA.

### **CONTRACTORS ARE NOT MORE EFFICIENT.**

Management has attempted to keep many contracts under ten Full Time Equivalent (FTE) employees, so that they do not have to do a study to show that outsourcing is less expensive than reviewing the study reports in house. Due to the increasing pressure to outsource work, these contracts are becoming larger and will exceed 10- FTEs. An examination of the costs would reveal that it is less expensive to have EPA do their own reviews.

When the contractor's review is returned to EPA, the scientist who is in charge of that chemical must do a secondary review of the contractor's work. Some scientists review the report in detail, others simply see if it is in the proper format and accept the results without understanding the study. Both of these methods are incorrect, as are all degrees in between them. The detailed review can double the time and expense of the review process; blind acceptance puts governmental decision in the hands of the contractor.

### **THE REVIEW IS AN INHERENTLY GOVERNMENTAL DECISION**

The review of the report requires many decisions about whether the study has met the requirement of the law and regulations. Decisions are made on whether a study has followed the proper laboratory procedures, whether the results are sound, and if the study as a whole is valid and meets the legal requirements. Contractors should not be allowed to make these decisions.

### **REDUCING THE EXPERTISE OF THE EPA'S SCIENTISTS**

As time goes on and individual scientists leave EPA, they are replaced by new personnel who have never reviewed a study report. Since the studies are sent to contractors, these new scientists do not gain expertise in the proper way to do a study. This means that they are not able to do the secondary review and decide if the contractor's opinion is correct. Since they don't understand the studies, they are not fully able to do the final Risk Assessment these pesticides to protect the environment and to people.

### **OUTSOURCED BECAUSE OF BUDGETARY CONSIDERATIONS**

A-76 forbids the outsourcing of government work to avoid personnel ceilings or salary limitations. The contractors do work that would be done by the Office of Pesticide's scientists if the personnel budget had not been reduced with the intent of forcing outsourcing.