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## **PESTICIDES**

# **Differences in U.S. and Mexican Pesticide Standards and Enforcement**

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Mr. Chairman and Members of the Committee:

We are pleased to be here today to discuss our report on U.S. and Mexican pesticide standards and enforcement of allowable pesticide residues (tolerances) on produce (fresh fruits and vegetables) exported to the United States.<sup>1</sup> This report, prepared at your request, provides information on, among other things, (1) U.S. and Mexican requirements for pesticide registration and tolerances; (2) differences in U.S. and Mexican tolerances for produce exported to the United States; and (3) the methods the United States and Mexico use to ensure safe levels of pesticide residues on produce entering the United States from Mexico.

As you know, tolerances are the maximum limits of pesticide residues that are allowed in or on foods. They represent a residue level that is low enough to be safe when the food is consumed and high enough to cover residues that may be present if the pesticide is properly used. Food-use pesticides cannot be registered for a particular food in the United States until a tolerance level has been set for that food. Therefore, a food-use pesticide can have many tolerances--one for each food on which it is allowed.

Overall, we found that the requirements for registering pesticides and setting tolerances are similar in both countries.

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<sup>1</sup>Pesticides: Comparison of U.S. and Mexican Pesticide Standards and Enforcement (GAO/RCED-92-140, June 17, 1992).

However, there is one major difference in the registration process: The Mexican commission that registers pesticides--the Commission for the Control of the Production and Use of Pesticides, Fertilizers, and Toxic Substances (CICOPLAFEST)--generally provides a less intensive review for a pesticide that has already been registered in the United States [by the Environmental Protection Agency (EPA)] and/or in other developed countries. EPA, by contrast, conducts its own review and does not use other countries' registrations.

We found several differences in tolerances between the United States and Mexico which fall into three categories: (1) pesticides that have tolerances in both countries but have Mexican tolerances for some commodities without comparable U.S. tolerances; (2) pesticides that have tolerances in Mexico but not in the United States; and (3) pesticides that have tolerances in both countries for the same commodities, but tolerances are set at different levels. Officials from both countries have formed a working group to resolve these differences to the extent possible. The working group plans to address the first two categories, but not the third. Also, the working group has no long-term plan for addressing or preventing future differences in tolerances that might develop between the two countries.

The United States and Mexico also differ in their efforts to ensure the safety of produce entering the United States. In the

United States, the Food and Drug Administration (FDA) samples imports for pesticide residues and has a special program for Mexican produce. In contrast, because the Mexican government has limited capabilities to monitor residue levels for exported produce, the private sector has assumed this responsibility.

Because there has been public concern that Mexican growers have been treating produce with the pesticide DDT, you asked us to obtain information on how DDT is used in Mexico. In this respect, we found that the number of DDT violations found for Mexican produce through FDA's sampling program is quite small. According to FDA officials, this small number does not pose public health concerns. Mexican officials told us that Mexico does not allow DDT on agricultural produce and that DDT is used by public officials to combat termites and malaria.

#### BACKGROUND

Agricultural imports from Mexico account for nearly one-half of all the fresh and frozen fruits and vegetables exported to the United States. These Mexican exports also account for nearly 44 percent of the total amount of Mexican agricultural exports to the United States. If current free trade negotiations between the United States and Mexico are completed successfully, the level of imported Mexican produce (fresh fruits and vegetables) may increase significantly. This anticipated rise has heightened concern that

pesticide levels on Mexican produce may exceed U.S. limits if growers attempt to maximize production with these new opportunities for agricultural exports.

Currently, the United States, Mexico, and Canada are negotiating a North American Free Trade Agreement (NAFTA) to increase trade among the three countries. According to an official involved in the negotiations, pesticide standards play an important role in free trade discussions. Free trade, by definition, abolishes many traditional barriers to trade, such as tariffs and quotas. Therefore, there is concern that countries will turn to less traditional import barriers, such as pesticide standards that are unnecessarily high and not scientifically based, to block trade. Whether or not a NAFTA agreement is signed, pesticide standards on produce will most likely play a more important role in trade discussions as imports from Mexico and other countries continue to increase.

In the United States, the Environmental Protection Agency (EPA), FDA, and the U.S. Department of Agriculture (USDA) share responsibility for regulating pesticides to ensure that pesticides, when used properly, do not pose an unreasonable risk to human health and the environment. EPA registers and sets tolerances on all foods. FDA monitors most food for compliance with the tolerances, except meat, poultry, and eggs, which are the responsibility of the USDA. In Mexico, CICOPLAFEST carries the

same responsibilities as EPA for registering pesticides and setting tolerances. Mexico has no government agency responsible for enforcing and monitoring pesticide residues.

PESTICIDE REGISTRATION AND TOLERANCE-SETTING

REQUIREMENTS ARE SIMILAR

The United States and Mexico have developed similar requirements for regulating pesticides. In each country one government body--EPA and CICOPLAFEST--is responsible for registering and setting tolerances by using an application process that evaluates data. Once the application is approved, the pesticide is registered. Registrations are licenses for specific pesticide uses that state the terms, conditions, and cautions of these uses. Both EPA and CICOPLAFEST grant or deny a registration and set tolerances on the basis of their review of submitted data that describe, among other things, any toxicological effects of the pesticide. However, EPA does not rely on the reviews conducted by other developed nations. CICOPLAFEST does, although it requests additional data before reaching a decision if the foreign registration data do not account for Mexico's climatic conditions.

U.S. AND MEXICAN OFFICIALS ARE WORKING TO  
RESOLVE DIFFERENCES IN PESTICIDE TOLERANCES

A working group of U.S. and Mexican officials, established in May 1991, is discussing options for resolving differences in tolerances between the two countries.

Fifty-eight food-use pesticides have tolerances in both countries but have Mexican tolerances for some commodities without comparable U.S. tolerances. For example, the pesticide acephate has tolerances in both countries; however, two of the Mexican tolerances--for broccoli and cabbage--do not have corresponding U.S. tolerances. The working group is addressing these differences in tolerances first because these pesticides may be fairly easy to resolve since EPA tolerances already exist for these pesticides. In addition, there are 17 pesticides that have food-use tolerances in Mexico but none in the United States. Resolving differences in this second group will be more difficult because these pesticides have never been registered in the United States and EPA has never reviewed data for them.

A third category of pesticides has tolerances in both countries for the same commodities, but set at different levels. The working group has decided not to address these differences because, according to a working group official from FDA, few violations are cited at the U.S.-Mexican border for residues

exceeding tolerances. However, working group officials believe that these differences would be the easiest to resolve because both countries already have tolerances for the given commodities.

While the working group has set broad priorities for the types of differences to address first, it does not have a long-term strategy for mitigating all differences in tolerances, such as those in the third category which have tolerances in both countries but at different levels, and those new tolerances that will occur or be canceled because of continuing changes in the universe of pesticides. Thus, it is unlikely that resolution will be reached for all tolerance differences between the United States and Mexico unless the working group address all these differences.

#### U.S. AND MEXICAN EFFORTS TO ENSURE THE SAFETY OF PRODUCE DIFFER

The United States and Mexico differ in their efforts to ensure the safety of produce entering the United States. In the United States, FDA has a sampling program to monitor imports and a special program to test Mexican produce for pesticide residues. FDA began this special program in response to the increasing volume of food imported from Mexico and the growing concerns about the safety of that food. Mexican produce found in violation of U.S. tolerances is to be either re-exported to Mexico or destroyed.

In contrast, in Mexico, CICOPЛАFEST and the government generally have limited capabilities in monitoring the safety of exported produce. Instead, the private sector--Mexican and multinational companies and state and national agricultural growers' associations--has assumed responsibility for monitoring exports. Both companies and associations will test their food only as needed.

To increase its monitoring capabilities, the Mexican government is establishing a national laboratory system to test residue levels. The system, which according to Mexican officials currently has 5 functioning laboratories, will ultimately have 11 laboratories. One laboratory is owned by the government; the others are to be privately owned. The government-owned laboratory sets the standard for the system's laboratories.

Other efforts within Mexico to ensure the safety of Mexican produce include a memorandum of understanding between FDA and the Mexican government to create educational activities, such as technical assistance and instructions to growers on how to read pesticide labels properly. In addition, some Mexican growers have adopted an alternative agricultural technique--integrated pest management (IPM)--that may help reduce pesticide use and residues. According to FDA officials, these efforts may improve regulatory controls over pesticides within Mexico and may help Mexico comply with U.S. import regulations.

FEW IMPORTED MEXICAN PRODUCE SAMPLES CONTAIN DDT RESIDUES

Mr. Chairman, you asked us to provide information on how DDT is used in Mexico on fresh produce. According to FDA data, very few DDT violations have appeared in the Mexican produce sampled from 1988 through 1991. According to a Mexican official, DDT use on produce was canceled because of potential adverse health and environmental effects. Mexican officials believe that most violations result from DDT residues left over from legal spraying. We were told DDT is allowed only for government use--it is not sold to the public--and is used for public health campaigns, such as termite and mosquito control, and is applied indoors in enclosed, confined areas. Generally, it is used in southern Mexico to control malaria.

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In summary, we believe that U.S. and Mexican officials must resolve differences in tolerances for fruit and vegetables to ensure that imported produce does not violate U.S. tolerance levels. While the effort of the working group to resolve identified differences is important, it does not go far enough. New pesticides are constantly being developed that may create differences in tolerance levels between the United States and Mexico. The working group has no plan to address these possibilities.

Therefore, in our report, we recommended that the Administrator of EPA and the Commissioner of FDA work with Mexican officials to develop a strategy for resolving, where possible, all types of pesticide differences. This strategy should also provide a long-term framework for the countries to deal with the continually changing universe of pesticides. Such a framework will help current and future discussions with Mexico.

Mr. Chairman, this concludes our testimony. We would be happy to answer any questions.

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