

**Oceana • Center for International Environmental Law • National Environmental Trust  
Physicians for Social Responsibility • U.S. Public Interest Research Group  
World Wildlife Fund • Coast Alliance • Defenders of Wildlife  
Environmental Working Group • Friends of the Earth • Greenpeace  
National Wildlife Federation • Natural Resources Defense Council • Sierra Club  
The Ocean Conservancy • Alaska Community Action on Toxics  
Arizona Toxics Information • Commonweal • Delta Institute  
Department of the Planet Earth • Greater Boston Physicians for Social Responsibility  
Great Lakes United • Indigenous Environmental Network  
Pesticide Action Network, North America • Pennsylvania Environmental Network  
Science and Environmental Health Network**

September 8, 2003

The Honorable Senator Thad Cochran  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

An important environmental and public health issue will come before the Senate Agriculture Committee in the next few weeks. The Committee will be considering a bill to implement the Stockholm Convention on Persistent Organic Pollutants (POPs). It is extremely important that the Senate pass effective legislation to implement the treaty domestically. In particular, POPs legislation must seek to minimize the health and environmental risks of POPs chemicals that continue to be produced and used in the United States.

POPs are dangerous chemicals known to harm human health and the environment globally. The Stockholm Convention initially targets 12 POPs, nine of which are pesticides that were once used widely in the United States. The treaty also includes provisions for a science-based process to identify and take action on additional POPs – some of which may also be pesticides – in the future. As the nation's primary pesticides law, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) will need to be amended to allow for domestic regulation of POPs pesticides in accordance with the treaty.

As you may know, the Senate Environment and Public Works Committee (EPW) recently passed a POPs bill (S.1486) amending the Toxic Substances Control Act (TSCA). Unfortunately, S.1486 contains some serious deficiencies that will need to be addressed on the Senate floor. We hope that the Agriculture Committee can avoid some of the pitfalls encountered by EPW and develop a clean bill that the environmental and public health communities can fully support.

In particular, FIFRA legislation must include a meaningful mechanism for EPA to respond to pesticides that the United States and the international community deem to pose a serious threat to public health and the environment as POPs. The legislation must ensure that EPA cannot simply ignore a Stockholm Convention decision to list a new POP. It must give EPA guidance for deciding whether to regulate a newly listed POP, so that EPA's decisions on

new POPs will have a scientific, rather than solely political, basis. A robust, effective “adding mechanism” must give proper weight to the multi-year, science-based international decision making processes in which the United States is expected to participate actively as a Party to the Stockholm Convention. S.1486 is deficient in this regard.

Furthermore, the EPW bill would not require EPA to make a decision by a certain time whether to regulate, nor would it require EPA to explain to the public why it has not regulated. Instead, it would place inappropriate reliance on a citizens’ petition process to compel EPA to act or explain the reasons for its inaction on a future POP. In addition, the bill opens the door to OMB’s misguided “sound science” arguments by introducing the undefined concept of “generally accepted scientific principles” as a tool for assessing the science behind an international POPs listing decision.

When the Agriculture Committee takes up this issue, we urge you to support efforts to create a meaningful adding mechanism that will truly protect the American public from future POPs pesticides. We will be in contact with your staff soon to discuss this issue in greater detail.

Thank you for your consideration,

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cc: Senate Agriculture Committee