
SENATE JOINT MEMORIAL 8018

State of Washington

53rd Legislature

1993 Regular Session

By Senators M. Rasmussen, Loveland, Barr, Jesernig, Newhouse and Winsley

Read first time 02/22/93. Referred to Committee on Agriculture.

1 TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE ADMINISTRATOR OF THE
5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

6 We, your Memorialists, the Senate and House of Representatives of
7 the State of Washington, in legislative session assembled, respectfully
8 represent and petition as follows:

9 WHEREAS, The United States Environmental Protection Agency (EPA)
10 regulates pesticide residues in foods under the Federal Food, Drug, and
11 Cosmetic Act; and

12 WHEREAS, The EPA sets tolerances for pesticide residues in raw food
13 under section 408 of that act and tolerances for residues that
14 concentrate in food processing or are added as a part of processing
15 under section 409 of that act; and

16 WHEREAS, Section 408 permits the EPA to assess scientifically the
17 amount of risk that a residue may pose in making determinations that
18 ensure the safety of the nation's food supply; and

19 WHEREAS, The Delaney Clause in section 409 prohibits additives in
20 food processing that may cause cancer in humans or animals no matter
21 how small the risk to health or safety posed by their presence; and

1 WHEREAS, The Delaney Clause has created a paradox regarding the
2 regulatory standards that apply when a food with acceptable residues is
3 processed; and

4 WHEREAS, A recent decision of the United States Court of Appeals,
5 Ninth Circuit, may have converted the Delaney paradox to the Delaney
6 crisis for pesticide regulation by interpreting section 409 of the act
7 in a way that may prohibit the EPA from considering scientific analysis
8 of risk in approving certain pesticides;

9 NOW, THEREFORE, your Memorialists respectfully pray that section
10 409 of the Federal Food, Drug, and Cosmetic Act be amended to establish
11 a negligible risk standard for pesticide residues as additives in food
12 processing, a standard that would permit the scientific evaluation of
13 risk in decisions for protecting the safety of the food supply.

14 BE IT RESOLVED, That copies of this Memorial be immediately
15 transmitted to the Honorable Bill Clinton, President of the United
16 States, the Administrator of the United States Environmental Protection
17 Agency, the President of the United States Senate, the Speaker of the
18 House of Representatives, and each member of Congress from the State of
19 Washington.

--- END ---