

PESTICIDE ADVISORY COMMITTEE

Staff Report
to the
Sunset Advisory Commission
January 9, 1978

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Introduction

This report is submitted pursuant to Section 1.06, Subsection (3) of the Texas Sunset Act and contains a review of the operations of the Pesticide Advisory Committee. Termination of the Pesticide Advisory Committee has been scheduled for September 1, 1979 unless it is continued by law.

The material contained in the report is divided into four sections: background, review of operations, conclusions, and recommendations. The Background section contains a brief history of legislative intent and a discussion of the original need for the Pesticide Advisory Committee. The Review of Operations section contains a review of the operation of the agency, and uses the self-evaluation report submitted by the agency as the basis of review unless noted. The information contained in the self-evaluation report was verified, and additional data were obtained through interviews and review of agency files and other data sources.

The Conclusions section discusses the agency's response to the present need for its existence, and an overall determination is made as to whether or not Sunset criteria are being met. The final section presents staff recommendations to the Sunset Commission.

This report is designed to provide an objective view of agency operations, based on the evaluation techniques utilized to date. Together with pertinent information obtained from public hearings, a factual base for the final recommendations to the Legislature will be provided.

Background

In 1970, there was widespread public concern about the entry of pesticidal chemicals into the environment and possible adverse side-effects by the contamination of food and crops with excess residues, the preventing of hazards to pesticidal

applicators and farm workers, and by contributing to the productive decline of certain species of fish and wildlife. In response to this public concern, Governor Smith appointed a Scientific Advisory Panel on the use of Agricultural Chemicals. This advisory panel was "to study the present needs and uses of agricultural pesticides in Texas." The Governor's Scientific Advisory Panel was charged with the responsibility of developing recommendations to insure that pesticides be used safely and in such a manner as to present minimum hazard to organisms, including man, other than the target pests.

The Panel delivered its report to the Governor on October 30, 1970. Its first recommendation was that: "Legislation be enacted providing for the appointment of a pesticide Advisory Committee by the Governor to serve the Texas Department of Agriculture." In 1971, the Legislature created the present Pesticide Advisory Committee.

The Committee was to provide scientific-technical expertise to the Commissioner of Agriculture for pesticide use which would best protect property, animal life, and the public health and welfare of the state. Membership of the committee is composed of the Deans of the Departments of Agriculture at Texas A&M University and Texas Tech University, the Executive Director of the Parks and Wildlife Department, the Commissioner of Health and the Commissioner of Agriculture or their designated representatives. No appropriations are made to the Committee -- any necessary travel expenses being paid by the members' respective employers.

Review of Operations

In 1971, when the Committee was appointed, and for several preceding years, one pesticide was the focal point of widespread concern because of its volume of use and because of claimed harmful side-effects. This pesticide was

DDT and it was appropriate that the Committee address its attention to the use of DDT as its number one priority. In meetings from November 1, 1971 to June 4, 1973, the Committee made two recommendations to the Commissioner of Agriculture: 1) that the Commissioner refuse to recommend DDT in Texas for household use and 2) that the Commissioner register DDT for only the uses recommended by EPA. The Committee also voted to send a letter to EPA consisting of four comments on the Federal Environmental Pesticide Control Act of 1972.

In 1972, the U.S. Environmental Protection Agency banned the use of DDT for all purposes and all states have been required to adopt the federal guidelines for registration and uses of all pesticides. Provision is made in the federal regulations which allow states to register pesticides for special local needs. Texas has secured EPA approval of a state plan for the registration of pesticides for special local needs and approves approximately 20 such applications for registration each year. The Pesticide Advisory Committee could have served the Commissioner of Agriculture in the approval processes for registrations of pesticides for special local needs; however, the records which were reviewed reveal no evidence that the Committee acted in this capacity.

From its June 4, 1973 meeting until its two meetings on February 25, 1977, a period of more than three years, the Committee did not meet. The concerns of 1970-71 had been substantially addressed by the banning of DDT in 1972 and the establishment of stringent controls over pesticides and their uses by the EPA. Obviously, the need for the Pesticide Advisory Committee had been fulfilled. The committee meeting held on February 25, 1977, served a dual purpose in that the first session was called the 1976 meeting and the second session was called the 1977 meeting to meet statutory requirements which specify that annual meetings

of the Committee be held. The Committee heard a report from the Department of Agriculture representative; however, no issues or problems were presented to the Committee and no substantive decisions or recommendations were made.

Conclusion

The inaction of the Committee after the banning of DDT by the EPA and the development of federal rules and regulations governing pesticides indicates that the initial need for the Committee no longer exists.

The only remaining area for possible Committee service to the Department of Agriculture seems to be in the approval of pesticides for special local needs. The Pesticide Advisory Committee has not been used for this purpose in a formal manner; therefore, it is assumed that there has been no need to use the Committee for this purpose. If such need develops in the future, it could be met by the appointment of ad hoc committees under the general statutory authority of the Commissioner of Agriculture.

Recommendation

IT IS THE RECOMMENDATION OF THE STAFF THAT THE PESTICIDE ADVISORY COMMITTEE NOT BE CONTINUED.