

ACC Perspectives on Proposed EDSP Procedures

Sarah Brozena
ISRTP Workshop
February 20, 2008



Historical Perspective

- Food Quality Protection Act of 1996
- What was driving the debate ?
- Assumptions about testing costs
- What level of discussion on procedural issues?
- Legislative history ?





EPA's Policy and Procedure Notice Dec. 13, 2007

- What, Who and How to Test:
- Pesticides: active & inert ingredients
- Pesticide registrants
- Manufacturers and importers
- FQPA 408(p) order authority instead of FIFRA data call ins or TSCA test rules



ACC's Key Issues

- Who should test inert ingredients ?
- Are protections for CBI, data compensation adequate for all parties required to test ?
- Judicial review of test orders
 - Rulemaking vs. procedural notice?
 - when is order final agency action?





ACC's Perspectives

- Who should conduct endocrine screening of inerts?
- Are CBI protections adequate for all?
- Is data compensation adequate for all?
- Due Process: when is the order judicially reviewable? What issues can be raised?
- Due Process: are other testing tools more appropriate for manufacturers/importers, particularly given penalty differences?

