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United States Senate

COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY

WASHINGTON, DC 20510-6000

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March 26, 2004

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The Honorable Michael Leavitt
Administrator,
Environmental Protection Agency
Room W1200
401 M St. SW
Washington, DC 20460

Dear Administrator Leavitt:

We are writing to ask the Environmental Protection Agency to give priority consideration to the application made for expedited review of various fungicides under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.) to permit their emergency use to combat infection of Asian soybean rust (*Phakopsora pachyrhiza*). This request was submitted by the Minnesota and South Dakota Departments of Agriculture last November. Many other states will undoubtedly follow suit once the initial application is approved. Since no decision has yet been made, it is clear that the 50-day timetable that your Agency normally follows for such applications will not be met.

It is true that Asian soybean rust, which has reduced soybean yield by between 10 percent and 80 percent in other countries, has not yet reached the continental United States. However, we do not believe it would be wise to wait until that event occurs before having mechanisms in place that will mitigate the damage.

One crucial short-term component of this mitigation strategy will be farmers' ready access to fungicides capable of addressing soybean rust and registered for that purpose. Only a handful of commercial products are currently labeled for use against rust, but the available supply is not likely to be sufficient to protect against even a regional outbreak of soybean rust, and they may not be effective in all regions of the country. More products will clearly be needed.

It is important that we work to assure availability of fungicides to protect against soybean rust. To reach this objective, it is likely that chemical companies will insist on having the certainty of Section 18 approval before they would be willing to accumulate any sizeable stockpiles of these additional products.

The planting of soybeans will begin in earnest in May, less than two months from now. We may be fortunate enough to avoid infection during this crop year, but we should proceed with putting in place appropriate mitigation strategies assuming that may not be the case. We urge you to expedite consideration of this Section 18 application, but you should not neglect standard environmental and health assessments in doing so.

We appreciate your attention to this important issue.

Sincerely,

Tom Hark

Jim Tuttle

Dick Durb

Blanche L. Lincoln

Pete C. Fitzgerald

Tom Paschke
L. Benjamin Johnson

Ken Le

Debbie Stebenow

Ally Legar

Herb Kohl

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