

April 24, 2014

Mr. Steven Bradbury  
Director  
Office of Pesticide Programs  
Ariel Rios Building  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20460

Dear Mr. Bradbury:

Environmental Working Group is writing to express concerns about the use of diphenylamine, a post-harvest growth regulator, on conventionally-grown apples. In 2012 the European Food Safety Authority concluded that it could not affirm the safety of the diphenylamine because producers had not provided information about DPA breakdown products on raw and processed fruit.<sup>i</sup> The full European Commission banned the use of DPA on European apples and pears in June 2012.<sup>ii</sup> In March of this year, the EC reduced the allowable level of DPA on imports to 0.1 part per million.<sup>iii</sup>

Diphenylamine is widely used on American apples and applied after harvest in order to prevent “storage scald,” or browning of the fruit skin during long-term cold storage. Roughly 80 percent of apples tested by USDA in 2010 had measureable levels of the chemical on them.<sup>iv</sup> The average concentrations of DPA on apples testing positive was 4 times the European import limit.

European officials are concerned about the safety of DPA breakdown products, including the presence of nitrosamines, a family of potent carcinogens. Some small studies have found nitrosamines on raw apples. European regulators raised the possibility that nitrosamines could form in pesticide mixtures or on DPA-treated fruit. Beginning in 2008, they pressed manufacturers of DPA for test data that showed whether nitrosamines or other harmful chemicals formed when containers of DPA sat on shelves, when fruit was treated with DPA and stored for a long time and when DPA-treated fruit was processed into juices, purees and sauces. The industry provided a study that detected three unknown chemicals on DPA-treated apples at concentrations greater than 0.05 ppm, but it could not determine the identity of these chemicals. Because they could not confirm the safety of DPA, European regulators took the chemical off the market.

As science has advanced, researchers have discovered that pesticides once thought safe are, in fact, toxic. For instance, in decades past, some farmers used arsenic compounds to kill insects, with the result that arsenic still contaminates considerable farmland and some crops. To assure that U.S. regulators take account of the latest scientific knowledge and techniques, the federal

Food Quality Protection Act mandated that EPA renew approvals of pesticides with a “rigorous, comprehensive scientific assessment” every 15 years. The Environmental Protection Agency has not explored the possible hazards of DPA since 1998 — 16 years ago.

Over the past month EWG attempted to determine if EPA was aware of the European action, and communicated with several of its scientists and the department Ombudsman. All told EWG they were unaware of the European action and associated concerns with DPA.

EWG calls on EPA to immediately launch a new investigation of DPA under the federal pesticide act. In the course of that inquiry, the agency must demand that the pesticide’s manufacturers collect and disclose rigorous data that can determine whether nitrosamines or other potentially toxic chemicals form when raw fruits are coated with DPA and stored over long periods or are processed into juices or sauces. The agency should also establish whether DPA formulations generate nitrosamines or other toxic substances.

The American public deserves the same level of protection as Europeans from pesticide risks. We urge EPA to halt the use of DPA on U.S. fruit until a rigorous analysis (re-registration) by EPA of the chemical can prove that it poses a reasonable certainty of no harm to consumers.

Sincerely,

A handwritten signature in black ink that reads "Ken Cook". The signature is written in a cursive, flowing style.

Kenneth A. Cook  
President  
Environmental Working Group

CC: Gina McCarthy, EPA Administrator

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<sup>i</sup> Conclusion on the peer review of the pesticide risk assessment of the active substance diphenylamine. European Food Safety Authority, EFSA Journal 2012: 10(1):2486-2527.

<sup>ii</sup> European Commission Implementing Regulation (EU) No 578/2012 of 29 June 2012 concerning the non approval of the active substance diphenylamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market. Official Journal of the European Union. L 171 55:2

<sup>iii</sup> European Commission Regulation No 772/2012, 8 August 2013, amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine in or on certain products. Official Journal of the European Union. L 217/2.

<sup>iv</sup> U.S. Department of Agriculture. Pesticide Data Program: Annual Summary, Calendar Year 2010. U.S. Department of Agriculture, May 2012.