HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 28, 2001.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN COMBEST: As reported from the Committee on Agriculture, H.R. 2646 contains legislative language regarding methyl bromide.

As you know, methyl bromide has been specifically regulated as an ozone depleting substance (ODS) under the Montreal Protocol, ratified by the United States in 1987, and under Title VI of the Clean Air Act (CAA), established by the 1990 Clean Air Act Amendments (1990 CAAA). Under current provisions of both the Montreal Protocol and the CAA, methyl bromide is scheduled for complete phaseout in the United States by 2005. Title VI of the CAA, which serves as a supplement to the terms and conditions of the Montreal Protocol, has been within the exclusive jurisdiction of the Committee on Energy and Commerce since its enactment and signature into law on November 15, 1990.

Both the Montreal Protocol and the Clean Air Act currently provide for specific exemptions from the 2005 phaseout date for methyl bromide. Within the Montreal Protocol, quarantine and preshipment exemptions for methyl bromide are defined within the terms of the treaty as well as subsequent Decisions of the Parties which, among other requirements, limit preshipment applications of methyl bromide to 21 days and provide that Parties utilize alternatives to methyl bromide whenever possible. The Montreal Protocol also provides for a ''critical use'' and ''emergency use'' exemptions for methyl bromide, although formal procedures and process to implement this exemption have not yet been established. Within the Clean Air Act, sections 604(d)(5) and 604(d)(6) provide that, to the extent consistent with the Montreal Protocol's quarantine and preshipment provisions, the Administrator of the Environmental Protection Agency (EPA) shall exempt certain uses of methyl bromide for purposes of complying with federal, state and local sanitation requirements and critical uses. Section 604(d)(5) has been implemented, in part, through interim final regulations promulgated by EPA on July 19, 2001 (66 Fed. Reg. 37,752).

Section 762 of H.R. 2646 requires that the Secretary of Agriculture, upon request of a State, local or tribal authority, determine whether treatments or application of methyl bromide shall constitute an ''official control'' or ''official requirement'' under the Plant Protection Act (7 U.S.C. 7701 et. seq.). I am concerned that although section 762 does not amend the CAA nor affect any provision of the Montreal Protocol, the use of the terms ''official controls'' or ''official requirements'' may cause some confusion because these terms are the same terms used in Decisions of the Parties to the Montreal Protocol respecting quarantine and preshipment applications provided for in Article 2H of the treaty.

This letter is therefore intended to clarify the understanding of the Committee on Energy and Commerce and the Committee on Agriculture that section 762 does not affect any current provision of the Clean Air Act or the Montreal Protocol and therefore has no substantive legal effect upon the operation of sections 604(d)(5), 604(d)(6) and 604(h) and related provisions within the CAA affecting the phaseout of methyl bromide and the determination of what uses may qualify or not qualify for exemptions or exceptions to the current phaseout schedule for this substance. It is my understanding that section 762 does not in any way transfer authority between the EPA and the Department of Agriculture regarding which governmental body has authority to make determinations regarding exemptions that are available under section 604(d)(5) for sanitation and food inspection and under section 604(d)(6) for critical uses. Further, it is my understanding that should section 762 or any other provision affecting the status, phaseout or exemptions available for the use of methyl bromide arise during any House and Senate conference on H.R. 2646 or the related Senate legislation, the Committee on Energy and Commerce will be assured of representation at the conference and effective control in the House of Representatives over any and all legislative provisions affecting methyl bromide that fall within its jurisdiction.

Thank you for your assistance and agreement in this matter.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON AGRICULTURE, LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, September 28, 2001.

Hon. W.J. (''BILLY'') TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter of September 28, 2001 regarding section 762 of H.R. 2646, provisions regarding certain determinations concerning official uses of methyl bromide under the Plant Protection Act.

As you are aware, section 762 does not amend, or in any way affect authorities contained in the Clean Air Act and the Montreal Protocol regarding the phase-out of methyl bromide and available exemptions to the otherwise applicable 2005 phase-out date. In addition, Section 762 does not transfer any authority over methyl bromide between that which currently exists within the Environmental Protection Agency and the Department of Agriculture. Finally, you have my assurance that I will support the appointment of an appropriate number of conferees from your Conunittee should this or any other matter falling with the jurisdiction of the Committee on Energy and Commerce arise in a House/Senate conference on H.R. 2646 or similar legislation.

I look forward to your continued support for H.R. 2646.

Sincerely,

LARRY COMBEST,
Chairman.

LEHIGH VALLEY HEROES—BETSY SEISLOVE, TRACY LESTER AND CLARANNE MATHIESEN

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others.

I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize three nurses from Lehigh Valley Hospital, Elizabeth ''Betsy'' Seislove and Gayriel ''Tracy'' Lester and Claranne Mathiesen as Lehigh Valley Heroes. These women have truly made a difference in their community.

Betsy and Tracy both recently received the prestigious Nightingale Award of Pennsylvania, a symbol of outstanding nursing. Betsy, a resident of Macungie, is an advocate for patients and families and is a patient care specialist at LVH Salisbury. She volunteers to work with victims of stroke and leukemia and speaks to elementary school students about the importance of trauma prevention.

Tracy, a resident of Lehighton, is a licensed practical nurse pursuing a degree in nursing and is a 20-year LVH veteran with experience in oncology, cardiology and trauma.

Claranne was a finalist in the statewide competition for the Nightingale Award. A Stroudsburg resident, she is an advanced practice nurse specializing in neuroscience nursing. She is also president-elect of the Eastern Pennsylvania Chapter of the American Neuroscience Nurses Association.

These women make a difference everyday, working to save and improve lives at LVH, and therefore they are Lehigh Valley Heroes in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

IN HONOR OF JENNIE NIMTZ, GRADUATION FROM EASTERN ILLINOIS UNIVERSITY

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 2002

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Jennie Nimtz of Benton, Illinois, in my district, on the occasion of her graduation from Eastern Illinois University on Saturday, May 4, 2002.

It has been Jennie Nimtz's lifelong dream to graduate from college. Jennie herself stated that, ''I have dreamed about graduation day like most women dream about their wedding day.'' Like many students, she graduated from high school, applied and was accepted into Eastern Illinois University in Charleston, Illinois. While this description sounds like the actions of a typical young person, it is Jennie's physical condition and attitude that set her apart from her peers.

Jennie was born three months premature and was given six hours to live. Since that time she has been proving others wrong about her disabilities despite her afflictions. Jennie suffers from cerebral palsy, is confined to a wheelchair, and has been declared legally blind. She has been hospitalized sixty-eight times in the past ten years and has been close to death four or five times. Recently, she was told that she has a seizure disorder caused by brain damage that was brought on by a massive septic infection. In addition, she also suffers from massive digestive problems, pancreatic disease that sometimes requires feeding through a surgically implanted IV in her stomach, constant vertigo, and respiratory problems that require an oxygen tank.

Yet, in spite of these infirmities, Jennie became an active part of the Eastern Illinois University campus. She lobbied the administration