

# 7 states challenge Trump's EPA for ignoring science, failing to ban pesticide linked to brain damage

Chlorpyrifos has been linked to human health problems.

By [Esther Yu Hsi Lee](#), Think Progress 6/6/17

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Seven states and a dozen health and labor groups separately challenged the U.S. Environmental Protection Agency (EPA) on Tuesday to ban the use of a controversial insecticide linked to human health issues. Earlier this spring, the EPA rejected calls to ban the use of chlorpyrifos, an insecticide widely used to control pests on crops like Brussels sprouts and almonds.

New York State Attorney General Eric T. Schneiderman, along with six other attorneys general, submitted legal objections arguing that the use of chlorpyrifos at any amount could have adverse effects on farmworkers and children. In the [legal filing](#), the attorneys general argued that the EPA “failed to make a key safety finding needed to continue to allow levels of chlorpyrifos.”

Attorneys General argued that allowing chlorpyrifos residue on human food violates federal law because the EPA has not been

able to make “the finding of safety required.” The states call on the EPA to ban the use of chlorpyrifos on food within 60 days.

“The EPA’s first job is ensuring the health and safety of New Yorkers and all Americans — especially our children. Yet the Trump administration is jeopardizing our children’s health by allowing continued exposure to this toxic pesticide at levels it has not found to be safe,” Schneiderman [said](#) in a press release. “If the Trump Administration won’t follow the law — and put our children’s well-being first — we will fight back.”

Under the [Food Quality Protection Act of 1996](#), the EPA is required to protect infants and children from harm by pesticides in food, water, and exposure to indoor pesticides. Chlorpyrifos has been found to be [particularly harmful](#) to children and fetuses and has been linked to brain damage.

The filings come on the heels of a decision by [EPA Administrator Scott Pruitt](#) not to ban chlorpyrifos, a judgement made against the agency’s own scientific recommendations, which were made during the Obama administration. Under Pruitt, the agency claimed that “the science addressing neurodevelopmental effects remains unresolved.” The EPA also said continued use of the pesticide would provide “[regulatory certainty](#)” for thousands of farms reliant on the pesticide for their food crops.

In addition to New York, the states filing an administrative challenge against the EPA include California, Washington, Massachusetts, Maine, Maryland, and Vermont. These states make up some of the major agricultural hubs in the country. California, for instance, produces a huge majority of [America’s fruits, vegetables, and nuts](#). But the state also uses an estimated [1.3 million pounds](#) of chlorpyrifos every year, the advocacy group Pesticide Action Network [said](#), accounting for 20 percent of the total use nationwide.

In a [direct appeal](#) filed on the same day, health and labor organizations representing farmworkers and environmentalists also argued for the federal government to ban the use of chlorpyrifos.

“EPA has repeatedly found chlorpyrifos unsafe, particularly for children, and strengthened that view every time it’s reviewed the science,” Patti Goldman, the [Earthjustice](#) managing attorney handling the case, said in a [statement](#). “Based on the science and the law, the only credible thing to do to protect public health is ban this toxic pesticide.”

The use of chlorpyrifos has long been controversial, with [various restrictions](#) put on the pesticide. Between [2000 and 2012](#), the government restricted its use in homes except in bug baits, stopped its use on tomatoes, restricted its use on some apples to only pre-bloom and dormant applications, and lowered pesticide application rates.

During the Obama administration, the U.S. Ninth Circuit of Appeals ordered the EPA to respond to a [study](#) done by the agency which found a pattern of adverse neurodevelopmental outcomes in babies and children. In 2015, the EPA proposed a revocation of the pesticide on all food crops. But under Pruitt’s leadership, and at the urging of industry, the [EPA](#) instead chose to do further studies on the neuro-developmental impact to children.

[Dow Agrosiences](#), a division of Dow Chemical that manufactures chlorpyrifos, has forcefully pushed back against the purported detrimental effects of the pesticide. In March, the company defended Pruitt’s decision to deny the ban, [stating](#), “authorized uses of chlorpyrifos products offer wide margins of protection for human health and safety.” During the Obama administration Dow claimed EPA assessments “[lacked scientific rigor](#).”

Despite the EPA's claim that it needed more time to do studies, multiple studies have found a strong correlation between the insecticide, which works by attacking the nervous system of bugs, and neurodevelopmental problems among children and health issues among farmworkers. A study by researchers at Columbia University found that exposure was linked to brain function and lower IQ among children and others with still-developing bodies. For years, [environmental groups](#) have pressured the EPA to look into the correlation between pesticide usage and problems that could affect workers on an [organic and cellular level](#). When exposed to high dosages of the pesticide, humans can suffer from respiratory paralysis or death.

Farmworkers, particularly those who are immigrants, are at greatest risk of health problems because they're exposed to insecticides the most. They are at risk from direct spray, aerial drift, and contact with residues. They also mix, load, and apply pesticides. And they run the risk of carrying those insecticides home in the form of residues left on [tools, clothes, shoes, and skin](#).

The agricultural industry relies on a heavy [undocumented immigrant labor workforce](#), many of whom are afraid of complaining about issues. When roughly [50 farmworkers](#) got sick from pesticide drift in May, many refused treatment and others left before medical staff arrived. It's unclear whether those people were undocumented. But with the Trump administration actively seeking to deport immigrants on the basis of legal status alone, there has also been a sharp [across-the-board drop](#) by immigrants to [interact with anyone](#) who could potentially report them for deportation proceedings.