

Biden administration reviews Trump regulatory rollbacks likely to harm farmworkers

By Johnathan Hettinger, Midwest Center for Investigative Reporting January 22, 2021

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In one of his first acts Wednesday, President Joe Biden [ordered federal agencies](#) to review Trump-era rules that advocacy groups said harmed public health and the environment.

Among the [almost 50 rules Biden](#) asked the Environmental Protection Agency to review is a decision to not uphold an Obama-era ban of the pesticide chlorpyrifos. In 2016, the EPA [banned](#) spraying the pesticide on food crops because its scientists linked it to brain damage in children. But in one of its first actions, the Trump administration reversed that finding, and the EPA has been in court over the decision ever since.

Biden also aimed at a Trump decision that weakened farmworker protections from pesticides. Critics have said Trump's decision would likely result in farmworkers, rural residents and school children being sprayed by toxic pesticides.

While praising the moves, environmental and farmworker groups said they hope the Biden administration lives up to its stated promise in the [executive order](#): "It is, therefore, the policy of my Administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides."

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Lori Ann Burd — the environmental health program director at the Center for Biological Diversity, a nonprofit organization that works to protect human health and the environment including from toxic chemicals — said she didn't expect to see the word "pesticide" in the order.

"It was kind of a surprise for all of us," she said. "We didn't expect Biden to come out as such a champion."

Farm groups and pesticide companies regularly praised Trump's rules on pesticides as undoing unnecessary burdens. But that was often at the risk of doing harm to farmworkers, said Carrie Apfel, a staff attorney at Earthjustice, which filed hundreds of lawsuits against the Trump administration's regulatory rollbacks, including over chlorpyrifos and the worker protection standards.

"This shows the new administration is considering health and safety, which was pretty much ignored for the last four years," Apfel said.

Farm groups have largely stayed silent on the moves. The American Farm Bureau Federation, which [supported the change to the worker protection standard](#) as "common sense" and "practical," [issued a statement congratulating Biden on his inauguration](#) and said they hope to work with the administration on strengthening the Farm Bill, expanding trade and increasing the number of farm laborers.

But the pesticide issue goes beyond the Trump administration, Burd said. She estimated that he was "15% worse" than previous presidents when it came to regulating pesticides.

The U.S. annually allows the spraying of [more than 300 million pounds of pesticides](#) that are banned in other countries, such as the European Union, Brazil and China.

The herbicide dicamba, which has [skyrocketed in use in recent years](#), could be an early litmus test for the Biden administration, Burd said. A federal court [banned the weed killer](#) last summer because of unprecedented damage to other crops and natural areas after a challenge by the Center for Biological Diversity and other groups.

But just days before the election, the Trump administration, in a press conference in the swing state of Georgia, re-approved dicamba for five years. The [decision came despite agency documents showing the damage was worse than previously known](#).

The groups have [re-filed their lawsuit](#). The Biden administration could easily choose not to defend the decision, Burd said.

Burd also sits on an EPA [advisory board](#) that examines pesticide regulations. At a recent meeting, the agency said it dedicated 50 staffers to re-approving dicamba, she said.

She'd like to see the agency put 50 staff members dedicated to complying with Biden's executive order and eliminating exposure to dangerous chemicals and pesticides.

"These are not the end of it," she said. "There is so much more to do on farmworker protections."

Last-minute changes

The Biden administration's review does not include all the rules the EPA rolled back under Trump. [According to the Washington Post](#), Trump rolled back more than 125 environmental rules, many in recent months.

Earlier this month, the EPA [reinstated the pesticide aldicarb](#) for use on citrus trees in Florida.

In 2010, the [EPA and Bayer announced they would voluntarily cancel](#) the use of aldicarb, [one of just 36 pesticides classified as "extremely hazardous"](#) by the World Health Organization, because of the risk it posed to infants and young

children. Aldicarb, made by AgLogic, [is banned by international treaty](#) in more than 100 countries. However, the U.S. has not signed onto the treaty.

In recent months, the EPA also re-approved [dozens of toxic pesticides](#). These pesticides were approved on a regular 15-year schedule, but they likely would've seen more regulation in a Biden administration, said Nathan Donley, a senior scientist at the Center for Biological Diversity.

For example, the [EPA in September reapproved atrazine](#), the second-most commonly sprayed herbicide in the U.S.

Made by Syngenta, atrazine is banned in dozens of countries including the European Union because of its link to [reproductive issues, an increased chance of birth defects, a loss of fertility in men and a potential to cause cancer](#). In the decision, the EPA allowed about 50 percent more of the herbicide to be dumped into waterways. Already, [atrazine is found in the drinking water of 30 million Americans](#), according to [the Environmental Working Group](#).

The agency also recently approved paraquat, which [tripled in use between 2006 and 2017](#). This was largely because of its use to combat “super weeds” that developed resistance to other weed killers in soybeans and cotton. Paraquat has led to the death of at least 27 people in the U.S. since 1990, [according to the EPA](#), and is linked to an increased risk of developing Parkinson’s disease.

Kristin Schafer, executive director of the nonprofit Pesticide Action Network, said if the Biden administration is truly going to “listen to science,” it will likely reconsider many of these approvals of dangerous pesticides.

“If they lift up the science, we’re hopeful for where that will lead,” she said.

Schafer said the administration will also need to address Trump-era changes such as the [“transparency in science”](#) rule designed to limit the use of epidemiological studies in setting health standards. In its decision to not ban chlorpyrifos, the EPA ruled out epidemiological studies that linked the pesticide to brain damage in children.

Schafer said many of those changes could be challenged by a Democrat-controlled Congress through the [Congressional Review Act](#), which allows Congress to reconsider recent rule changes.

Farmworkers at risk

The Biden administration also announced a review of rules related to farmworker protections, which the Obama administration strengthened.

The Application Exclusion Zone regulates how close people can be to a pesticide when it's being sprayed. Trump weakened the rule in October.

That change allowed pesticides to be sprayed if someone is within 100 feet of the application zone but not on the property; allowed non-employees to be present within 100 feet of the application zone if they are on an easement; and shrunk the protection zone to 25 feet for some pesticides.

A federal judge [placed](#) the rollbacks on hold in late December after a challenge by [farmworker groups](#). Five state attorneys general, including in New York, California and Illinois, also [challenged](#) the change.

It is unclear how many farmworkers are harmed each year by pesticides, as there is little-to-no requirement on reporting these incidents, [according to Harvest Public Media](#). A [Government Accountability Office report published](#) this month found the EPA does not properly track pesticide misuse data. The [Centers for Disease Control estimates 20,000](#) each year, though the accountability office [estimated in 1992 it could be as high as 300,000](#).

Emily Marquez, a staff scientist at Pesticide Action Network, told the Midwest Center for Investigative Reporting that it is very difficult to estimate how many people are harmed by pesticides in the U.S. each year because it requires someone to report the incident. Marquez was a co-author on a [December study that found 385 million farmworkers](#) across the globe are harmed each year by pesticides.

In 2015, the EPA [said the strengthened protections](#) were likely to reduce acute poisonings and chronic diseases associated with exposure to pesticides, such as non-Hodgkin's lymphoma, lung and prostate cancer, Parkinson's disease,

bronchitis and asthma.

A recent [Midwest Center air sampling project found](#) pesticides related to cancer, endocrine disruption and development issues in children near schools, parks and residences in Central Illinois.