

**A PETITION TO SECRETARY ROBERT F. KENNEDY JR. AND
ADMINISTRATOR LEE ZELDIN**

**PROTECT AMERICANS FROM DANGEROUS PESTICIDE RESIDUES
ON OUR FOOD CAUSED BY HERBICIDES SPRAYED AS PREHARVEST
DESICCANTS**



Center for Biological Diversity



October 1, 2026

The Honorable Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Petition to Protect Americans from Dangerous Pesticide Residues on Our Food from Herbicides Sprayed as Preharvest Desiccants

To Secretary Kennedy, Administrator Zeldin,

There is no more pernicious euphemism in the entire American food production system than the concept of a pesticide “tolerance” on our food. A “tolerance” is the acceptable amount of pesticide left on the food we eat, even though nearly every chemical pesticide is designed to cause damage to living things. This “tolerance” is set by the Environmental Protection Agency (“EPA”) based almost entirely on data generated by the pesticide industry itself, which has a vested interest in having the highest tolerances possible allowed on food.

Having “acceptable” tolerances of pesticide residues means that every day the majority of Americans will directly consume multiple chemical pesticides that are designed to harm and kill living things — potentially causing harm at a cellular level.

Even more disturbing, many pesticides are increasingly used as preharvest desiccants, which means they are used on crops immediately before harvest – leaving no time for the pesticide to break down or wash off in the rain before the food is harvested, packaged, and put on our kitchen tables. Desiccant herbicides kill and dry out a crop before harvest, while preharvest herbicide use is meant to kill weeds remaining in a field at harvest time (often for genetically modified crops that are resistant to the effects of the herbicide). This makes mechanical harvesting easier. But this ease comes at the cost of increased herbicide use and contamination of food because it puts chemical residue directly on the crop *immediately* before it begins its journey to our plates.

Take glyphosate as an example. Glyphosate is the most widely used pesticide in the United States and the most widely used preharvest desiccant pesticide. Due in part to high glyphosate tolerances, it has permeated our food supply,¹ our water,² and our bodies.³

¹ *Gluten-Free Food Test Results*, MOMS ACROSS AMERICA, <https://www.momsacrossamerica.com> (last visited Aug. 31, 2026).

² W.A. Battaglin et al., *Glyphosate and Its Degradation Product AMPA Occur Frequently and Widely in U.S. Soils, Surface Water, Groundwater, and Precipitation*, 50 JAWRA JOURNAL OF THE AMERICAN WATER RESOURCES ASSOCIATION 275 (2014).

³ Maria Ospina et al., *Exposure to Glyphosate in the United States: Data from the 2013–2014 National Health and Nutrition Examination Survey*, 170 ENVIRONMENT INTERNATIONAL 107620, 6 (2022).

Even Secretary Kennedy himself has warned of the dangers of glyphosate as a preharvest desiccant.⁴

Nearly 20 years ago, the EPA chose to accept international tolerances for glyphosate that set the tolerance of crops, like oats, at 30 parts per million (“ppm”) – 300X higher than the previous tolerance – to allow for the importation of highly contaminated food.⁵ These higher tolerances for glyphosate eventually paved the way for the widespread adoption of preharvest desiccant uses domestically as well. The EPA can correct the mistakes of the past and set new tolerances at protective levels to reduce our everyday exposure to glyphosate and ensure that America has the safest food in the world.

Since glyphosate’s previous approval over 30 years ago, the EPA has allowed glyphosate and many other herbicides to be used on all major crops immediately before harvest. Despite a nearly 2000% increase in its use since then, the EPA hasn’t revisited glyphosate’s registration decision since 1993, even amid rising concerns about America’s chronic disease epidemic. The crops most impacted by pre-harvest sprays include legumes, oats, oilseeds, and wheat. Contaminated crops leave pesticide residues in the foods made from these crops, such as bread, beer, canned beans and pasta, as well as foods commonly consumed by children like breakfast cereal and oatmeal.

The use of herbicides directly before harvest is dominated by, but not restricted to, glyphosate. Many other herbicides are also allowed to be used immediately before harvest, including paraquat, the notoriously dangerous pesticide linked to Parkinson’s Disease and banned by 70 countries and the states of California and Vermont; diuron, a probable carcinogen and endocrine disruptor known to be highly toxic in aquatic environments and banned in three dozen nations; and saflufenacil, a PFAS or “forever chemical.” All of these pesticides have been deemed by the EPA to be safe enough to be sprayed on our food soon before we eat it.

The status quo is unacceptable and the Administration must do more to ensure that pesticide registration decisions and tolerance levels for glyphosate and other pesticides on our foods protect everyday Americans.

We therefore petition the EPA and the Food and Drug Administration (“FDA”) to take the following actions to address this serious threat to human and environmental health: (1) conduct a joint review of the major risks and purported benefits of herbicides used as preharvest desiccants; (2) conduct a joint review of the long-term effects, including the risk of cancer, from low-dose dietary exposure to glyphosate and other herbicides used as preharvest desiccants (3) conduct a joint reassessment of existing tolerance levels for herbicides with this use; (4) lower the glyphosate tolerance to no more than 0.05 ppm for all crops; and (5) initiate rulemaking to improve FDA’s pesticide monitoring program and institute formal consultation between the two agencies when setting tolerance levels on food.

The EPA and FDA should jointly review risks, benefits, and tolerances for all herbicides with preharvest desiccant uses to ensure that all relevant science is fairly evaluated to meet the

⁴ <https://x.com/RobertKennedyJr/status/1801761337783238948>.

⁵ Glyphosate; Pesticide Tolerances, 73 Fed. Reg. 73586 (Dec. 3, 2008) (codified at 40 C.F.R. § 180).

Administration's commitment to gold-standard science. A joint review of preharvest and desiccant herbicides is in line with the President's Regenerative Agriculture Executive Order⁶ ("EO") but should go above and beyond what is required in the EO. EPA and FDA should prioritize these ten herbicides because they are potentially very hazardous to our food supply due to their acute toxicity, evidence of cancer risk or other long-term harms: 2,4-D, diquat, diuron, glufosinate, glyphosate, paraquat, pyraflufen-ethyl, saflufenacil, sodium chlorate, and tiafenacil.

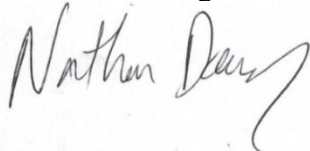
Furthermore, the FDA must redouble its effort to ensure that America's food is safe for consumers. The FDA's testing for pesticide contamination has severely weakened over time, however the FDA's own recent survey found 222 pesticides on our food. Previously, the FDA found that the herbicide glyphosate had been contaminating our food since the first Trump administration. The FDA must conduct more food testing and FDA should consult with EPA when the agency sets tolerance levels for pesticides.

The Center submits this petition because all Americans deserve to have the safest and most abundant food in the world. Protecting the quality and integrity of our daily bread and what we feed our children is one of the government's most sacred duties.

Sincerely,



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⁶ Donald J Trump, *Advancing Regenerative Agriculture and Strengthening American Farm Resilience*, (2026), <https://www.whitehouse.gov/wp-content/uploads/2026/06/eo-14414.pdf>.

I. PREHARVEST AND DESICCANT PESTICIDE USE CONTAMINATES OUR FOOD SUPPLY

Most modern agriculture relies heavily on herbicides, products designed to kill plants, to decrease weed competition with crops for sunlight and nutrients. The EPA regulates the use of pesticides under the Federal Insecticide Fungicide and Rodenticide Act (“FIFRA”) and has approved the use of hundreds of herbicide active ingredients across tens of thousands of products. Many herbicide products are allowed to be used during any time of the year with limited restrictions.

Some herbicides are approved for use right up until days before a crop is harvested, which are referred to here as preharvest desiccant uses. Pesticide users apply herbicides as preharvest desiccants to crops when they want accelerated and more uniform crop drying, and to kill and dry out weeds in the field to ease mechanical harvesting.⁷ Desiccant herbicides are used to kill and dry out a crop while preharvest uses are also intended to kill remaining weeds in a field, particularly in genetically modified crops.

While any herbicide use can leave chemical residues on a crop, preharvest and desiccant uses result in the greatest amount of hazardous pesticide residue directly on our food⁸ because there is a very limited time for the herbicide to wash off or break down. Grains, beans, and oilseeds are the crops that pesticide users often use desiccant herbicides to accelerate and uniformly dry crops prior to harvest. Glyphosate residue studies have found that these crops consistently have the highest levels of contamination after preharvest desiccant treatment.⁹

Herbicide residue on crops is a major contributor to dietary pesticide exposure and is the largest exposure pathway for many people. Low-level herbicide exposure has been linked to cancer, reproductive issues, developmental issues, and other chronic health problems.¹⁰ Some herbicides used preharvest (shown in Table 1) are acutely toxic, potential carcinogens, endocrine disruptors, highly hazardous, or are considered “forever chemicals” that have breakdown products that can remain in the environment indefinitely. Table 1 identifies 10 herbicides used as preharvest desiccants that pose significant threats to human and environmental health because of their widespread use, toxicity, or persistence.

⁷ James L. Griffin, Joseph M. Boudreaux & Donnie K. Miller, *Herbicides As Harvest Aids*, 58 WEED SCIENCE 355, 355 (2010).

⁸ Gražina Kadžienė et al., *Oilseed Rape, Wheat, and Barley Grain Contamination as Affected by Different Glyphosate Usage*, 12 PLANTS 1335, 10 (2023).

⁹ Fian Louie et al., *A Comparative Evaluation of Dietary Exposure to Glyphosate Resulting from Recommended U.S. Diets*, 158 FOOD AND CHEMICAL TOXICOLOGY 112670 (2021).

¹⁰ Juthamas Hongob et al., *Herbicide-Related Health Risks: Key Mechanisms and a Guide to Mitigation Strategies*, 20 J OCCUP MED TOXICOL 6, 4 (2025).

Table 1. Herbicides with preharvest desiccant uses that pose significant threats to human and environmental health.

Herbicide Active Ingredient	Pesticide Action Network Classification	Typical Preharvest or Desiccant Uses
2,4-D	Highly Hazardous, Endocrine Disruptor	Cereal Grains, Corn
Diquat	Highly Hazardous, Acutely Toxic	Canola, Potatoes, Vegetables
Diuron	Highly Hazardous, Probable Carcinogen, Suspected Endocrine Disruptor	Cotton
Glufosinate	Highly Hazardous	Canola, Corn, Cotton, Soybeans
Glyphosate	Highly Hazardous, Probable Carcinogen	Cotton, Grains, Legumes, Oilseeds, Sugarcane
Paraquat	Highly Hazardous, Acutely Toxic	Cotton, Potatoes, Soybeans
Pyraflufen-ethyl	Highly Hazardous, Probable Carcinogen	Potatoes, Cotton, Soybeans
Saflufenacil	Forever Chemical	Canola, Cotton, Legumes, Grains, Sunflower
Sodium Chlorate	Suspected Endocrine Disruptor	Cotton, Soybeans, Corn
Tiafenacil	Forever Chemical	Cotton

The herbicide glyphosate, the active ingredient in the herbicide Roundup®, is the main focus of this petition because it is likely the most widely-used herbicide for preharvest or desiccant uses. However, the requested actions in this petition apply equally to other preharvest and desiccant herbicides.

Glyphosate is a broad-spectrum herbicide intended to kill nearly all plants. Since it was first brought to market by the Monsanto Company in 1974, its popularity has continued to grow and it's now the most widely used pesticide in the world with over 250 million pounds applied annually in the United States (Figure 1). Glyphosate is an active ingredient in many pesticide products currently approved for preharvest use on nearly all major crops. The Roundup Power Max 3® label allows preharvest use on: alfalfa, clovers, corn, cotton, dry beans (legumes), feed barley, grain sorghum, oilseeds, soybeans, sugarcane, and wheat.

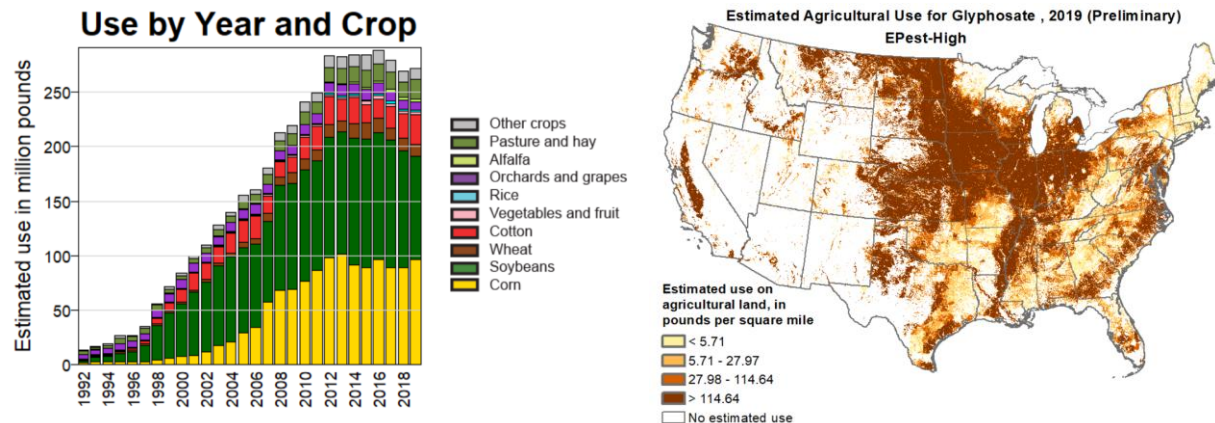


Figure 1. USGS Pesticide National Synthesis Project data for glyphosate.¹¹

The scale of the problem of herbicide residue on food has grown alongside the increasing use of glyphosate. When EPA last reapproved glyphosate for use 33 years ago, it was only the 11th most used herbicide¹² in the U.S. and EPA's reapproval only explicitly registered its use as a crop desiccant/plant growth regulator for sugar cane and peanut.¹³ EPA has steadily added more preharvest and desiccant uses to Roundup® labels – adding cotton (1990), soybeans (1992), wheat (1995), grain sorghum (1997), corn (1999), feed barley (2002), beans (peas, lentils, and chickpeas) (2006), safflower/sunflower (2009), and oilseeds (2021).¹⁴ Many of these preharvest uses are associated with the emergence of crops that are genetically modified to tolerate glyphosate. Other herbicide products have preharvest and desiccant uses on other crops.

Glyphosate residue on grains and other raw commodities contaminates bread, cereal, and beer and other foods. Residue studies of wheat found that glyphosate is concentrated on the outside of the wheat seed. One study found that 50% of glyphosate residues are on the outer 17% of kernels and that 81% of glyphosate residues are associated with the bran.¹⁵ This means that foods made from whole grains are more likely to have detectable glyphosate residues than foods made with white, refined flours that remove the bran. Furthermore, some glyphosate degradation has been reported in grain processing while other studies found that preparation of dough, fermentation, and baking had no impact on glyphosate concentrations.¹⁶ It is unclear if processing significantly reduces residue levels.¹⁷

¹¹ 2019 is the most recent year that data is available. Data available at https://water.usgs.gov/nawqa/pnsp/usage/maps/show_map.php?year=2019&map=GLYPHOSATE&hilo=L&disp=Glyphosate.

¹² EPA, REREGISTRATION ELIGIBILITY DECISION (RED) GLYPHOSATE 7 (1993).

¹³ *Id.* at 27-32.

¹⁴ Dates based on review of some Roundup® labels from 1990 to present. Some preharvest uses may have been permitted before the year cited.

¹⁵ Sheryl A. Tittlemier et al., *Fate of Glyphosate in Wheat during Milling and Bread Production*, 98 CEREAL CHEMISTRY 100, 106 (2021).

¹⁶ Tittlemier et al., *supra* note 15.

¹⁷ Jingwen Xu et al., *Glyphosate Contamination in Grains and Foods: An Overview*, 106 FOOD CONTROL 106710, 2 (2019).

Americans have historically gotten roughly 50% of their calories from carbohydrates¹⁸ consuming about 3.5 ounces (100g) per day.¹⁹ Individuals who want to eat whole grain foods (in alignment with the Dietary Guidelines for Americans issued by Secretary Kennedy’s Department of Health and Human Services that instructs the public to “prioritize fiber-rich whole grains”²⁰) are likely to consume higher levels of glyphosate than those who don’t.

Inevitably, glyphosate applied right before a crop is harvested ends up in the food that Americans eat. Government-funded and independent studies consistently find glyphosate contamination in common grain and legume-based foods, including beer, bread, cereal, canned beans, pasta, and granola bars. *See* Table 2 for more information on these residue studies.

Glyphosate is so widely used that FDA and governmental testing have routinely found glyphosate residues on food every time they have looked. The FDA is responsible for ensuring that pesticide residues on food do not exceed tolerances, but the FDA has failed to consistently and adequately monitor pesticide residues in foods. The FDA only started monitoring specifically for glyphosate in 2016 – analyzing corn, soybeans, milk, and eggs.²¹ The FDA’s 2016 pesticide residue report found glyphosate on 37% of corn and 33% of soybeans.²² Beyond corn and soybeans, internal records obtained through the Freedom of Information Act (“FOIA”) showed that in 2016 and 2017 the FDA also found glyphosate residues in oat products, including flavored oat cereals for babies.²³

The FDA has evidence that glyphosate and other pesticides contaminate food. In 2023, the latest year with data available, FDA’s pesticide monitoring report identified glyphosate residues on multiple commodities – and the highest levels in the 2023 survey were found on chickpeas (max residue 11 ppm) and lentils (max residue 4 ppm).²⁴ The highest levels reported on oats were at 0.73 ppm.²⁵ Overall, FDA detected 222 unique pesticides and 50% of domestic grain and grain products tested had detectable pesticide residues of any kind.²⁶

The United States Department of Agriculture (“USDA”) also performs some monitoring of commodities through their Pesticide Data Program (“PDP”), however it is a voluntary program

¹⁸ CDC, *FastStats*, (Dec. 11, 2025), <https://www.cdc.gov/nchs/fastats/diet.htm>; CDC, *Mean Macronutrient Intake Among Adults Aged 20 and Over, by Sex and Age: United States, Selected Years 1988-1994 through 2015-2018*, <https://www.cdc.gov/nchs/data/has/2020-2021/McrNutr.pdf>.

¹⁹ BIING-HWAN LIN, JOANNE GUTHRIE & TRAVIS SMITH, *DIETARY QUALITY BY FOOD SOURCE AND DEMOGRAPHICS IN THE UNITED STATES, 1977-2018* 93 (2023), <https://www.ers.usda.gov/media/9037/eib-249.pdf?v=56824>.

²⁰ HHS AND USDA, *DIETARY GUIDELINES FOR AMERICANS 3* (2025), <https://cdn.realfood.gov/DGA.pdf>.

²¹ Carey Gillam, *FDA to Start Testing for Glyphosate in Food*, CIVIL EATS (Feb. 17, 2016), <https://civileats.com/2016/02/17/fda-to-start-testing-for-glyphosate-in-food/>.

²² FDA, *PESTICIDE RESIDUE MONITORING PROGRAM FISCAL YEAR 2016 PESTICIDE REPORT 28* (2018), <https://www.fda.gov/media/117088/download?attachment>.

²³ Carey Gillam, *Weedkiller Found in Granola and Crackers, Internal FDA Emails Show*, THE GUARDIAN, Apr. 30, 2018, <https://www.theguardian.com/us-news/2018/apr/30/fda-weedkiller-glyphosate-in-food-internal-emails>; Carey Gillam, *FDA FOIA Documents Regarding Glyphosate Residue Testing*, U.S. RIGHT TO KNOW (May 10, 2018), <https://usrtk.org/pesticides/fda-foia-documents-regarding-glyphosate-residue-testing/>.

²⁴ FDA, *FDA Pesticide Report Data Dashboard*, FDA (Dec. 22, 2025), <https://www.fda.gov/food/pesticides/fda-pesticide-report-data-dashboard>.

²⁵ *Id.*

²⁶ FDA, *PESTICIDE RESIDUE MONITORING PROGRAM FISCAL YEAR 2023 PESTICIDE REPORT 18* (2025), <https://www.fda.gov/media/190315/download?attachment>.

not designed to enforce tolerances.²⁷ In 2011, EPA asked the USDA to sample for glyphosate because FDA was not monitoring glyphosate residues at that time and the agency found glyphosate present in 90% of soybean samples (max. detection 18.5 ppm).²⁸ After 2011, the Pesticide Data Program records available online show that the USDA has only sampled glyphosate on corn and soybean and only sampled in 2021, 2022, and 2023.²⁹ Across all PDP records, glyphosate has been detected in 30% of corn (max. detection 0.14 ppm) and 91% of soybeans (max. detection 18.5 ppm).³⁰

Overall, governmental pesticide monitoring programs have only sampled a narrow range of commodities and foods. Because the federal government has failed to systematically monitor glyphosate residues on food, states and non-governmental organizations have stepped in to fill the gaps (See Table 2 for a list of some recent studies). For example, in 2025, Florida started the Healthy Florida First initiative to survey foods for contaminants, including glyphosate. Healthy Florida First found glyphosate residues in six of the eight bread samples, and four samples had residues above 0.1 ppm, the tolerance level prior to 2009.³¹

Table 2. Non-governmental studies of glyphosate residues in food.

Foods Studied	Amount of Contamination	Study Author
Beer 5 major brands	Percentage positive detection 100% Range detected 0.25–2.93ppb	Green America (2026) ³²
Bread 8 brands	Percentage positive detection 75% Range detected 10.38–191.04ppb	Healthy Florida First (2026) ³³
Oat Products 7 whole oats 9 snack bars 25 cereals 7 granolas	Percentage positive detection 90% Range detected 10–2837ppb	Environmental Working Group (2018) ³⁴
Oat Products	Percentage positive detection 100%	Environmental Working Group (2019) ³⁵

²⁷ USDA, PESTICIDE DATA PROGRAM ANNUAL SUMMARY 7 (2024),

<https://www.ams.usda.gov/sites/default/files/media/PDPAnnualSummary.pdf>.

²⁸ GAO, FDA AND USDA SHOULD STRENGTHEN PESTICIDE RESIDUE MONITORING PROGRAMS AND FURTHER DISCLOSE MONITORING LIMITATIONS 26 (2014) <https://www.gao.gov/assets/d1538.pdf>.

²⁹ USDA, PDP, (2026), <https://apps.ams.usda.gov/PDP>.

³⁰ *Id.*

³¹ Healthy Florida First, *Bread* | *Healthy Florida First*, (2026), <https://exposingfoodtoxins.com/bread/>.

³² Green America, *Problematic Pesticides: The Glyphosate in Beer Report* | *Green America*, (2026), <https://greenamerica.org/problematic-pesticides-glyphosate-beer-report>.

³³ Healthy Florida First, *supra* note 31.

³⁴ Environmental Working Group, *Breakfast With a Dose of Roundup?* | *Environmental Working Group*, (Aug. 14, 2018), https://www.ewg.org/sites/default/files/u352/EWG_Glyphosate-2_Table_Full_C02.pdf.

³⁵ Environmental Working Group, *In New Round of Tests, Monsanto's Weedkiller Still Contaminates Foods Marketed to Children* | *Environmental Working Group*, (June 19, 2019), <https://www.ewg.org/childrenshealth/monsanto-weedkiller-still-contaminates-foods-marketed-to-children>.

7 breakfast cereals 2 granolas 12 snack/snack bars	Range detected 76–833ppb	
Broad Diet Study	95% percentile range of daily exposure of a 2000 calorie diet U.S. Style Diet 38-960ppb Mediterranean Style 39-1,100ppb Vegetarian 39–880 ppb	Louie et al. (2021) ³⁶
Multiple Products	Percentage positive detection 96% Range detected 1.26–2,876.41 ppb	Moms Across America (2024) ³⁷
Multiple Products	<i>Conventional Foods</i> Percentage positive detection 62% Range detected 20–1,150 ppb <i>Non-GMO Foods</i> Percentage positive detection 69% Range detected 12–1,040 ppb <i>Organic Foods</i> Percentage positive detection 22% Range detected 13–54 ppb	The Detox Project (2024) ³⁸

³⁶ Louie et al., *supra* note 9.

³⁷ Moms Across America, *Gluten-Free Food Test Results*, MOMS ACROSS AMERICA (2024), <https://www.momsacrossamerica.com/lab-reports/gluten-free-testing>. See full test results at https://assets.nationbuilder.com/yesmaam/pages/9425/attachments/original/1720554530/Glyphosate_and_AMPA_COA-062624.pdf.

³⁸ THE DETOX PROJECT & UNITED WE EAT, *THE POISON IN OUR DAILY BREAD: PRE-HARVEST SPRAYING OF MONSANTO-BAYER’S ROUNDUP IS LEADING TO CONTAMINATION OF ESSENTIAL “HEALTHY” FOODS* (2024), https://detoxproject.org/wp-content/uploads/2024/12/Glyphosate_Contamination_Report_Final1.pdf.

Chickpea Products Including Hummus	<i>Hummus</i>	Environmental Working Group (2020) ³⁹
	Percentage positive detection	
	92%	
	Range detected	
	2-2,739 ppb	
	<i>Chickpeas and Other Products</i>	
	Percentage positive detection	
	81%	
	Range detected	
	2-21,454 ppb	

Non-governmental organizations and the public are increasingly concerned about glyphosate exposure, and awareness is building about the risk of chronic exposure to this ubiquitous herbicide. In 2018, EWG petitioned the EPA to lower glyphosate tolerances for oats and end desiccant use based on their glyphosate residue findings on oat products marketed to children.⁴⁰ EPA received 103,447 public comments on this 2018 petition,⁴¹ yet EPA has failed to act and in 2026 EWG sued over EPA’s delay.⁴² In 2023, the Center for Food Safety (“CFS”) and healthy agriculture and farmworker organizations petitioned EPA to terminate glyphosate’s registration because of evidence of widespread food contamination and a growing understanding of the risks of chronic exposure to this herbicide even at very low doses.⁴³

The private sector is also responding to widespread concern about glyphosate residue. Companies do not want to be associated with products that are testing positive for high pesticide residues, and this is becoming a branding issue. Stamps and seals of “glyphosate residue free” and “desiccant free” flours and other foods are starting to show up on store shelves. The Detox Project lists 184 brands on their website that offer glyphosate residue free certified products.⁴⁴

Given the scale of the problem of preharvest and desiccant herbicide use contaminating our food, the EPA must take action to comply with current laws, regulations, and directives to reduce the widespread harm of preharvest desiccant herbicides. In June of 2026, President Trump ordered EPA to reassess the risk of impact from cumulative chemical exposures in Executive Order

³⁹ Environmental Working Group, *EWG Tests of Hummus Find High Levels of Glyphosate Weedkiller* | Environmental Working Group, (July 14, 2020), <https://www.ewg.org/research/glyphosate-hummus>.

⁴⁰ ENVIRONMENTAL WORKING GROUP, PETITION TO MODIFY THE TOLERANCE OF GLYPHOSATE IN OATS TO 0.1 PPM AND REQUIRE GLYPHOSATE-CONTAINING PRODUCT LABELS TO EXPLICITLY PROHIBIT THE USE OF GLYPHOSATE AS A PREHARVEST DESICCANT (2018), <https://www.ewg.org/sites/default/files/Glyphosate%20Petition%20Final%20.pdf>.

⁴¹ EPA, *Filing: Petition to Modify the Tolerance and Product Labels for Glyphosate with Regard to Oats*, REGULATIONS.GOV (2019), <https://www.regulations.gov/document/EPA-HQ-OPP-2019-0066-0001>.

⁴² Environmental Working Group, *EWG Sues EPA: Protecting Kids from Glyphosate’s Risks*, (Apr. 21, 2026), <https://www.ewg.org/news-insights/news-release/2026/04/ewg-sues-epa-7-year-inaction-glyphosate-oats-citing-risks>.

⁴³ CENTER FOR FOOD SAFETY, PETITION TO CANCEL ALL REGISTRATIONS OF GLYPHOSATE HERBICIDE (2023), https://www.centerforfoodsafety.org/files/12-13-23_glycancelpet_final_85692.pdf.

⁴⁴ The Detox Project, *Glyphosate Residue Free Certified Products*, THE DETOX PROJECT (2026), <https://detoxproject.org/certification/glyphosate-residue-free/certified-products/>.

14414 (“EO”).⁴⁵ This EO requires the EPA to review all data for preharvest desiccant uses to ensure that the agency is complying with current statutes and regulations, including tolerances and pesticide product labeling.⁴⁶ EPA has also been in the process of reregistering glyphosate for a decade or more – which presents an opportunity to protect people by making significant changes to how glyphosate is used. EPA’s last reevaluation of glyphosate did not separately evaluate the benefits of preharvest usage. In the coming reevaluation, EPA should do a new accounting of the benefits of preharvest and desiccant herbicide applications weighted against the cost to human health and the environment of added glyphosate residue on our food and the environment. Without a complete accounting of the risks and benefits of preharvest and desiccant uses, these uses do not comply with FIFRA. The significant risks to human health are not likely outweighed by making it slightly easier for farmers to harvest a crop.

The EPA is aware that preharvest desiccant herbicide use is a major contributor to dietary exposure yet continues to approve more herbicides for preharvest uses. However, facing public pressure on this issue, rather than taking meaningful action to limit dietary exposure through regulation, in 2026, EPA announced a \$30 million “challenge” fund to find alternatives to preharvest desiccation use of pesticides.⁴⁷ This is not a replacement for regulation restricting uses that have unacceptable risks.

The Center petitions the EPA and the FDA to conduct a joint reevaluation of the risks and harms of preharvest desiccant herbicides beyond what is required in Executive Order 14414 – prioritizing the following ten highly hazardous herbicides: 2,4-D, diquat, diuron, glufosinate, glyphosate, paraquat, saflufenacil, pyraflufen-ethyl, tiafenacil, and sodium chlorate.

II. GLYPHOSATE RESIDUE ON FOOD HAS COMPELLING LINKS TO CANCER AND OTHER LONG-TERM HARMS

In 2015, the United Nation’s International Agency for Research on Cancer (“IARC”) determined that glyphosate is a probable human carcinogen.⁴⁸ This assessment was the product of years of work by independent scientists around the world and a review of nearly 1000 studies.⁴⁹ The IARC review justified its assessment after finding strong evidence of two cancer-causing mechanisms: (1) that glyphosate is genotoxic in humans and animals and causes chromosomal damage and (2) that glyphosate induces oxidative stress based on animal and in vitro studies.⁵⁰

IARC’s comprehensive finding contradicts the EPA’s determination that glyphosate is not a carcinogen, although the EPA originally classified it as possibly carcinogenic in 1985. The

⁴⁵ Trump, *supra* note 6.

⁴⁶ *Id.*

⁴⁷ EPA, *EPA Launches \$30 Million Challenge to Help American Farmers Grow Healthy Food with Fewer Chemicals*, (July 1, 2026), <https://www.epa.gov/newsreleases/epa-launches-30-million-challenge-help-american-farmers-grow-healthy-food-fewer>.

⁴⁸ IARC, *IARC Monograph on Glyphosate*, (2015), <https://www.iarc.who.int/featured-news/media-centre-iarc-news-glyphosate>.

⁴⁹ *Id.*

⁵⁰ IARC, *SOME ORGANOPHOSPHATE INSECTICIDES AND HERBICIDES VOLUME 112* 398-399 (2015), <https://publications.iarc.who.int/download/mono112.pdf>.

Agency currently considers that glyphosate is “not likely to be carcinogenic to humans.”⁵¹ Consequently, EPA’s human health risk assessment provides no quantitative estimate of carcinogenic risk from oral or other exposures. The EPA’s chronic population adjusted dose, the basis for their dietary risk assessment, relies on a study that showed only diarrhea in rabbits⁵² but nothing specific about cancer or other long-term harm.

The last time glyphosate was re-approved for use in the U.S. was over 30 years ago in 1993, when less than 20 million pounds was used in U.S. agriculture.⁵³ Today the U.S. uses more than 10x more glyphosate and tolerances have increased considerably for some crops. In 2017, EPA finalized a cancer assessment for glyphosate, finding that the pesticide is not carcinogenic.⁵⁴ In 2022, a federal appellate court found that EPA violated its cancer guidelines when making its cancer classification and revoked EPA’s glyphosate human health risk assessment.⁵⁵ There is currently no active, finalized glyphosate cancer assessment by EPA.

For decades, but particularly in the last ten years, many scientists have criticized EPA’s human health assessment of glyphosate as incomplete, biased, and non-transparent, and have called for a reassessment of the herbicide’s human health impacts, including cancer.⁵⁶ Most recently, a symposium of cancer researchers held at the University of Washington in March of 2026 published the “Seattle Statement on Glyphosate and Public Health” that stated definitively that glyphosate causes harm and can cause cancer.⁵⁷ Exposure through diet is the most common route for most people and occupational use typically leads to higher exposures. The strongest evidence in humans is the link between glyphosate and non-Hodgkin lymphoma, a cancer of the lymphatic system.⁵⁸ The incidence of non-Hodgkin lymphoma has more than doubled in the United States from 1950 to 2006,⁵⁹ which coincides with the rapid rise in the use of glyphosate. As of 2023, there were an estimated 872,940 people living with non-Hodgkin lymphoma in the United States.⁶⁰

⁵¹ OCSPP US EPA, *Glyphosate*, (Sept. 18, 2014), <https://www.epa.gov/ingredients-used-pesticide-products/glyphosate>.

⁵² EPA, GLYPHOSATE. DRAFT HUMAN HEALTH RISK ASSESSMENT IN SUPPORT OF REGISTRATION REVIEW 16 (2017), <https://downloads.regulations.gov/EPA-HQ-OPP-2009-0361-0068/content.pdf>. The chronic Population Adjusted Dose is 1mg/kg/day. The non-cancer oral reference dose is The EPA’s chronic oral reference dose is 0.1mg/kg/day.

⁵³ USGS. Pesticide National Synthesis Project. Estimated Annual Agricultural Pesticide Use. Pesticide Use Maps – Glyphosate. Available here: https://water.usgs.gov/nawqa/pnsp/usage/maps/show_map.php?year=2019&map=GLYPHOSATE&hilo=L&disp=Glyphosate.

⁵⁴ EPA (2017). Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential. U.S. Environmental Protection Agency, Dec. 12, 2017.

⁵⁵ <https://www.courthousenews.com/wp-content/uploads/2022/06/Ninth-Circuit-glyphosate.pdf>

⁵⁶ John Peterson Myers et al., *Concerns over Use of Glyphosate-Based Herbicides and Risks Associated with Exposures: A Consensus Statement*, 15 ENVIRONMENTAL HEALTH 19 (2016).

⁵⁷ *Seattle Statement on Glyphosate and Public Health* | Environmental & Occupational Health Sciences, (2026), <https://deohs.washington.edu/seattle-statement-glyphosate-and-public-health>.

⁵⁸ *Id.*

⁵⁹ NIH SURVEILLANCE, EPIDEMIOLOGY, AND END RESULTS (SEER) PROGRAM, CANCER STATISTICS REVIEW 1975-2006: INTRODUCTION (2009), https://seer.cancer.gov/archive/csr/1975_2006/results_merged/sect_01_overview.pdf; Krishna C. Thandra et al., *Epidemiology of Non-Hodgkin’s Lymphoma*, 9 MEDICAL SCIENCES 5 (2021).

⁶⁰ NIH Surveillance, Epidemiology, and End Results (SEER) Program, *Non-Hodgkin Lymphoma - Cancer Stat Facts*, SEER (2026), <https://seer.cancer.gov/statfacts/html/nhl.html>.

Given the near universal exposure of Americans to glyphosate through the food we eat, and the advancements in glyphosate research, both EPA and FDA should reevaluate the risk of this highly controversial herbicide, including from preharvest desiccant use, as part of the reregistration of glyphosate. Last year's retraction of a highly cited paper finding no cancer risk from glyphosate⁶¹ adds to the need for a new assessment. The Journal of Regulatory Toxicology and Pharmacology retracted this paper because it cited only industry research from Monsanto and there was evidence that there may have been a lack of authorial independence. Any reevaluation of cancer and other harms from chronic exposure should only use the best available science and assess studies for potential biases. EPA and FDA should make public all studies that form the basis for a glyphosate risk assessment and public studies should be thoroughly assessed by independent scientists. While a new cancer and human health assessment is conducted, cancer researchers have also called for the addition of a 10X safety factor for glyphosate to lower the chronic reference dose to account for uncertainty.⁶²

Considering the risk of cancer and other harms from glyphosate, the Center petitions the EPA and the FDA to conduct a joint reevaluation of the long-term harms from chronic exposure to glyphosate and other herbicides used as preharvest desiccants to ensure that high residue levels are not contaminating our food supply.

III. ADOPTING INTERNATIONAL PESTICIDE RESIDUE STANDARDS HAS RESULTED IN REDUCED PROTECTION FOR CONSUMERS

The EPA is required under FIFRA to determine the acceptable amount of a pesticide that can be found on food, referred to as the tolerance. Tolerance levels often shift over time after updated risk assessments, the expansion of uses, the introduction of genetically modified crops that can withstand herbicide exposure, or at the request of registrants.

In general, pesticides that are allowed to be used over-the-top of crops, such as glyphosate, have higher tolerances. As an example, EPA noted in their 2017 Human Health Risk Assessment for glyphosate that “significantly higher tolerance are established for those crop where harvest-aid (desiccant) applications are registered and for the tolerant crops where over-the-top applications are permitted.”⁶³ EPA currently allows glyphosate application preharvest and as a desiccant on many cereal grains, legumes, vegetables, non-grass animal feeds, and oilseed crops. Tolerance levels for these crop groups are substantially higher than for other crops, and tolerances have shifted over time as preharvest and desiccant uses became more popular in the late 1990s and 2000s. See Appendix A for a selection of representative crop tolerances for glyphosate. For example, the tolerance for oats (classed in the grains group) in 1996 was 0.1 ppm (parts per million), then the tolerance was raised to 20 ppm in 1997 and increased again to 30 ppm in 2009 (as part of cereal group 15).⁶⁴ Glyphosate tolerance on barley followed a similar increase as oats

⁶¹ Gary M. Williams, Robert Kroes & Ian C. Munro, *RETRACTED: Safety Evaluation and Risk Assessment of the Herbicide Roundup and Its Active Ingredient, Glyphosate, for Humans*, 31 REGULATORY TOXICOLOGY AND PHARMACOLOGY 117 (2000), <https://www.sciencedirect.com/science/article/pii/S0273230099913715?via%3Dihub>.

⁶² John Peterson Myers et al., *Concerns over Use of Glyphosate-Based Herbicides and Risks Associated with Exposures: A Consensus Statement*, 15 ENVIRON HEALTH 19 (2016).

⁶³ EPA, *supra* note 52 at 20.

⁶⁴ The crops in cereal group 15 are listed in Appendix A.

and the wheat tolerance increased from 5 ppm to 30 ppm over the same period. Crops without preharvest uses such as rice and hops⁶⁵ have not increased over the period from 1997 to 2025.

For oats, EPA increased the glyphosate tolerance 300X since 1993 – the first was at the request of Monsanto in 1997 to allow the importation of Canadian oats where desiccant use was allowed.⁶⁶ Then EPA raised the tolerance again in 2008 in order to “harmonize” with tolerance levels presented in the Codex Alimentarius (“Codex”) which is a set of international standards created by the United Nations Food and Agriculture Organization and the World Health Organization.⁶⁷ The 2009 tolerance increase was likely, in part, to allow the importation of grains grown in other countries that allowed higher levels of glyphosate residues. Wheat and barley tolerances followed a similar series of tolerance changes also to meet Codex standards.⁶⁸

The EPA is not required to blindly accept the Codex tolerance levels unless it first determines that such an outcome would comply with the FIFRA and the FQPA. The EPA has a duty to ensure a safe food supply and should not be bullied into accepting contaminated food from other countries because an international body deems it acceptable. EPA routinely departs from Codex tolerances (see Table 3 for some examples) and can be more protective than Codex, however tolerances for grains that are staple foods in Americans’ diets remain stubbornly high and in line with Codex. These differences in tolerances have not upended international trade or erected significant barriers to international trade. EPA can and should reduce tolerances for crops that warrant the change due to increasing levels of pesticide residue.

Table 3. Examples of differences between EPA and Codex tolerances for certain crops. Tolerances in parts per million.

Crop	EPA tolerance 2025	Codex tolerance
Corn, popcorn	0.1	5
Corn, sweet	3.5	3
Pea, dry	8	10
Rape seed (including canola)	20	30
Sugar beet	10	15
Sunflower seed	40 (oilseed except canola)	7

The increase in the tolerance levels of glyphosate and the proliferation of preharvest desiccant uses has led to levels of glyphosate residue on foods that were previously considered too high. For example, in 2019, EWG published evidence that there were troubling amounts of glyphosate residue on cereal products marketed to children at levels as high as 0.833 ppm.⁶⁹ EWG found

⁶⁵ The tolerance for rice is set at 0.1 ppm and hops is set at 7 ppm.

⁶⁶ ENVIRONMENTAL WORKING GROUP, *supra* note 40 at 6.

⁶⁷ *Id.* at 3.

⁶⁸ EPA, *Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometuron, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Proposed Tolerance Actions*, 29458 (2008), <https://www.federalregister.gov/documents/2008/05/21/E8-11420/benfluralin-carbaryl-diazinon-dicrotophos-fluometuron-formetanate-hydrochloride-glyphosate>.

⁶⁹ Environmental Working Group, *supra* note 35.

that all but one of the tested products had glyphosate levels higher than the 0.1 ppm tolerance established in 1993.⁷⁰

Under the FQPA, when the EPA has sufficient information about the dietary risk of glyphosate it must begin reassessing the tolerances.⁷¹ Just as states cannot add additional warning labels,⁷² states cannot set their own tolerances because only EPA can reset the tolerances to levels that ensure reasonable certainty of no harm.⁷³ Based on a growing amount of governmental and non-governmental food testing, many foods on store shelves are now testing above the older 0.1 ppm tolerance established in the early 1990s. This is unacceptable and indicates that EPA and FDA should reassess tolerances for glyphosate and other pesticides.

Neither the EPA nor the Codex standards have been systematically updated since the 2015 IARC determination that glyphosate is a probable carcinogen. Codex maximum residue levels for barley, oats, and wheat have remained the same since 2006⁷⁴ and EPA's tolerances for these crops and several others have remained the same since 2009.⁷⁵ Scientists have called for a significant reassessment of glyphosate's toxicity by governments around the world, which should result in EPA resetting tolerances.

The current glyphosate tolerance on food is not protective of human health, therefore the Center petitions EPA to lower glyphosate tolerances on foods likely contaminated by preharvest desiccant herbicide uses to a safe 0.05 ppm or lower level based on a protective, gold-standard scientific assessment of the tolerances.

Furthermore, the Center petitions the EPA and FDA to initiate a joint reassessment of all tolerances for herbicides used preharvest and/or as desiccants to ensure reasonable certainty of no harm in compliance with the FQPA.

IV. FDA SHOULD REGULARLY MONITOR MANY MORE FOODS FOR PESTICIDE RESIDUES

The FDA has the critical responsibility of ensuring the food we eat is safe, and in addition to its expertise in dietary risks, has certain authorities over enforcement and monitoring of pesticides in our food. The Federal Food and Drug Cosmetic Act ("FDCA") tasks the EPA with determining the allowable level of pesticide residues permitted on food – known as a pesticide tolerance⁷⁶ – and the FQPA requires that "The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children."⁷⁷ Unfortunately, the FDA has failed to do this consistently or comprehensively. This must be promptly corrected.

⁷⁰ *Id.*

⁷¹ 7 U.S.C. § 136a-1(g)(2)(E)

⁷² *Monsanto Co v. Durnell* (United States Supreme Court 2026).

⁷³ 21 U.S.C. § 346a(b)(2)(A)(ii)

⁷⁴ *Pesticide Detail | CODEXALIMENTARIUS FAO-WHO*, https://www.fao.org/fao-who-codexalimentarius/codex-texts/dbs/pestres/pesticide-detail/en/?p_id=158 (last visited Aug. 31, 2026).

⁷⁵ *Compare* EPA, *supra* note 68 with current glyphosate tolerances at 40 C.F.R. § 180.364 (2025)

⁷⁶ 21 U.S.C. § 346a

⁷⁷ 21 U.S.C. § 346a(b)(2)(C)

For context, in 1970, the FDA transferred its authority to set tolerances to the newly formed EPA, while retaining enforcement authority over tolerance violations.⁷⁸ However, by 1987, FDA had effectively abdicated its duty to monitor pesticide tolerance violations, with a scathing report by the Government Accountability Office (“GAO”) finding that the FDA monitoring and enforcement of pesticide tolerances must “do a better job in protecting the public from potential hazardous pesticides in the food it consumes.”⁷⁹ At that time, even as 18,425 samples were assessed in 1984, the GAO found that “FDA has not been able to prevent a majority of both the domestically grown and imported adulterated food it finds from being marketed and consumed.”⁸⁰ The GAO recommended then that the “FDA needs to take strong actions against the violations it detects in order to maximize deterrent capabilities of its monitoring program.”⁸¹

In response, President Ronald Reagan signed the Pesticide Monitoring Improvements Act of 1988 to require the FDA to prepare annual summaries of pesticide testing, establish cooperative agreements with other countries to assure compliance with pesticide tolerances, and report on how monitoring programs will inform the FDA enforcement activities.⁸² At the time, the GAO reported that “the kind of information and analysis called for by the bill will better enable the FDA to use its limited resources more effectively” by improving its monitoring, and therefore enforcement program.⁸³ Ultimately, Congress envisioned a robust, responsive monitoring program to help ensure that the FDA accomplished its core mission of protecting the public from the chronic risks of pesticides in our food.

Since 1988, the number of food samples tested had dramatically declined, with the FDA attributing this loss not to attrition or funding, but to an internal shift in testing priorities.⁸⁴ What could be more important than determining the safety of the food we grow? FDA also began sampling higher rates of imported food, even though Americans consume significantly more domestic food than imported food. Despite claiming “low” violations, the GAO again criticized the deficiencies of the program in 2014, stating that the “targeted samples of imported and domestic foods likely represent a very small percentage of all foods that the agency regulates.”⁸⁵ And because the sampling data has limited representation of all foods, the GAO found that “it is not possible to estimate how much of the foods it regulates contain violative levels of pesticides.”⁸⁶

That same report noted that, although it surveyed for many rarely-used pesticides, the FDA did not test for glyphosate, which over a decade ago was already the most commonly used

⁷⁸ EPA and HEWFDA, *Memorandum of Understanding Between U.S. EPA and U.S. HEWFDA* (Dec. 22, 1971) <https://www.fda.gov/about-fda/domestic-mous/mou-225-73-8010>.

⁷⁹ GAO, *Federal Regulation of Pesticide Residues in Food* (Apr. 30, 1987) <https://www.gao.gov/products/t-rced-87-21>.

⁸⁰ *Id.* at 12-13.

⁸¹ *Id.*

⁸² 7 U.S.C. § 1401, 1402, 1403

⁸³ GAO, H.R. 3504: Pesticide Monitoring Improvement Acts (Dec. 14, 1987) <https://www.gao.gov/products/t-rced-88-12>.

⁸⁴ GAO, FDA AND USDA SHOULD STRENGTHEN PESTICIDE RESIDUE MONITORING PROGRAMS AND FURTHER DISCLOSE MONITORING LIMITATIONS 23 (2014) <https://www.gao.gov/assets/d1538.pdf>.

⁸⁵ *Id.* at 24.

⁸⁶ *Id.* at 25.

agricultural pesticide in the United States. In absence of reliable data provided by FDA, USDA performed a one-time sampling in 2011 and found that glyphosate was present in 90% of soybeans samples assessed.⁸⁷ The USDA study also found concentrations of glyphosate at 18.5 ppm, which would have exceeded prior tolerances for corn. Clearly, even then, the United States government had the ability to comprehensively survey for glyphosate, though it failed to even begin marginal testing until 2016.⁸⁸

In 2016, FDA updated its monitoring program to respond to the 2014 GAO Report, launching what it called a “special assignment” to analyze “certain foods” for glyphosate in its annual testing program.⁸⁹ And while no glyphosate was detected in milk or eggs, 63.1% of corn and 67% of soybeans had detectable residues.⁹⁰ FDA then analyzed another subset of samples in 2017 and found that 59.5% contained glyphosate.⁹¹

While FDA monitors a broad range of foods samples and analyzes approximately 800 different pesticide residues,⁹² violations of pesticide tolerances from domestically sourced foods has slowly grown over the last few decades, ranging from 0.9 percent to 4 percent total, while the number of sampled foods has dramatically decreased.⁹³ This is particularly concerning given that FDA has, over the last thirty years, continued to test a smaller sample of food to assess pesticide contamination, despite a warning by the GAO a decade earlier that its limited sample sizing was providing an unreliable assessment of pesticide contamination.

⁸⁷ *Id.* at 26.

⁸⁸ *Id.* at 32.

⁸⁹ The Cornucopia Institute, *FDA Again Testing for Glyphosate in Food* (June 9, 2017) <https://www.cornucopia.org/2017/06/fda-testing-glyphosate-food/>.

⁹⁰ FDA, *FY 2016 Pesticide Analysis Demonstrates Consistent Trends Over Five Years* (Oct. 1, 2018) <https://www.fda.gov/food/hfp-constituent-updates/fy-2016-pesticide-analysis-demonstrates-consistent-trends-over-five-years>.

⁹¹ FDA, PESTICIDE RESIDUE MONITORING PROGRAM FISCAL YEAR 2017 PESTICIDE REPORT 6 (2017) <https://www.fda.gov/media/130291/download>.

⁹² FDA, *Pesticide Residue Monitoring Program Questions and Answers* (2026) <https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-program-questions-and-answers>.

⁹³ FDA, MONITORING OF PESTICIDE CHEMICAL RESIDUES IN DOMESTIC AND IMPORTED HUMAN FOODS (FY 2009 TO 2017) (2021) <https://www.fda.gov/science-research/fda-science-forum/monitoring-pesticide-chemical-residues-domestic-and-imported-human-foods-fy-2009-2017>.

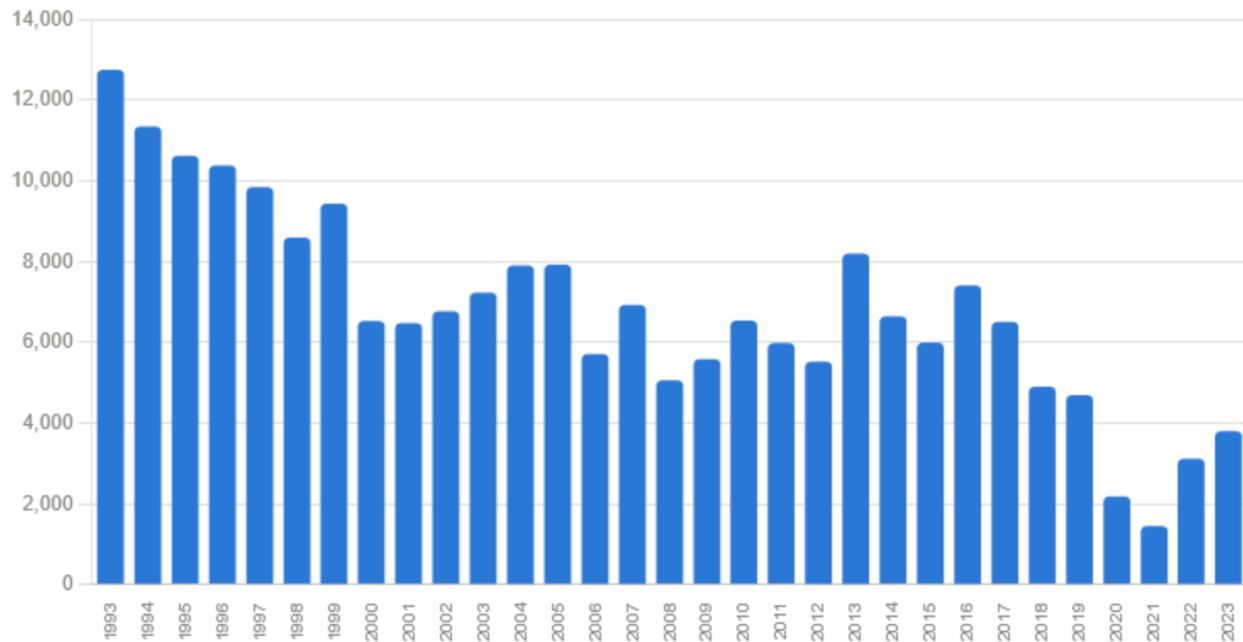


Figure 2. The total number of food samples in FDA’s Pesticide Residue Monitoring Program from 1993 to 2023.

The most recent report prepared by FDA found that only 3,801 foods were assessed, a 70% decrease from three decades ago. FDA itself now claims that it “selectively monitors approximately 3,500 domestic and import samples yearly for residues of approximately 780 different pesticides.”⁹⁴ As FDA continues to limit its assessment of pesticides in food, it kneecaps its ability to identify and respond to threats of pesticide contamination. For example, despite widespread reporting on glyphosate contamination in breakfast cereals and bakery products, FDA only assessed a single breakfast cereal and a single bakery product in 2023, while assessing 115 rice products.⁹⁵ Nevertheless, in 2023, FDA found 14 violative samples of glyphosate from beans, purees, lentils, and collards, four of which originated in the United States.⁹⁶ One package of garbanzo beans in the United States contained 11.22 ppm of glyphosate, more than double the tolerance of 5 ppm.⁹⁷ There a clear, growing problem of chemical contamination in our food that FDA’s monitoring program has failed to address. Even FDA’s latest update in 2026 is indicative of the program’s failure.⁹⁸ As new data shows elevated

⁹⁴ FDA, *FDA Announces Updates to Modernize, Strengthen Pesticide Monitoring Compliance Program* (May 28, 2026) <https://www.fda.gov/food/hfp-constituent-updates/fda-announces-updates-modernize-strengthen-pesticide-monitoring-compliance-program>; EWG, Roundup for Breakfast, Part 2: In New Tests, Weed Killer Found in All Kids’ Cereals Sampled (Oct. 24, 2018) <https://www.ewg.org/news-insights/news-release/2018/10/roundup-breakfast-part-2-new-tests-weed-killer-found-all-kids>.

⁹⁵ FDA, Pesticide Residue Monitoring Program Fiscal Year 2023 Pesticide Report at 44 (2025) <https://www.fda.gov/media/190315/download?attachment> (at 44).

⁹⁶ FDA Pesticide Report Data Dashboard (Dec. 22, 2025) <https://www.fda.gov/food/pesticides/fda-pesticide-report-data-dashboard>.

⁹⁷ *Id.*

⁹⁸ FDA, *FDA Announces Updates to Modernize, Strengthen Pesticide Monitoring Compliance Program*, (May 28, 2026), <https://www.fda.gov/food/hfp-constituent-updates/fda-announces-updates-modernize-strengthen-pesticide-monitoring-compliance-program>.

glyphosate levels in beer,⁹⁹ FDA plans to exclude hops entirely from its monitoring program.¹⁰⁰ Domestic samples continue to violate tolerances, yet FDA continues to focus on imported foods and ignore the growing contamination at home.¹⁰¹

A strong enforcement and monitoring scheme is necessary even to enforce the existing excessively high tolerances. Even after passage of the FQPA mandated the EPA to consider childhood exposure in its tolerance decisions and required decisions to be periodically updated to ensure they remain consistent with the most current science,¹⁰² most tolerances are inadequate to protect human health. Only when the EPA revokes or modifies a pesticide tolerance does it consider whether an “unreasonable dietary risk” exists as it solicits public comment. However, despite the FDA’s expertise in food-based risk assessment, it has abdicated its duty and has never opposed, questioned, or even commented on the EPA’s justifications. This is unacceptable.

The EPA rarely issues a determination that unlawful pesticide residues present an unreasonable risk. In a rare case in 2010, EPA reached a voluntary agreement to phase out aldicarb in the United States, after it had found that it did not meet food safety standards and that it presented an unreasonable dietary risk.¹⁰³ However, aldicarb had been under “special review” since 1984, and was already associated with mass food-poisoning events as early as 1985.¹⁰⁴ Moreover, this was a voluntary agreement with industry, not corrective action, made worse by an attempt in 2021 to revive aldicarb use on citrus.¹⁰⁵ While EPA should consider dietary links to long-term human health harms, cancer risks, and neurological damage, it fails to do so with any immediacy. This is in part because the agency tasked with doing so is either not required to share those data or is not collecting it in a comprehensive way. In other words, while the EPA may consider a tolerance safe, it should be required to obtain a concurrence with the FDA before any finalization of action.

Therefore, the Center petitions the FDA and the EPA to initiate a rulemaking to improve FDA’s monitoring program and to reestablish FDA’s oversight in pesticide tolerance decisions. First, the Center requests two parallel provisions to EPA and FDA that require consultation on dietary risks and long-term impacts for any tolerance revocation or modification, thereby allowing FDA to provide their subject-matter expertise in pesticide review decisions. Second, the Center requests that FDA test at least 10,000 samples per year, and that, in addition to historic monitoring objectives, the FDA ensures a representative sampling of processed foods, foods consumed by infants and children, and

⁹⁹ Green America, *supra* note 32.

¹⁰⁰ FDA, *Food and Drug Compliance Program Manual* 10 (May 28, 2026) <https://www.fda.gov/media/129167/download?attachment>.

¹⁰¹ FDA, *supra* note 96.

¹⁰² EPA, *Accomplishments under the Food Quality Protection Act* (Aug. 3, 2006) https://archive.epa.gov/pesticides/regulating/laws/fqpa/web/html/fqpa_accomplishments.html.

¹⁰³ EPA, *Agreement to Terminate All Uses of Aldicarb* (Oct. 2010) https://archive.epa.gov/pesticides/reregistration/web/html/aldicarb_fs.html.

¹⁰⁴ Marla Cone, *Toxic Pesticide Banned after Decades of Use* (Aug. 18, 2010) <https://www.scientificamerican.com/article/toxic-pesticide-banned-after-decades-of-use/>.

¹⁰⁵ Center for Biological Diversity, *Trump EPA Approves Treating Citrus With Dangerous Pesticide Banned in More Than 100 Nations, Medically Important Antibiotic* (Jan. 13, 2021) <https://biologicaldiversity.org/w/news/press-releases/trump-epa-approves-spraying-citrus-dangerous-pesticide-banned-more-100-nations-medically-important-antibiotic-2021-01-13/>.

domestic foods. Third, the Center requests that FDA prioritize monitoring for pesticides that constitute the largest contributors to pesticide residue exposure in the American diet, such as those pesticides with preharvest and desiccant uses.

The Center hereby petitions the FDA to amend Title 21, Part 7 Subpart B to include a dietary risk consultation requirement and new monitoring requirements to incorporate best available science in pesticide tolerance review decisions by inserting the following language:

21 C.F.R. § 7.20 Dietary Risk Assessment

- (a) Any time the Environmental Protection Agency proposes a revocation, suspension, or modification of a pesticide tolerance pursuant to Section 408 of the Federal Food, Drug, and Cosmetic Act, the Secretary shall review the proposal and must comment on whether the change poses an unreasonable dietary risk. In considering this formulation, the Secretary shall consider, at minimum:
 - (1) any evidence of long-term genetic damage associated with the pesticide chemical or its residues;
 - (2) any evidence of carcinogenic risk from dietary exposure, including cumulative and aggregate exposure across commodities;
 - (3) any evidence of adverse effects on neurological development, with particular attention to exposure during infancy, early childhood, and gestation; and
 - (4) residue monitoring data collected under the Secretary's compliance programs bearing on the incidence and level of the pesticide chemical in the food supply.
- (b) If the Secretary fails to provide this recommendation to the Environmental Protection Agency within the comment period, any product intended for human consumption shall be deemed to pose an unreasonable dietary risk.

21 C.F.R. § 7.21 Minimum Requirements for Pesticide Residue Monitoring

- (a) The Secretary shall collect, and analyze for pesticide residues, no fewer than 10,000 samples annually and shall not reduce the total number of samples in any fiscal year without public notice and opportunity for comment. This sampling must include, at minimum:
 - (1) samples of foods disproportionately consumed by infants and children;
 - (2) samples of processed and multi-ingredient foods, in proportion to their share of the American diet;
 - (3) samples of imported food in fair proportion to domestic food.
- (b) The Secretary shall periodically identify, using national dietary consumption survey data, the commodities and processed foods that constitute the largest contributors to pesticide residue exposure in the American diet, and shall prioritize sampling accordingly.

The Center hereby petitions the EPA to amend Title 40, Part 180 to require consultation with the FDA in pesticide tolerance decisions by inserting the following language:

40 C.F.R. § 180.7 — Dietary Risk Consultation

- (a) Before finalizing a revocation, suspension, or modification of a pesticide tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act, the Administrator shall request a written recommendation from the Secretary of Health and Human Services as to whether the action poses an unreasonable dietary risk, and shall provide the Secretary residue and exposure data relevant to that determination.
- (b) The Administrator shall give substantive consideration to any recommendation timely received under paragraph (a), including evidence of long-term genetic damage, carcinogenic risk, and adverse neurological development effects associated with the pesticide chemical or its residues.
- (c) The Administrator shall not finalize the action under paragraph (a) until a recommendation is received from the Secretary under paragraph (a). If the Secretary fails to respond within the comment period, the Administrator shall refer the matter to the Secretary for expedited review and may not proceed until that review is complete.

V. Conclusion

The status quo pesticide registration and tolerance system contaminates our food system, our environment, and our bodies with unnecessary, dangerous toxins. Every day Americans eat harmful toxic herbicide residues because EPA has allowed glyphosate and other herbicides to be applied directly to our food crops right before they are harvested. This dietary exposure of toxic residue is an urgent problem that contributes to America's chronic disease epidemic. The EPA and FDA have systematically failed to protect Americans from consuming herbicide residues for decades through industry-favorable pesticide registrations and lack of tolerance enforcement. The EPA and the FDA have an urgent duty to work together to ensure Americans have the safest food in the world.

The Center petitions the EPA and FDA to protect Americans from toxic pesticide exposure from our food by taking the following actions:

- **EPA and FDA conduct a joint review of the risks and benefits of all herbicides with preharvest desiccant uses above and beyond what is required under EO 14414 to ensure compliance with FIFRA, FQPA, FDCA, and other relevant statutes and regulations**
 - **EPA and FDA should prioritize the following ten hazardous herbicides: 2,4-D, diquat, diuron, glufosinate, glyphosate, paraquat, saflufenacil, pyraflufen-ethyl, tiafenacil, and sodium chlorate**
- **EPA and FDA conduct a joint review of the long-term effects, including the risk of cancer, from low dose dietary exposure to glyphosate and other herbicides used as preharvest desiccants**
- **EPA lower glyphosate tolerances on foods likely contaminated by preharvest desiccant herbicide uses to a safe 0.05 ppm or lower level based on a protective, gold-standard scientific assessment of the tolerances to ensure compliance with FIFRA and FQPA**
- **EPA and FDA conduct a joint reassessment of all tolerances for herbicides used as preharvest desiccants to ensure compliance with relevant statutes and regulations.**

- **EPA and FDA initiate a rulemaking to improve FDA’s monitoring program and to implement gold-standard science in pesticide tolerance decisions by inserting the language provided above that have the following goals**
 - **Require that FDA consults with EPA on dietary risks and long-term impacts for any tolerance revocation or modification**
 - **Require that FDA test at least 10,000 samples per year, and that, in addition to historic monitoring objectives, the FDA ensure a representative sampling of processed foods, foods consumed by infants and children, and domestic foods**
 - **Require FDA to prioritize monitoring for pesticides that constitute the largest contributors to pesticide residue exposure in the American diet such as those pesticides with preharvest desiccant uses**

Please do not hesitate to reach out if you have any questions, seek clarification, or would like to further discuss any of the content of this petition.

Appendix A

Table A1. Cereal Group 15¹⁰⁶ Crops and Tolerances

Cereal Group 15 Crop	Current EPA Tolerance	Changes to Tolerance 1996-2025
Barley (<i>Hordeum</i> spp.)	30 ppm	<i>Cereal Group 15 (Est. 2003)</i>
Buckwheat (<i>Fagopyrum esculentum</i>)		0.1 ppm (2003) increased to 30 ppm (2009)
Corn (<i>Zea mays</i>)		Previously “Grain Crop”
Millet, pearl (<i>Pennisetum glaucum</i>)		0.1 (1996), 0.01 ppm (1997-1998), 0.1 ppm (1999-2002)
Millet, proso (<i>Panicum milliaceum</i>)		<i>Barley</i>
Oats (<i>Avena</i> spp.)		20 ppm (1999) increased to 30 ppm (2009)
Popcorn (<i>Zea mays</i> var. <i>evarta</i>)		<i>Corn</i>
Rice (<i>Oryza sativa</i>)		Listed with its own tolerances see Table A3
Rye (<i>Secale cereale</i>)		<i>Oats</i>
Sorghum (milo) (<i>Sorghum</i> spp.)		20 ppm (1997) increased to 30 ppm (2009)
Teosinte (<i>Euchlaena mexicana</i>)		<i>Rice and Wild Rice</i>
Triticale (<i>Triticum-Secale</i> hybrids)		Listed with their own tolerances see Table A3
Wheat (<i>Triticum</i> spp.)		<i>Wheat</i>
Wild rice (<i>Zizania aquatica</i>)		5 ppm (1996) increased to 30 ppm(2009)

Table A2. Vegetable, Legume, Group 6¹⁰⁷ Crops and Tolerances

Vegetable, Legume, Group 6 Crops	Current EPA Tolerance	Changes to Tolerance 1996-2025
Bean (<i>Lupinus</i> spp.)	5 ppm	<i>Vegetable, Legume, Group 6 Est. 1999</i>
Bean (<i>Phaseolus</i> spp.)		5 ppm (1999-2025)
Bean (<i>Vigna</i> spp.)		
Broad bean (fava bean)		<i>Pea, dry</i>
Chickpea (garbanzo bean)		Listed with its own tolerance see Table A3
Guar (<i>Cyamopsis tetragonoloba</i>)		
Jackbean (<i>Canavalia ensiformis</i>)		<i>Soybean</i>
Lablab bean (hyacinth bean) (<i>Lablab purpureus</i>)		Listed with its own tolerances see Table A3
Lentil (<i>Lens esculenta</i>)		20 ppm (1996-2025)

¹⁰⁶ 40 CFR § 180.41

¹⁰⁷ *Id.*

Pea (*Pisum* spp.)
Pigeon pea (*Cajanus cajan*)
Soybean (*Glycine max*)
Soybean (immature seed)
Sword bean (*Canavalia gladiata*)

Table A3. Current EPA and Codex Alimentarius Tolerances for Glyphosate. NT = No Tolerance

Commodity	Current EPA Tolerance	Codex Tolerance
Acerola	0.2	NT
Alfalfa, seed	0.5	NT
Almond, hulls	25	NT
Aloe vera	0.5	NT
Ambarella	0.2	NT
Animal feed, nongrass, group 18	400	NT
Artichoke, globe	0.2	NT
Asparagus	0.5	NT
Atemoya	0.2	NT
Avocado	0.2	NT
Bamboo, shoots	0.2	NT
Banana	0.2	0.05
Barley, bran	30	NT
Beet, sugar, dried pulp	25	NT
Beet, sugar, roots	10	15
Beet, sugar, tops	10	NT
Berry and small fruit, group 13-07	0.20	NT
Betelnut	1.0	NT
Biriba	0.2	NT
Blimbe	0.2	NT
Breadfruit	0.2	NT
Cacao bean, bean	0.2	NT
Cactus, fruit	0.5	NT
Cactus, pads	0.5	NT

Canistel	0.2	NT
Canola, seed	20	NT
Carrot	5.0	NT
Cattle, meat byproducts	5.0	NT
Chaya	1.0	NT
Cherimoya	0.2	NT
Citrus, dried pulp	1.5	NT
Coconut	0.1	NT
Coffee, bean, green	1.0	NT
Corn, field, forage	13	NT
Corn, field, grain	5.0	5
Corn, field, stover	100	150
Corn, pop, grain	0.1	NT
Corn, sweet, kernel plus cob with husk removed	3.5	3
Cotton, gin byproducts	210	40
Custard apple	0.2	NT
Date, dried fruit	0.2	NT
Dokudami	2.0	NT
Durian	0.2	NT
Egg	0.5	0.05
Epazote	1.3	NT
Feijoa	0.2	NT
Fig	0.2	NT
Fish	0.25	NT

Fruit, citrus, group 10–10	0.50	NT
Fruit, pome, group 11–10	0.20	NT
Fruit, stone, group 12	0.2	NT
Galangal, roots	0.2	NT
Ginger, white, flower	0.2	NT
Goat, meat byproducts	5.0	NT
Gourd, buffalo, seed	0.1	NT
Governor's plum	0.2	NT
Gow kee, leaves	0.2	NT
Grain aspirated fractions	310	NT
Grain, cereal, forage, fodder and straw, group 16, except field corn, forage and field corn, stover	100	Varies by crop
Grain, cereal, group 15 except field corn, popcorn, rice, sweet corn, and wild rice	30	30
Grass, forage, fodder and hay, group 17	300	500
Guava	0.2	NT
Herbs subgroup 19A	0.2	NT
Hog, meat byproducts	5.0	0.5
Hop, dried cones	7.0	NT

Horse, meat byproducts	5.0	5
llama	0.2	5
Imbe	0.2	NT
Imbu	0.2	NT
Jaboticaba	0.2	NT
Jackfruit	0.2	NT
Kava, roots	0.2	NT
Kenaf, forage	200	NT
Leucaena, forage	200	NT
Longan	0.2	NT
Lychee	0.2	NT
Mamey apple	0.2	NT
Mango	0.2	NT
Mangosteen	0.2	NT
Marmaladebo x	0.2	NT
Mioga, flower	0.2	NT
Noni	0.20	NT
Nut, pine	1.0	NT
Nut, tree, group 14	1.0	NT
Oilseeds, group 20, except canola	40	30
Okra	0.5	NT
Olive	0.2	NT
Oregano, Mexican, leaves	2.0	NT
Palm heart	0.2	NT
Palm heart, leaves	0.2	NT
Palm, oil	0.1	NT
Papaya	0.2	NT
Papaya, mountain	0.2	NT
Passionfruit	0.2	NT
Pawpaw	0.2	NT
Pea, dry	8.0	10
Peanut	0.1	NT
Peanut, hay	0.5	NT

Pepper leaf, fresh leaves	0.2	NT
Peppermint, tops	200	NT
Perilla, tops	1.8	NT
Persimmon	0.2	NT
Pineapple	0.1	NT
Pistachio	1.0	NT
Pomegranate	0.2	NT
Poultry, meat	0.10	0.05
Poultry, meat byproducts	1.0	0.5
Pulasan	0.2	NT
Quinoa, grain	5.0	NT
Rambutan	0.2	NT
Rice, grain	0.1	NT
Rice, wild, grain	0.1	NT
Rose apple	0.2	NT
Sapodilla	0.2	NT
Sapote, black	0.2	NT
Sapote, mamey	0.2	NT
Sapote, white	0.2	NT
Sheep, meat byproducts	5.0	5
Shellfish	3.0	NT
Soursop	0.2	NT
Soybean, forage	100	N
Soybean, hay	200	NT
Soybean, hulls	120	NT
Soybean, seed	20	20
Spanish lime	0.2	NT
Spearmint, tops	200	NT
Spice subgroup 19B	7.0	NT
Star apple	0.2	NT
Starfruit	0.2	NT
Stevia, dried leaves	1.0	NT
Sugar apple	0.2	NT
Sugarcane, cane	2.0	2

Sugarcane, molasses	30	10
Surinam cherry	0.2	NT
Sweet potato	3.0	NT
Tamarind	0.2	NT
Tea, dried	1.0	NT
Tea, instant	7.0	NT
Teff, forage	100	NT
Teff, grain	5.0	NT
Teff, hay	100	NT
Ti, leaves	0.2	NT
Ti, roots	0.2	NT
Ugli fruit	0.5	NT
Vegetable, bulb, group 3–07	0.20	NT
Vegetable, cucurbit, group 9	0.5	NT
Vegetable, foliage of legume, subgroup 7A, except soybean	0.2	NT
Vegetable, fruiting, group 8–10 (except okra)	0.10	NT
Vegetable, leafy, brassica, group 5	0.2	NT
Vegetable, leafy, except brassica, group 4	0.2	NT
Vegetable, leaves of root and tuber, group 2, except sugar beet tops	0.2	NT
Vegetable, legume, group	5	15

6 except soybean and dry pea		
Vegetables, root and tuber, group 1, except carrot, sweet potato, and sugar beet	0.2	NT

Wasabi, roots	0.2	NT
Water spinach, tops	0.2	NT
Watercress, upland	0.2	NT
Wax jambu	0.2	NT
Yacon, tuber	0.2	NT