

Congress of the United States

Washington, DC 20515

June 14, 2004

The Honorable Gale Norton
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Donald L. Evans
Secretary of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

The Honorable Michael O. Leavitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Secretaries Norton and Evans, and Administrator Leavitt:

We are writing to express serious concern about proposed changes to endangered species and pesticide regulation, 69 Fed. Reg. 4465 (January 30, 2004). The proposed changes would unnecessarily risk both wildlife and public health by exposing animals and humans to highly toxic pesticides when they are most potent and would eliminate necessary interagency checks and balances.

There are several specific reasons we oppose the proposed regulations. First, allowing the Environmental Protection Agency (EPA) to make "not likely to adversely affect" determinations unilaterally eliminates expert review of the scientific evidence that serves as an independent check and safeguard. Second, the proposed rules would allow flawed science to be the basis for determining whether and the extent to which endangered species must be protected from pesticides, allowing endangered species and humans to be exposed to harmful pesticides for years before protections are put into place. Finally, these proposed regulations would give the chemical industry special participation rights that are not shared by the public or the workers who are exposed to these chemicals.

The proposal is particularly troubling because it seeks to remove one of the most effective mechanisms for imposing constraints on the use of harmful pesticides. By removing consultations for a vast array of actions that may cause jeopardy, endangered species protection is left in the hands of the EPA which lacks the comprehensive scientific information and expertise possessed by the Fish and Wildlife Service and NOAA Fisheries about species' locations, trends, other actions undergoing consultation, and other threats to the species' survival.

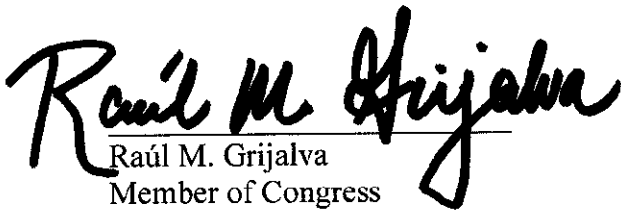
The easing of restrictions on pesticides for endangered species would be particularly harmful to the public health of farm workers and their families. The EPA estimates that pesticides poison 10,000 to 20,000 agricultural workers each year. In addition, their children are overexposed to these toxic chemicals when they drift onto outdoor play areas, are brought

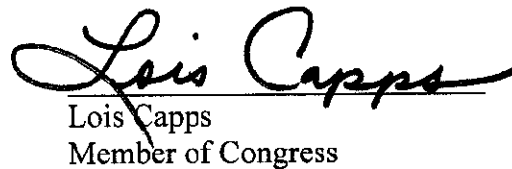
home on parents' skin or clothing, or are encountered by children working or playing in treated fields. Pesticides can also cause acute effects ranging from skin rashes, vomiting, and difficulty breathing to convulsions, coma and death, and can lead to chronic health problems such as memory loss, infertility, birth defects and cancer.

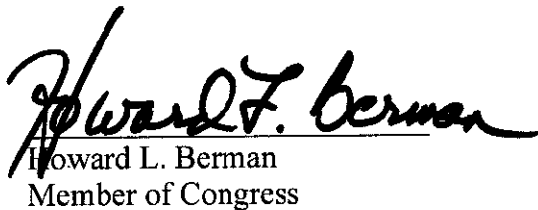
While the ESA is designed to protect endangered wildlife, it also has ancillary benefits to our Nation's workers who toil where pesticides are applied. In a recent decision, *Washington Toxics Coalition v. EPA*, a federal district court ordered the EPA to impose buffer zones, under the Endangered Species Act, to protect salmon from the toxic effects of over 30 pesticides used in the Pacific Northwest. These buffer zones will provide critically needed protections to farm workers and their children who live adjacent to treated farms and orchards. Thus, by protecting endangered species, we are also preventing injury to highly vulnerable farm workers and their families.

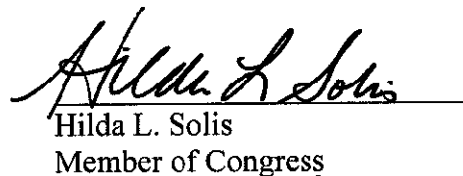
These proposed regulations are a step backward for both wildlife and farm worker protections. We strongly oppose these regulations and urge their withdrawal.

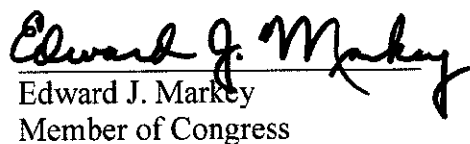
Sincerely,

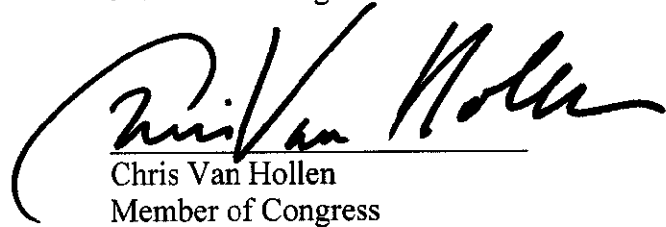

Raúl M. Grijalva
Member of Congress

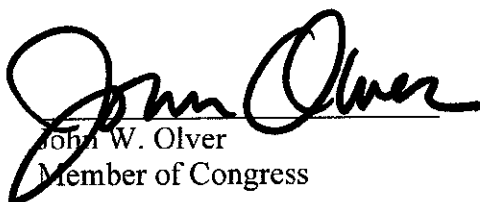

Lois Capps
Member of Congress

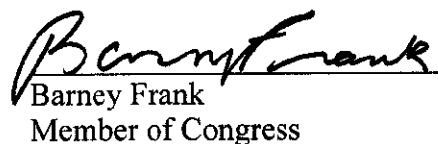

Howard L. Berman
Member of Congress

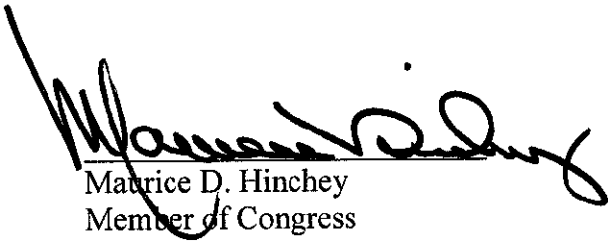

Hilda L. Solis
Member of Congress

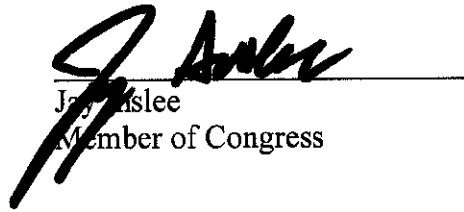

Edward J. Markey
Member of Congress

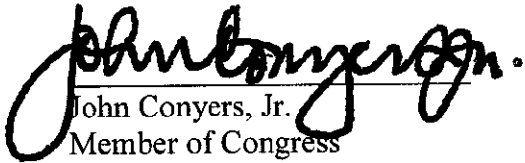

Chris Van Hollen
Member of Congress

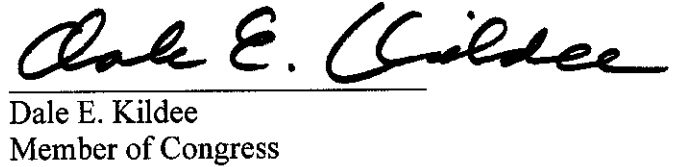

John W. Olver
Member of Congress


Barney Frank
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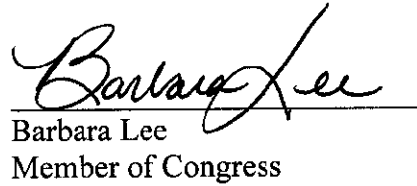

Matrice D. Hinchey
Member of Congress

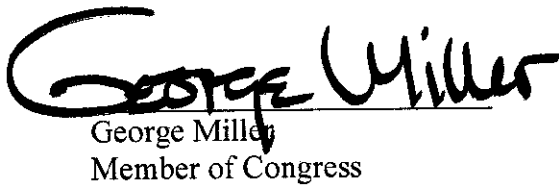

Jay Byrnie
Member of Congress

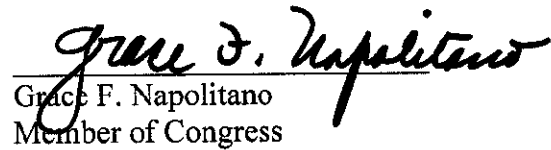

John Conyers, Jr.
Member of Congress

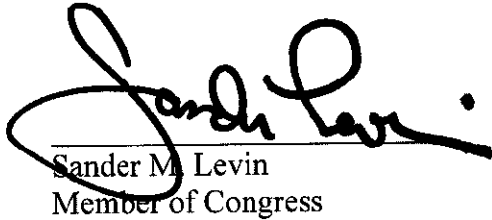

Dale E. Kildee
Member of Congress

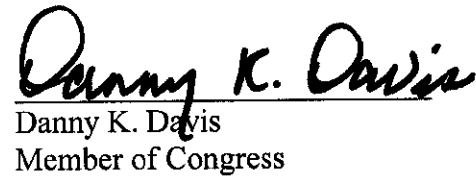

Michael M. Honda
Member of Congress

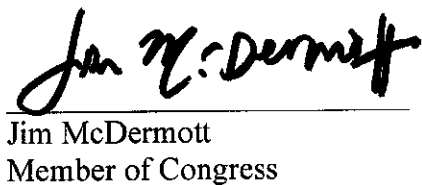

Barbara Lee
Member of Congress

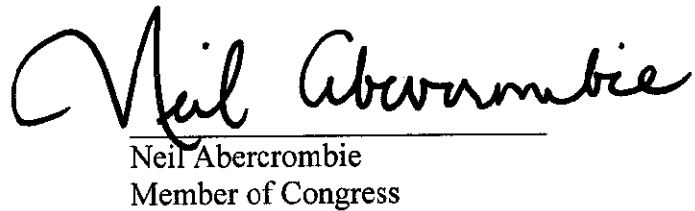

George Miller
Member of Congress

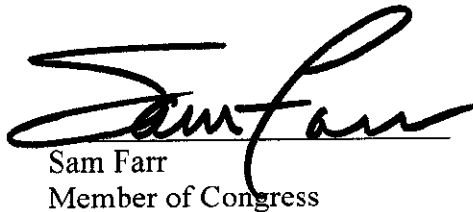

Grace F. Napolitano
Member of Congress

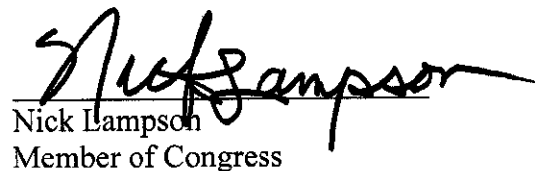

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Susan A. Davis


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Elijah E. Cummings

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Bernard Sanders
Member of Congress

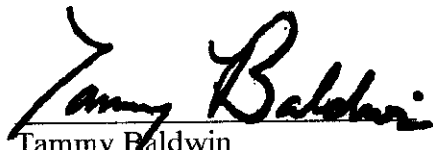

Lloyd Doggett
Member of Congress



Betty McCollum
Member of Congress


Sherrod Brown
Member of Congress



Karen McCarthy
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Denise L. Majette
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Tammy Baldwin
Member of Congress



Donald M. Payne
Member of Congress



Zoe Lofgren
Member of Congress

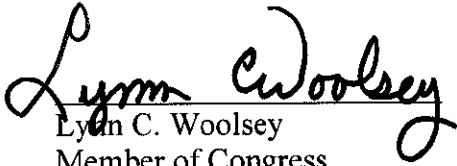

Peter A. DeFazio
Member of Congress



Rush D. Holt
Member of Congress

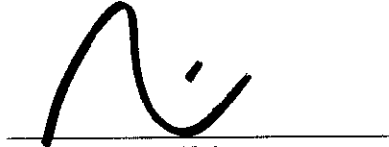

Robert E. Andrews
Member of Congress



Janita Millender-McDonald
Member of Congress


Mike Thompson
Member of Congress

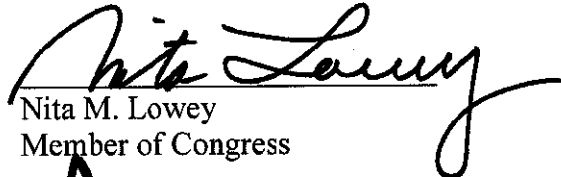

Lynn C. Woolsey
Member of Congress

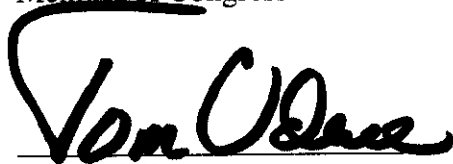

Carolyn McCarthy
Member of Congress

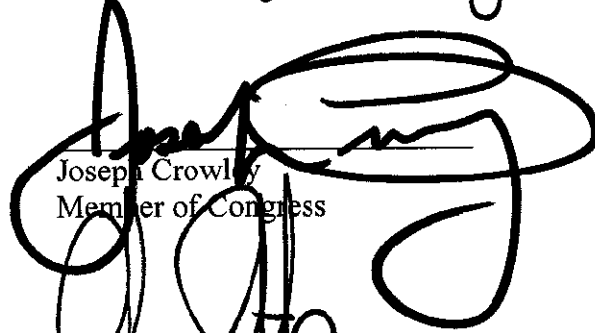

Anthony D. Weiner
Member of Congress

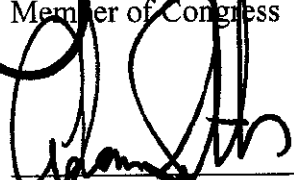

Aníbal Acevedo-Vilá
Member of Congress



Eliot L. Engel
Member of Congress



Nita M. Lowey
Member of Congress

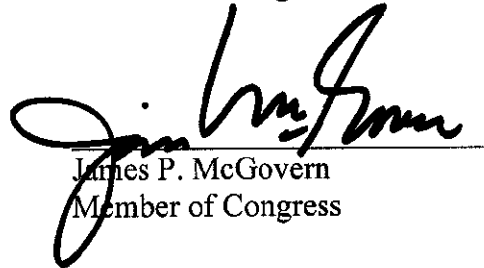

Tom Udall
Member of Congress

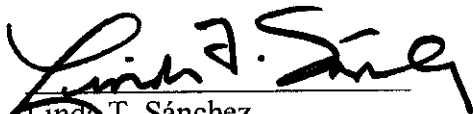

Joseph Crowley
Member of Congress



Adam Smith
Member of Congress



Joe Baca
Member of Congress


Thomas H. Allen
Member of Congress

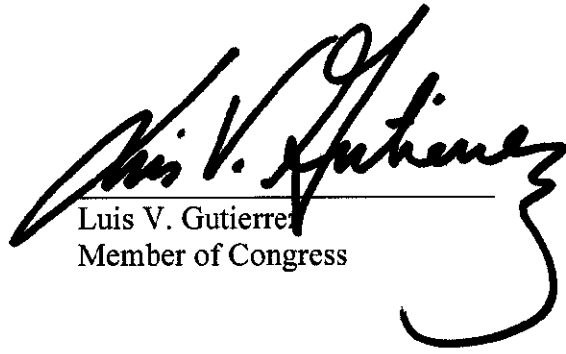

James P. McGovern
Member of Congress


Linda T. Sánchez
Member of Congress


Julia Carson
Member of Congress



Xavier Becerra
Member of Congress



Luis V. Guterres
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