Administrator Michael Regan
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Regan.Michael@epa.gov

Dear Administrator Regan:

The undersigned XX public health, environmental justice, conservation, science, farmworker, grassroots community-based, farmer, and racial justice organizations urge you to use your power to have the EPA implement lifesaving measures to protect Black, Indigenous and People of Color and low-income, low-wealth communities from the disproportionate harm from pesticides. Two recent peer-reviewed studies have highlighted the serious environmental justice concerns caused by unequal pesticide regulatory protections in the USA. Both of these studies offer pragmatic, common-sense actions that the EPA can take immediately to reduce or entirely prevent these injustices.

The study *Pesticides and environmental injustice in the USA: root causes, current regulatory reinforcement and a path forward*[1] found that pesticides are disproportionately harming people of color and low-income communities both in the urban and rural environments in the U.S. and throughout the lifecycle of pesticides, from manufacture to use.

The study *United States and United Nations pesticide policies: Environmental violence against the Yaqui Indigenous nation*[2] highlights how U.S. pesticide law permits the export of dangerous pesticides banned within our own borders. This paper provides a case study of the significant harms suffered by the people of the Yaqui Nation in Mexico from this immoral practice that perpetuates environmental violence against Indigenous Peoples in the Americas and beyond.

We urge the EPA to equally protect all people, especially those on the frontlines and fencelines, from dangerous pesticides. The following steps should be immediately taken by EPA to reduce the burden that pesticides are placing on Black, Indigenous, and People of Color and communities of low-income and wealth:

1) Eliminate or reduce the pesticide safety double standard – Current pesticide law in the U.S. has two different safety standards to protect people from pesticides — one

[1] Donley, N., Bullard, R.D., Economos, J. et al. Pesticides and environmental injustice in the USA: root causes, current regulatory reinforcement and a path forward. BMC Public Health 22, 708 (2022). https://doi.org/10.1186/s12889-022-13057-4.
[2] Lopez-Carmen, V. A., Erickson, T. B., Escobar, Z. et al. United States and United Nations pesticide policies: Environmental violence against the Yaqui Indigenous nation. The Lancet Regional Health – Americas (2022). https://doi.org/10.1016/j.lana.2022.100255.

afforded to the general public from harm from food-use pesticides and a less protective standard that covers people exposed to pesticides occupationally, people who are overwhelmingly BIPOC. EPA should immediately implement the entirety of its 2009 draft guidance document "Revised Risk Assessment Methods for Workers, Children of Workers in Agricultural Fields, and Pesticides with No Food Uses" and codify a process by which the agency can recognize and reduce harm to agricultural workers and their families when conducting its cost-benefit analysis under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). While "unreasonable adverse effects" is formally defined in FIFRA, the definition gives the agency a tremendous amount of discretion in developing regulations that guide the details of its analysis.

2) Implement a system to adequately monitor and account for real-world harms to vulnerable communities - EPA must work with the CDC to facilitate the expansion of CDC's SENSOR-Pesticide program to develop a nationwide monitoring system that incorporates data from all states and standardizes reporting and collection of pesticide incidents to the federal government. The EPA must also implement measures to reduce incident underreporting, particularly in BIPOC and low-income communities, and update current policy to be inclusive and not dismissive of epidemiological data when making pesticide registration decisions.
3) Strengthen worker protections – EPA should use its authority under FIFRA section 6(a)(2) to require registrants to supply a clinical test capable of confirming a pesticide overexposure for any pesticide or pesticide class implicated in significant worker harm. These tests should be utilized to implement a medical monitoring requirement in the Worker Protection Standard (WPS) for workers that work closely with pesticides linked to worker harm, similar to the way California and Washington require testing for those who work closely with organophosphates and carbamates. EPA must also require that pesticide labels be immediately provided in the Spanish language and within one year provided in any language where information exists that at least 500 people who speak that same language use a particular pesticide product. EPA must also strictly enforce all existing requirements in the WPS, allocating adequate resources for inspection and enforcement activities and fully holding unscrupulous employers accountable.
4) Reduce unintended pesticide harms – The agency must generate or compile data on label compliance and noncompliance to give the agency information about what restrictions/mitigations are commonly followed and which are not. This information must be utilized in registration decisions to inform the agency of the *practicality* of using complex label restrictions to meet its registration standards. If the safety measures put in place to prevent harm to pesticide users cannot be reasonably anticipated to be followed, then those safety measures cannot be used to justify the approval of a harmful pesticide. EPA must also analyze the effects of

direct inhalation of pesticides from spray drift to bystanders – a scenario EPA currently does not consider, citing label language intended to prevent such exposures.

5) Adequately protect those most vulnerable to pesticide harm – children – EPA should fully incorporate the 10x FQPA children's safety factor across the board for all pesticides when analyzing harm to children. Congress implemented this mandate following recommendations from the National Academy of Sciences to account for the fact that children are more susceptible to the harms from pesticides — harms that are often irreversible. But current practice is for the EPA to largely disregard this commonsense and science-based mandate. While all children are more susceptible to pesticide harm than adults, some children – particularly children of color and those in low-income or low-wealth families – will often carry a higher burden of exposure. Widespread utilization of the FQPA children's safety factor is currently the best way to protect this subpopulation of the most vulnerable of the vulnerable.
6) Codify prior informed consent for the export of unregistered pesticides - FIFRA section 17(a)(2) allows for the manufacture and export of pesticides to other countries that are not registered in the USA and these pesticides often go to developing countries where they cause egregious harms. To be clear, this regressive, terrible practice must end. But until it does, EPA should implement principles of prior informed consent by the national government of the importing country before exporting unregistered pesticides. This much needed modernization can be achieved by defining "foreign purchaser" in the agency's regulations to include the national government of the importing nation. In the interest of properly informing importing countries of the risks associated with unregistered pesticides, EPA should also require that the exporting company inform the foreign purchaser of the hazards that are associated with the active ingredients in the exported product and whether any of the ingredients are listed on the Rotterdam or Stockholm Conventions.
7) Assess and rectify regulatory capture within the EPA pesticide office - The EPA's pesticide office is plagued by an enormous amount of influence from the chemical industry, the very industry it's charged with regulating. This creates an agency culture that is often directly at odds with principles of scientific integrity and environmental justice. The EPA must request and commit to a third-party audit by the National Research Council or Government Accountability Office of the degree to which its operating procedures and management practices allow for undue industry influence and how this office can develop better policies to protect environmental justice communities. Strategies to further separate the regulators from the regulated industry and ways to connect the agency to the people it is required to protect should be implemented without delay.

8) Address the impacts to communities near agrochemical production and storage facilities. EPA must review all permits for pesticide and fertilizer production facilities regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program, set more stringent standards for emissions, and require more rigorous fenceline monitoring for Hazardous Air Pollutants (HAPs). Under the Clean Water Act, EPA must implement a strong Hazardous Substance spill prevention regulation and a Hazardous Substance worst case discharge planning regulation for sites with Aboveground Storage Tanks and ensure that all pesticides and fertilizers that can potentially damage waterways are included in these regulations. These rules must focus on spill prevention in the first instance, require plans for how facilities will respond to worst-case spills, center environmental justice and climate change in facility hazard assessments, mandate consideration and adoption of inherently safer technologies and designs, and prioritize the public's right to know what chemicals exist in nearby facilities.
9) Protect communities from disasters related to agrochemical production facilities. EPA must issue a strengthened Risk Management Plan (RMP) rule that 1) requires hazard reduction measures like inherently safer technologies, third party safety audits, and root cause analyses after incidents; 2) requires facilities to better prepare for potential climate impacts; 3) includes common sense emergency response and incident management measures (such as reliable backup power, and emergency notification in languages spoken by the community); 4) increases RMP enforceability, corrective action and accountability; 5) expands coverage of the RMP program to include more agrochemical production facilities and more agrochemicals (including ammonium nitrate); and 6) accounts for cumulative health impacts from multiple polluting facilities and underlying vulnerabilities.

Although many of these harmful practices and policies have been in place for decades, there is increased awareness and scientific data of the extent of damage they cause to human health and a new urgency for action in the face of the current climate crisis and the disproportionate impacts on already over-burdened and threatened communities.

In addition to the above actions, we implore the EPA to consider allocating already earmarked assistance funding to Black, Indigenous and People of Color in close proximity to pesticide manufacturing facilities and areas of high pesticide use. This could greatly assist in future protections for these communities.

You have the authority and discretion to take all these actions *right now*. We ask that you make good on your many statements regarding your deep commitment to environmental justice by immediately taking these common-sense steps to end the decades of abuse environmental justice communities have suffered as a result of the EPA's pesticide policies. Additionally, several of the individual and organizational signatories of this letter are

willing and available to meet with you to discuss implementation of these measures going forward and for you to hear testimony from impacted communities.

Again, you have the authority to make these changes. We simply ask that you use it.

Signed,

Robert D. Bullard, Ph.D.
Distinguished Professor of Urban Planning & Environmental Policy
Texas Southern University
Director of the Bullard Center for Environmental & Climate Justice

Nathan Donley, Ph.D.
Environmental Health Science Director
Center for Biological Diversity

Jeannie Economos
Pesticide Safety and Environmental Health Project Coordinator
Farmworker Association of Florida

Jovita Lee, MPA, PgD
Program and Policy Director
Advance Carolina

Amy K. Liebman, MPA, MA
Director of Environmental and Occupational Health
Migrant Clinicians Network

Fatemeh Shafiei, Ph.D.
Director of Environmental Studies and Associate Professor of Political Science
Spelman College

Supporting Organizations

Advance Carolina
Bullard Center for Environmental & Climate Justice
Center for Biological Diversity
Coming Clean
Farm Aid

Farmworker Association of Florida
Farmworkers Self-Help, Inc
Migrant Clinicians Network
National Family Farm Coalition
Rural Coalition
United Farm Workers Foundation
WeCount!