



Introduced by U.S. Senator Tom Udall (D-N.M.) and U.S. Representative Joe Neguse (D-Colo.)

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What You Need To Know

Each year, the United States uses over a billion pounds of pesticides — nearly a fifth of worldwide use.¹ Once they're approved, pesticides often remain on the market for decades, even when scientific evidence overwhelmingly shows a pesticide is causing harm to people or the environment. In 2017 and 2018, the Environmental Protection Agency registered more than 100 pesticides containing ingredients widely considered to be dangerous.²

Approximately one-third of annual U.S. pesticide use — over 300 million pounds from 85 different pesticides — comes from pesticides that are banned in the European Union. The pesticide regulation statute, the Federal Insecticide, Fungicide and Rodenticide Act of 1972 (FIFRA), contains many loopholes that put the interests of the pesticide industry above the health and safety of people and our environment.

The *Protect America's Children from Toxic Pesticides Act of 2020 (PACTPA)* from Sen. Tom Udall (D-N.M.) and Rep. Joe Neguse (D-Colo.), would provide desperately-needed improvement to FIFRA that would better protect people and the environment, including:

Bans some of the most damaging pesticides scientifically known to cause significant harm to people and the environment:

1. **Organophosphate insecticides**, which are designed to target the neurological system and have been linked to neurodevelopmental damage in children;³
2. **Neonicotinoid insecticides**, which have contributed to pollinator collapse around the world (the European Union and Canada have significantly restricted or banned their use to protect pollinators and other wildlife) and have recently been shown to cause developmental defects, heart deformations, and muscle tremors in unborn children;⁴
3. **Paraquat**, which is one of the most acutely toxic herbicides in the world —according to the EPA, just “one sip can kill.”⁵ Science has shown that chronic exposure to paraquat increases the risk of developing Parkinson’s disease by 200% to 600%. It is already banned in 32 countries, including the European Union.⁶

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2946087/pdf/nihms-232681.pdf>

² https://www.biologicaldiversity.org/campaigns/pesticides_reduction/pdfs/Toxic-Hangover.pdf

³ <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1003183>; <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1307044>;
<https://ehp.niehs.nih.gov/doi/10.1289/ehp.1003160>

⁴ <https://www.nrdc.org/experts/daniel-raichel/ten-things-you-always-wanted-know-about-neonics>

⁵ <https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-one-sip-can-kill>

⁶ <https://www.michaeljfox.org/news/new-legislation-aims-ban-herbicide-linked-parkinsons>

Restores balance to protect ordinary citizens by removing dangerous pesticides from the market by:

1. **Creating a petition process** to enable individual citizens to petition the EPA to identify dangerous pesticides so that the EPA would no longer be able to indefinitely allow dangerous pesticides to remain on the market;
2. **Closing dangerous loopholes** that have allowed the EPA to issue emergency exemptions and conditional registrations to use pesticides before they have gone through full health and safety review by the agency;
3. **Enabling local communities to enact protective legislation** and other policies without being vetoed or preempted by state law;
4. **Suspending the use of pesticides deemed unsafe by the E.U. or Canada** until they are thoroughly reviewed by the EPA.

Provides protections for frontline communities that bear the burden of pesticide exposure by:

1. **Requiring employers of farmworkers to report** all pesticide-caused injuries to the EPA, with strong penalties for failure to report injuries or retaliating against workers;
2. **Directing the EPA to review pesticide injury reports** and work with the pesticide manufacturers to develop better labeling to prevent future injury;
3. **Requiring that all pesticide label instructions be written in Spanish** and in any language spoken by more than 500 pesticide applicators.



Organizations Supporting the Protect America's Children From Toxic Pesticides Act of 2020

Amy's Kitchen
Ben & Jerry's
Beyond Pesticides
Center for Biological Diversity
Center for Environmental Health
Center for Food Safety
Earthjustice
Environmental Working Group
Farmworker Association of Florida
Farmworker Justice
Friends of the Earth
Michael J. Fox Foundation
Migrant Clinicians Network
Mom's Organic Market
Northwest Center for Alternatives to Pesticides
Natural Resources Defense Council
One Degree Organics
PCC Community Markets
Pesticide Action Network
Sierra Club
Silver Hills Bakery
Stonyfield Organic
United Farm Workers
UFW Foundation

Business, Public Health, Farmworker and Environment Advocates Hail PACTPA as Bold Reform Needed to Protect American Families

“For too long children, farmworkers and countless others have been harmed by dangerous pesticides, including many banned in other countries. These long overdue, common-sense reforms will finally ensure that industry profit no longer comes before people’s health or our environment.”

- ***Emily Knobbe, EPA policy specialist at the Center for Biological Diversity***

“Exposure to paraquat increases risk for Parkinson’s disease — as well as causes lung damage and other issues — so this herbicide must be banned. An estimated one million Americans live with Parkinson’s, and it is irresponsible to continue allowing a chemical on the market that is a known contributor to developing this neurodegenerative disease. In addition to the human toll, Parkinson’s costs our country \$52 billion every year, and more than \$25 billion of that is shouldered by government programs like Medicare and Social Security. Banning paraquat will reduce the number of people who develop Parkinson’s and ease the economic burden.”

- ***Todd Sherer, CEO of The Michael J. Fox Foundation for Parkinson’s Research***

“Farmworkers are routinely exposed to high levels of pesticides in the fields where they work and the communities where they live. Ensuring that pesticide labels can actually be understood by the workers’ applying these products is a basic yet essential step for mitigating exposure risk. Additionally, the enforcement of existing safety standards is hindered by the current lack of transparency regarding pesticide exposure incidents, as well as workers’ fear of retaliation if they speak up about safety violations. The reforms in this bill provide long-overdue protections for the workers who provide our food, facing significant risks to their own health as they do so.”

- ***Iris Figueroa, a senior staff attorney at Farmworker Justice***

“No parent should ever have to worry that the act of hugging their children after a long day of work or living in an agricultural community could expose them to brain-harming chemicals. While farm workers and agricultural communities are at the frontlines of exposure to harmful pesticides, the exposure extends to consumers who unknowingly feed their families food with residues of nerve agents. For our union, at the heart of the fight against harmful pesticides are countless incidents of workers who have experienced pesticide poisoning and parents whose children are dealing with learning disabilities and other health impairments. The Protect America’s Children from Toxic Pesticides Act recognizes that children, farm workers and consumers deserve better and puts an end to the use of chlorpyrifos and other nerve agents in our food.”

- ***Teresa Romero, president, the United Farm Workers***

“We can no longer allow chlorpyrifos and other toxic chemicals to damage the health of those who nourish this country every day. The Protect America’s Children from Toxic Pesticides Act recognizes the moral imperative to protect the health of our children and the nation’s essential farmworkers from nerve agents. As an organization that serves communities in leading agricultural regions of the nation, our we applaud Sen. Udall and Rep. Neguse for introducing this important bill.”

- ***Diana Tellefson Torres, executive director of UFW Foundation***

“When Americans go to the store, they expect that the food they’re buying for themselves and their families is safe; as a parent of two young children, this is something at the top of my mind. We also expect that farmworkers – the essential employees working through the global coronavirus pandemic, without whom that food would not be on those store shelves – that they and their families are safe. The Protect America’s Children from Toxic Pesticides Act says what we all know to be true: that nerve agents have no place on our food, in our workplaces, and in our communities. This bill also recognizes that the agriculture industry is harmed by the loss of vital pollinator species. Earthjustice is grateful for the leadership of Senator Udall and Representative Neguse and we stand with our farmworker partners in support of this bill.”

- ***Daniel Savery, Senior Legislative Representative, Earthjustice***



Frequently Asked Questions

Q: Why are you banning these specific pesticides/insecticides? Are they really that harmful?

We are banning specific pesticides that are known to cause significant harm to people and the environment. Many peer-reviewed scientific and public health studies already identified the dangers of these pesticides. Specific proven adverse health impacts are as follows and expanded on p. 3:

- Organophosphate insecticides – damage the neurological system and are linked to neurodevelopmental damage in children
- Neonicotinoid insecticides – cause developmental defects, heart deformations, and muscle tremors in unborn children; harm the environment by contributing the pollinator collapse
- Paraquat – increase risk of developing Parkinson’s disease

Q: Which chemicals would be specifically included in the ban?

PACTPA focuses on two categories of chemicals—neonicotinoids and organophosphates—and paraquat.

Organophosphates that are currently being used in the U.S. and that would be suspended immediately include: Acephate, Bensulide, Chlorethoxyfos, Chlorpyrifos, Diazinon, Dicrotophos, Dimethoate, Ethoprophos (Ethoprop), Malathion, Naled, Phorate, Phosmet, Terbufos, Tribufos (DEF).

The following organophosphates that are not currently in use but have previously been used in U.S. agriculture would also be suspended, including: Azinphos-Methyl, Disulfoton Ethion, Parathion, Fenamiphos, Fonofos, Isazofos, Isofenphos, Methamidophos, Methidathion, Methyl Parathion, Mevinphos, Monocrotophos, Oxydemeton-Methyl, Phosalone, Phosphamidon, Profenofos, Sulprofos, Temephos, Trichlorfon.

The neonicotinoid pesticides that would be canceled include: imidacloprid, clothianidin, thiamethoxam, dinotefuran, acetamiprid, sulfoxaflor, and flupyradifurone.

Q: How were these chemicals chosen for the ban?

Organophosphates are well-documented to cause neurological and developmental damage to humans while neonicotinoids are directly linked to pollinator collapse. We clustered these broad categories of insecticides because of their chemical structure and the actual biological mechanism that allows them to be used as insecticides is the same mechanism that impacts humans and wildlife or pollinator species.

Q: How will the bill impact State-level regulations?

The bill will add that political “subdivisions” of States (i.e. counties or cities) are able to enact bans, cancelations, or other restrictions on pesticides. This will not impact how States can restrict the use of pesticides; it just enables subdivisions to also enact their own restrictions as well. Furthermore, by striking subsection (b), the bill will likely provide additional protections and strength to State-level regulations.

Q: Won't the bans on chemicals have a disastrous impact on our agriculture system and diminish our food supply?

While organophosphates and neonicotinoids are commonly used for pest control in agriculture, the quantifiable effectiveness of pesticides versus other forms of pest control is inconclusive. That said, the harmful effects of pesticides on pollinator communities and human health are well-documented. The trade-off for the unknown benefit of pesticides to increase crop yields versus the known damage to pollinators and human health leads us to conclude that banning these chemicals is acceptable. The economic impact of the obliteration of pollinator species on the agriculture industry would be significant. If anything, we should exercise the precautionary principle and ban these substances unless science can prove their benefit relative to their cost. But currently, the science doesn't support the use of these pesticides.

Q: Who supports this bill?

The PACTPA is supported by Amy's Kitchen, Ben & Jerry's, Beyond Pesticides, Center for, Biological Diversity, Center for Environmental Health, Center for Food Safety, EarthJustice, Environmental Working Group, Farmworker Association of Florida, Farmworker Justice, Friends of the Earth, Michael J. Fox Foundation, Migrant Clinicians Network, Mom's Organic Market, Northwest Center for Alternatives to Pesticides, Natural Resources Defense Council, One Degree Organics, PCC Community Markets, Pesticide Action Network, Sierra Club, Silver Hills Bakery, Stonyfield Organic, and United Farm Workers.

Adverse Health Impacts of Pesticides Banned Under PACTPA

CATEGORY OF CHEMICAL	USE	KNOWN HEALTH AND ENVIRONMENT IMPACTS	SOURCES
Organophosphate insecticides	Agriculture, homes, gardens and veterinary practices	<ul style="list-style-type: none"> • Poison insects, birds, amphibians, mammals at nerve endings, specifically smooth and skeletal muscle cells, and central nervous system • Risk from inhalation, ingestion or skin contact • Depression, memory and concentration problems, irritability, headaches, motor weakness • Development of cancer • Seizures and neuromuscular weakness • Cardiac arrhythmias 	EPA ⁷ NIH ⁸
Neonicotinoid insecticides	Agriculture and residential areas, predominantly used as seed treatment	<ul style="list-style-type: none"> • Persistence in soil and ability to leach into water • Negative impact on pollinators in laboratory settings, with limited data from field studies • Possible health impacts to fetuses, particularly heart defects • Acute and chronic neurological impacts are difficult to trace (more research is needed) 	Cornell ⁹ NIH ¹⁰
Paraquat	Herbicide	<ul style="list-style-type: none"> • Increased risk for developing Parkinson's disease 	NIH ^{11,12}

⁷ https://www.epa.gov/sites/production/files/documents/rmpp_6thed_ch5_organophosphates.pdf

⁸ <https://www.ncbi.nlm.nih.gov/books/NBK499860/>

⁹ <https://pollinator.cals.cornell.edu/threats-wild-and-managed-bees/pesticides/neonicotinoids/>

¹⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5289916/>

¹¹ <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.119-a259a>

¹² <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.1002839>



Protect America's Children from Toxic Pesticides Act of 2020 (PACTPA): Section-By-Section Summary

SEC. 3. ENDING INDEFINITE DELAYS ON REVIEW OF DANGEROUS PESTICIDES.

This section eliminates EPA's ability to ignore registration review deadlines, which EPA has exploited to allow the use of pesticides for years, sometimes decades, past the FIFRA deadline. Section 3 creates a citizen petition process for designating a pesticide as "dangerous." If EPA determines that a petition provides substantial information that a pesticide may warrant a "dangerous" designation, then pesticide will only be legal to use if it has a valid reregistration or registration review decision from the last 15 years. If not, EPA will be required to suspend the use of any pesticide that may be dangerous that does not have a completed reregistration or registration review. If EPA does not suspend the pesticide within 60 days of the missed deadline, the pesticide will be automatically canceled. Section 3 includes a crucial citizen suit provision, which enables citizens to hold EPA accountable.

SEC. 4. EMERGENCY REVIEW OF PESTICIDES BANNED IN OTHER NATIONS.

This section requires the EPA to immediately suspend a pesticide for use in the United States when that pesticide is banned by the European Union or Canada. EPA will then be required to conduct an expedited review of the pesticide and is required consider all relevant science, including epidemiological data, peer reviewed literature, and government-generated data. EPA must cancel the pesticide within 2 years unless it determines that the decision by the EU and/or Canada to ban the pesticide was clearly erroneous. The final determination must be available for public comment. Section 4 also includes a citizen suit provision.

SEC. 5. ENSURING ACCOUNTABILITY IN CONDITIONAL REGISTRATIONS.

This section terminates conditional registrations of pesticides once the parameters of the registration have been met. Conditional registrations may no longer be used for new active ingredients. This section also restores a provision requiring EPA to report to Congress annually on the number and details of conditional registrations issued. It prohibits the continued sale and use of pesticides whose conditional registration has expired.

SEC. 6. PROHIBITION ON THE SALE OR USE OF EXISTING STOCKS OF SUSPENDED OR CANCELED PESTICIDES.

This section discontinues EPA's practice of allowing stocks of pesticides that have been canceled or suspended to continue to be used.

SEC. 7. ENDING ABUSE OF EMERGENCY EXEMPTIONS.

This section prevents EPA from granting emergency exemptions for the same pesticide in the same location for more than 2 years in any 10-year period. It also prohibits EPA from granting emergency exemptions for pesticides that are unregistered or conditionally registered.

SEC. 8. ADDING TRANSPARENCY FOR INERT INGREDIENTS.

This section requires pesticide labels to include percentages of each inert ingredient, not just percentages of total inert ingredients. It also mandates that labels state whether a state or federal agency has determined that an inert ingredient is likely to be dangerous or acutely toxic. Section 8 also repeals a trade secret provision that prohibits the release of percentages of inert ingredients.

SEC. 9. CANCELLATION OF REGISTRATION OF ORGANOPHOSPHATES.

This section cancels the registration of organophosphates under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation. Organophosphates include pesticides such as chlorpyrifos, malathion, and diazinon.

SEC. 10. CANCELLATION OF REGISTRATION OF NEONICOTINOIDS.

This section cancels the registration of neonicotinoids under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation. Neonicotinoids listed by this section are the pesticides imidacloprid, clothianidin, thiamethoxam, dinotefuran, acetamiprid, sulfoxaflor, and flupyradifurone.

SEC. 11. CANCELLATION OF REGISTRATION OF PARAQUAT.

This section cancels the registration of paraquat under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation.

SEC. 12. EMPOWERING COMMUNITIES TO PROTECT THEMSELVES FROM PESTICIDES.

This section enables local communities to pass restrictions on pesticides. This prevents less protective state legislation from preempting local community laws.

SEC. 13. PROTECTING FARMWORKERS FROM DANGEROUS PESTICIDES.

This section requires that all pesticide labels be printed in both English and Spanish. Where EPA has knowledge that there are more than 500 persons using a pesticide product, this section requires that the label be made available in that language as well.

This section also creates a process by which farmworker employers, EPA, and pesticide manufacturers are responsible for responding to incidents of injury and death to farmworkers. Employers of farmworkers will be required to report incidents of injury and other harm to an EPA-created online system. This section establishes civil and criminal penalties for failure to report, a criminal penalty for retaliation, and a reward system for identification of employers failing to report incidents. When an employer reports an incident, EPA will make a determination whether a change to the label is warranted to avoid future incidents. Where an incident caused the death of the farmworker, EPA will temporarily suspend the pesticide until it determines whether a label change is necessary. If the pesticide manufacturer does not comply with EPA's determination, EPA will immediately cancel the pesticide. EPA will suspend a pesticide responsible for 10 farmworker incidents or 3 incidents resulting in death until it has conducted reregistration review. This section includes a citizen suit provision so that citizens can hold EPA accountable if it fails to enforce any portion of this section.