

**350 Maine, Beyond Pesticides, Center for an Ecology-Based Economy
Center for Food Safety, Climate Action Now - Western Massachusetts, Climate Xchange
Community Action Works, Environment Maine, Farmworker Association of Florida
Friends of the Earth, Green State Solutions, Hawaii Alliance for Progressive Action
Hawai'i SEED, International Center for Technology Assessment, Land Stewardship Project
Laudato Si' Movement - Boston Chapter, LEAD for Pollinators, Maine Organic Farmers and
Gardeners Association, Maine Unitarian Universalist Advocacy Network, Maryland Pesticide
Education Network, Montana Organic Association, Mothers Out Front, Northeast Organic
Farming Association - Mass., Ocean River Institute, Northwest Center for Alternatives to
Pesticides, Ohio Ecological Food and Farm Association, Pasa Sustainable Agriculture
Pesticide Action Network, Pesticide Research Institute, Pollinate Minnesota
Pollinator Stewardship Council, Powder River Basin Resource Council
Public Employees for Environmental Responsibility (PEER), Regeneration Massachusetts
Sierra Club, Sustainable Tompkins, Toxic Free North Carolina**

October 25, 2021

The Honorable Joseph R. Biden, President
Michael S. Regan, EPA Administrator
Edward Messina, EPA Office of Pesticide Programs Director
Michal Ilana Freedhoff, Assistant Administrator, Office of Chemical Safety
and Pollution Prevention
Jake Li, Deputy Assistant Administrator for Pesticide Programs

Re: Major Reform is Needed in EPA OPP's Pesticide Regulation

Dear President Biden, Administrator Regan, Director Messina, Assistant Administrator
Freedhoff, and Deputy Assistant Administrator Li,

We, the undersigned 37 environmental, health, farmworker, beekeeper, agricultural and other organizations, on behalf of our millions of members nationwide, write to express that we have serious concerns about the failure of the Environmental Protection Agency (EPA) to protect people and the environment from the dangers of pesticides. In this letter we list a series of actions or inactions that put people and the environment in harm's way and identify overarching need for reform in a short timeframe. We know that toxic pesticide use in the United States is widespread. EPA has registered more than 18,000 separate pesticide products -- far more than any other nation -- and more than 2 billion pounds of pesticides are sold annually in the U.S. They are used annually over roughly 250 million acres of farmland, across millions of acres of urban and suburban lands, and inside millions of homes, schools, and other buildings. In recent decades the Office of Pesticide Programs (OPP) has made a series of crucial regulatory mistakes that have caused human deaths, disabilities, and illnesses; caused disproportionate harm to people of color; destroyed beekeeper livelihoods; largely eliminated the iconic monarch butterfly; decimated bird and invertebrate populations; killed or sickened people's beloved dogs and cats; contributed to the climate crisis; and otherwise harmed the welfare of this country.

A June 30, 2021, article in *The Intercept*, exposes OPPs malfeasance.¹ Entitled “The Department of Yes - How Pesticide Companies Corrupted the EPA and Poisoned America,” it confirms our own experiences in confronting an OPP that has seemed determined to undermine EPA’s fundamental mandate to protect human health and the environment. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which establishes a system for registering pesticides, recognizes that these toxic chemicals are economic poisons—inherently dangerous materials whose dispersal into the environment is allowed for largely economic reasons—and whose use can therefore be permitted only when the benefits of use outweigh the risks (adverse effects). The Federal Food, Drug, and Cosmetic Act (FFDCA), which establishes the standard for allowable pesticide residues in food, creates a risk assessment-based standard that has been interpreted to permit harm to human health despite the availability and economic viability of less toxic approaches to food productions.

EPA and the administration have the ability under existing law to steer the nation away from toxic chemical dependency with a clear strategy to address the existential crises associated with public health decline, biodiversity decline, and the climate crisis.

OPP has undermined the purposes of FIFRA and the FFDCA by, for example:

- pushing through “Yes packages” of pesticide registration proposals that are approved because of industry lobbying and political pressure,
- suppressing the scientific opinions of many of its own professionals unless they are consistent with the registrants’ goals,
- excessive, outrageous waivers of vital toxicity study requirements and the use of “conditional” registrations by which OPP allows pesticide uses to proceed despite missing key data,
- engaging in what likely is one of the worst “revolving door” situations in the Federal government in which regulatory officials retire from OPP and then work for or consult with the regulated companies,
- willful noncompliance with Section 7 of the Endangered Species Act, which requires proposed registrations to include consultations with the wildlife agencies (Fish and Wildlife Service and National Marine Fisheries Service) to take into account and mitigate potential impacts on our nation’s threatened and endangered species, and
- failure to review and regulate endocrine-disrupting pesticides, as required by the Food Quality Protection Act of 1996, which amended FIFRA and FFDCA.

¹ Author: Sharon Lerner. Online at: <https://theintercept.com/2021/06/30/epa-pesticides-exposure-opp/>.

An urgent need exists for OPP to re-think its application of current standards in law to meet the crises of the day. To do this, the agency must embrace a series of underlying principles to guide its decisions into the future.

1. **Utilize unreasonable risk.** We urge OPP to use its powers under the “unreasonable adverse effects” standard of FIFRA to be more holistic and precautionary. A risk or hazard analysis requires a deeper analysis of costs, including externalities, secondary pest populations, and other factors. When evaluating pesticide registrations, EPA should determine the full range of practices available to achieve submitters’ goals of pesticide registration or reregistration, including chemical and nonchemical strategies. In conducting its risk/hazard assessment to meet its statutory duty, the agency must evaluate the complete pesticide formulation to which the public/environment is exposed, taking into account the active and inert ingredients, contaminants, and metabolites. Mixtures resulting in additive and synergistic effects must be evaluated and, where the full range of data are not available on adverse effects, reasonableness of risk should not be assumed.
2. **Conduct proper alternatives analyses.** A broader application of the FIFRA “unreasonable adverse effects” standard includes an assessment by the agency of the range of alternatives – non- or least-toxic practices and materials – that could be used to achieve the ultimate agricultural, landscape or building management goal. This information provides the basis for determining reasonableness of risk, and in so doing establishes findings on whether food can be grown, landscapes can be managed, and quality of life can be achieved without the use of toxic chemicals. OPP’s findings regarding alternatives will be important to: a) incentivizing the market to move to non- and least-toxic alternative practices and products that can eliminate petroleum-based pesticides that contribute to the climate crisis, b) protecting those who are disproportionately at risk, and c) responding to the dramatic decline of biodiversity. Climate change will likely lead to vector-borne illnesses spreading into new areas, and scientists warn that insecticide exposure under warming temperatures is not well understood.
3. **Reject corrupt data.** OPP should not rely on corrupt data, as documented by the last December. OPP must cancel registrations based on false data and establish a moratorium for future pesticide registrations from manufacturers found to have submitted fraudulent data—until the agency can assure the public that the science supporting pesticide registrations is not corrupt.
4. **Apply science of endocrine disruption.** OPP must end its failure to meet the agency’s statutory responsibility to fully protect people and wildlife from the dire consequences of exposure to endocrine-disrupting chemicals (EDCs) that affect the full functioning of organisms. More than 50 pesticide active ingredients (more when considering contaminants, inerts, etc.) have been identified as EDCs that mimic the action of a naturally produced hormone, such as estrogen or testosterone, thereby setting off similar chemical reactions in the body; block hormone receptors in cells, thereby preventing the

action of normal hormones; or affect the synthesis, transport, metabolism and excretion of hormones, thus altering the concentrations of natural hormones. Endocrine disruptors have been linked to [attention deficit hyperactivity disorder \(ADHD\)](#), [Parkinson's and Alzheimer's diseases](#), [diabetes](#), cardiovascular disease, obesity, early puberty, [infertility and other reproductive disorders](#), [childhood and adult cancers](#), and other metabolic disorders. OPP has a statutory responsibility to look at the explosion of these diseases, including multigenerational epigenetic effects, analyze the role pesticides play in these diseases, and take protective regulatory action.

5. **Engage in holistic reform.** OPP should aggressively implement the Presidential *Memorandum for the Heads of Executive Departments and Agencies* (January 20, 2021) regarding [Modernizing Regulatory Review](#). This memorandum directs the heads of all executive departments and agencies to produce recommendations for improving and modernizing regulatory review, with a goal of promoting public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. It sets the stage for the urgent adoption of agency policy across government to seriously confront the climate crisis, biodiversity collapse, and disproportionate harm to people of color communities (environmental racism) and those with comorbidities/underlying health conditions. If OPP's pesticide registration decisions are to be consistent with this memorandum, it must facilitate the widespread adoption of organic farming and land care practices, which reduce greenhouse gas emissions, sequester carbon in the soil, and protect the lives of essential workers, farmworkers, and fenceline communities.

The following is a selected list of ten OPP horrors, which is by no means exhaustive, but require immediate attention in the larger context of the agency adopting a comprehensive framework, as outlined above, for moving forward. They illustrate why Americans have lost confidence in the agency's ability to protect them from the health and environmental harms associated with toxic pesticides:

1. **OPP allowed chlorpyrifos to stay registered for more than 14 years after health experts and affected farmworkers petitioned for its removal based on its documented neurological dangers, and five years after proposing to revoke all food residue tolerances, finding that "the risk from the potential aggregate exposure does not meet the FFDCA safety standard."** Pregnant people and their fetuses, young children, farm workers, and their communities have been particularly at risk. Numerous studies have linked chlorpyrifos to brain damage and abnormal neurological development in children, including learning disabilities, reduced IQ, and behavioral problems. Nevertheless, despite the detailed petition that was filed in 2007, and voluminous subsequent litigation, OPP has failed to remove it from the market. Not until a 9th Circuit court ruling in May of this year was OPP compelled to finally act. That ruling held: "The EPA must act based upon the evidence and must immediately revoke or modify chlorpyrifos tolerances." The Court condemned OPP's prior positions, finding them "arbitrary and capricious" and that it

“acted directly contrary to the FFDCA.” It condemned OPP’s years of intransigence, stating “further delay would make a mockery, not just of this Court’s prior rulings and determinations, but of the rule of law itself.” Finally, on August 18, 2021, EPA announced it was revoking all chlorpyrifos approvals for food crops effective mid-February of 2022, while delaying its planned decision on whether to revoke nonfood uses (e.g., golf courses, turf farms, ant baits, wood preservation, and mosquito control). This eventually will have positive effects on consumers and farm workers to some extent, yet farm and landscaping workers and others still will be exposed to nonfood uses of this poison. Other equally damaging organophosphates remain on the market.

2. **OPP allowed the widespread unlimited use of Roundup (glyphosate) long after key authorities established its contribution to deadly non-Hodgkin’s lymphoma in heavy users.** The International Agency for Research on Cancer (IARC) is a semi-autonomous intergovernmental agency under the umbrella of the World Health Organization (WHO) funded by member countries, including the United States. In 2015, IARC determined that widely used Roundup and other glyphosate-based herbicides are “probably carcinogenic to humans.” This was based on limited evidence of cancer in humans (from real-world exposures) and sufficient evidence of cancer in experimental animals. The IARC finding spurred dozens of personal injury lawsuits against Roundup’s manufacturer, Bayer (originally Monsanto), in which juries around the country found in favor of applicators whose use of Roundup resulted in their non-Hodgkin’s lymphoma, a cancer of the lymphatic system. In late May, a Federal judge rejected a proposal from Bayer to settle future lawsuits over Roundup, saying the corporation’s proposal was inadequate for future victims of the herbicide. Bayer’s rejected proposal would have established a \$2 billion fund. Bayer has already agreed to a separate \$9.6 billion agreement to settle the past lawsuits. Remarkably, at the same time, OPP continues to maintain Roundup is safe and has not required stricter label warnings or use restrictions, while agreeing to Bayer/Monsanto’s voluntary cancellation of uses that have resulted in lawsuits. The company says the action is “exclusively to [manage litigation risk](#) and not because of any safety concerns.” The **end result**: large numbers of heavy Roundup applicators died or developed cancer and Bayer’s costs to compensate the victims or their survivors will likely exceed **\$12 billion**. Unlimited use on crops—especially genetically modified crops—continues to threaten the lives of farmworkers and consumers and the livelihoods of organic farmers neighboring sprayed fields. All of this could have been avoided by tighter OPP regulation and labeling.
3. **OPP allowed the widespread unlimited use of glyphosate-based herbicides, resulting in devastation of populations of the treasured monarch butterfly, driving it to near extinction across North America.** OPP approved glyphosate, which is by far the most widely sprayed herbicide in the nation, for both farm and residential/landscaping use. Farmers can spray entire fields planted with genetically engineered, glyphosate-tolerant

(or “Roundup Ready”) crop varieties, thereby killing all of the unwanted vegetation but not the crop. It was introduced in the early 1990s and by about 2001 was the dominant herbicide. However, that had tragic results: the monarch butterfly population was driven down drastically in direct proportion to the acreage sprayed with Roundup. Monarchs are extremely popular butterflies that perform a unique, multi-generational, mass migration each year from their wintering grounds in remote mountains in central Mexico north throughout the continent, particularly into the Midwest Farm Belt. Roundup has destroyed the once-abundant stands of milkweed that provided the sole larval food source for migrating monarchs. Milkweed is not a serious weed of crops, but indiscriminate Roundup spraying largely eliminated it – and the monarchs. In December of 2020, the U.S. Fish and Wildlife Service determined that Endangered Species Act protection for the monarch butterfly was justified to protect it from extinction, with its steep decline primarily driven by Roundup. Nevertheless, despite its past assessment failures and the tragic results (including the human health impacts discussed above), OPP maintains that Roundup should remain available for unrestricted usage nationwide.

4. **OPP registered thousands of pesticide products despite its systematic and illegal refusal to comply with the interagency consultation requirements in Section 7(a)(2) of the Endangered Species Act (ESA).** Formal consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the ESA is the most effective means for protecting endangered species from harmful pesticides. These expert wildlife agencies can evaluate the threats pesticide contaminants pose to the survival of imperiled species, and the consultation process often results in constraints on — or the prohibition of — using harmful pesticides. Remarkably, OPP has consistently simply ignored the ESA Section 7 requirements — it has not voluntarily completed a single consultation since 1993. Only through litigation efforts by environmental groups have Section 7 consultations been scheduled -- and most remain far from completion. Examples of compelled consultations through litigation for broadly used harmful chemicals include: atrazine, malathion, glyphosate, carbaryl, chlorpyrifos, diazinon, imidacloprid, clothianidin, and thiamethoxam. In the meantime, these and other pesticides continue to be major drivers of jeopardy to threatened and endangered species.
5. **OPP approved hundreds of neonicotinoid systemic insecticide products which are now the most widespread insecticide used in the country.** “Neonics”—primarily imidacloprid, clothianidin, and thiamethoxam — are systemic insecticides that are absorbed into the growing crop plants rendering them poisonous to insects. They have decimated both commercial and non-commercial bee hive numbers and severely compromised the viability of remaining hives, as well as poisoning other vital pollinators. OPP’s approval of the neonics was directly connected to the emergence of Colony Collapse Disorder in which hives nationally were decimated. Recent annual mortality figures reported by

beekeepers are 30% to 40%, which far exceed normal pre-neonic figures of less than 10% mortality. As a result, beekeepers are suffering ongoing damages and must work much harder to stay in business. The situation is unsustainable; many beekeepers are quitting, while growers depend on honey bees for their pollination services. Nevertheless, OPP has approved scores of neonic products and largely exempted neonic seed coatings from mandatory label directions and from their misuse. Most tragically, neonic seed coatings are not actually needed to reduce significant crop damage risks. These indiscriminate “prophylactic” uses violate widely accepted Integrated Pest Management (IPM) principles, which support chemical use only when there is known or predicted pest pressure unresponsive to less toxic approaches, while continuing to cause disastrous honey bee mortality levels. OPP consistently ignores IPM principles and undervalues pollinators, pollination, and hardworking beekeepers. At the same time, it ignores the viability of an organic systems approach that eliminates reliance on these toxic inputs. Enforcement for their misuse is extremely rare. Very recently, the EPA’s draft biological evaluations analyzed three neonicotinoids: clothianidin, imidacloprid and thiamethoxam. These evaluations only resulted due to many years of litigation. Nearly 80% of all endangered species — 1,445 different kinds of plants and animals — are likely to be “adversely affected” by imidacloprid, and the pesticide will adversely modify the designated critical habitats of 658 species. For thiamethoxam, 1,396 (77% of all) endangered species are likely to be adversely affected, and the pesticide will adversely modify the designated critical habitats of 644 species. About two-thirds of all endangered species, 1,225, are likely to be adversely affected by clothianidin, and the pesticide will adversely modify the designated critical habitats of 644 species. Yet, OPP had approved these pesticides more than a dozen years earlier with no ESA consultation and allowed them to stay on the market despite vociferous requests going back to 2013 that ESA consultation must occur.

6. **OPP has allowed vast contamination of soils, marginal field vegetation, and waters across rural America and ignored mounting evidence of neonicotinoids harm to vertebrate species.** Sampling studies reveal neonics are now common in almost every rural waterbody. This has caused the virtual sterilization of many rural ponds, streams, and other waterways. OPP is ignoring the long-term ecosystem damage caused particularly by the neonic seed coatings. Voluminous bird kill evidence now proves neonic-coated seeds can be deadly. The threats to farmland birds in Europe such as skylarks, doves, and partridges – whose populations were crashing – ultimately drove EU regulators to ban neonics. Recent U.S. bird studies show the same crashes, finding that farmland birds are among the worst-hit groups in the massive national bird population decline that has been documented over the last five decades. One farmer tragically observed: “I now have to describe what a flock of birds was like to my children because there are no more big flocks in farm country anymore.” Further, alarming new

published evidence shows that neonics harm white-tailed deer; they can cause malformed jaws and increased fawn mortality. Other vertebrates likely also are at risk.

- 7. OPP approved herbicides containing dicamba, a highly volatile chemical.** As was predicted by many farmers and experts, the spraying of herbicides containing highly volatile dicamba, primarily on millions of acres of soybeans in the Southeast and Midwest, led to out-of-control drift across neighboring fields and caused extremely expensive crop damage, pitting farmer against farmer. The EPA Office of Inspector General (OIG) found that Trump-era appointees within OPP improperly intervened in pushing for approval of the dicamba products. The OIG report, *EPA Deviated from Typical Procedures in Its 2018 Dicamba Pesticide Registration Decision*, found “senior leaders in OCSPP’s immediate office . . . were more involved in the dicamba decision than in other pesticide registration decisions. This led to senior-level changes to or omissions from scientific documents, including omissions of some conclusions addressing stakeholder risks.” The same deficiencies led the U.S. Court of Appeals for the 9th Circuit to overturn the registration in a June 2020 decision in which the unanimous panel held that OPP “... not only substantially understated the risks it acknowledged.... It also entirely failed to acknowledge other risks, including those it was statutorily required to consider.” Further, “A farmer in Arkansas was shot and killed in an argument over dicamba damage in 2016. The severe strain on social relations in farming communities where the new dicamba herbicides are being applied is a clear social cost, but the EPA did not identify and take into account this cost.” The **end result**: dicamba manufacturers Bayer and BASF were compelled to fund a \$400 million settlement of a huge federal lawsuit over damage claims that OPP’s own negligence had enabled when it registered the products and allowed their use with utterly inadequate label warnings and use directions.
- 8. OPP approved malathion, a deadly pesticide.** Malathion, one of the most widely used pesticides in the same class as chlorpyrifos (organophosphates), is sprayed to kill mosquitos and other pests in landscaping and agriculture. OPP has possessed for decades, but dismissed, substantial evidence that malathion is carcinogenic and dangerous to people. One scientist/official quoted in *The Intercept* article cited above, stated: “When malathion was up for reregistration, when the heads of the various divisions who were looking at health effects were sitting around the table and planning to address the issue, the science adviser poked his head in the door and said, ‘This is a big-ticket pesticide, and we don’t want to have any problems’.” Despite the concerns raised by its own scientists, OPP gave malathion an unrestricted designation. Then the Deputy Administrator of the EPA in 2010 joined the board of Scotts Miracle-Gro, a company that sold malathion, among other pesticides. Since then, mounting evidence has linked the pesticide to numerous cancers, including thyroid, prostate, and breast cancer. In 2015, WHO concluded that malathion is “probably carcinogenic to humans.” Nevertheless, OPP

continues to classify it as only having “suggestive evidence of carcinogenicity.” To make matters worse, in 2017, an ESA Section 7 consultation found that 97 percent of federally-listed threatened or endangered species are likely harmed by malathion.

9. **OPP approved the Seresto flea and tick collar now linked to the deaths of nearly 1,700 pets.** More than 75,000 complaints (“adverse incident reports”) have been filed linking the insecticide impregnated Seresto flea collar to harms ranging from death of pets to sickening or irritation of their owners (nearly 700 such reports). The collars are laced with imidacloprid and flumethrin. However, OPP has taken no action to investigate the reports, recall the Seresto product, or issue a nationwide warning to the public of its potential dangers, despite the fact that recent lab testing also found the collars contain 250 ppt of a long-chain PFAS, or per-and polyfluoroalkyl substances, otherwise known as “forever chemicals.” A recent study found dogs and cats have PFAS in their blood serum and are often exposed to concentrations well above the minimum risk level identified for humans. Moreover, a major concern is that people can be exposed to these products through skin absorption by petting and playing with their pets; children face even greater risk through their frequent hand-to-mouth behavior.

10. **OPP allowed the spraying of Anvil 10 +10 and other pesticide formulations that contain toxic PFAS.** In December of 2020, Public Employees for Environmental Responsibility (PEER) revealed that Anvil 10+10, a mosquito adulticide used in more than half the states in the country, contained concerning levels of PFAS. These results were confirmed by both the Commonwealth of Massachusetts and EPA. Although EPA ultimately determined that the source of the PFAS in Anvil 10+10 was contamination from fluorinated HDPE containers, numerous other pesticides have been found to contain PFAS since then. Some of the PFAS may be from fluorinated containers; however, varying types and levels of PFAS found indicate that PFAS may be added deliberately as undisclosed inert or active ingredients. Indeed, EPA approved a number of PFAS as inert ingredients and has registered numerous pesticide products containing PFAS as active ingredients. Use of these pesticides containing PFAS contaminates soil, ground water, surface water, and drinking water supplies. Ultimately, the burden of cleaning up this contamination will fall on municipalities who can ill afford the millions of dollars it will cost to filter PFAS from drinking water supplies.

In the above “parade of horrors” the common element is OPP’s blindness to environmental and health problems and its willingness to plow ahead with new pesticide approvals or--crucially--to maintain existing harmful registrations, despite flashing warning signs. OPP excels in favoring unlimited nationwide approvals with few or no enforceable use restrictions -- and pesticide enforcement actions are very rare. OPP deserves no confidence that it will act to protect the environment and the public.

This is not a political issue; it transcends Democratic and Republican administrations. We could point to several contributing factors: a) OPP's history of "industry capture" which is reflected in a "revolving door" in which OPP regulators regularly proceed to later positions in, or consulting with, the pesticide industry; b) OPP's genesis in the U.S. Department of Agriculture (USDA), which led to a mindset that it actually enhances environmental protection to approve more pesticides rather than reducing their use; c) the effect of administering an antiquated pesticide statute, FIFRA, and d) OPP's reliance on applicant user fees for a significant part of its funding. Whatever the ultimate origin, thanks to OPP now we are closer than ever to the lifeless rural dystopia predicted in *Silent Spring*, almost 60 years later. Rural bird and insect life, as well as the vitality of aquatic ecosystems, have all dramatically declined since Rachel Carson wrote her environmental classic. Even Dr. Carson could not have foreseen the other fiascos described above, such as OPP's excessive embrace of chlorpyrifos, glyphosate, dicamba, the neonics, and other chemicals.

Solutions

Systemic change is required at OPP. The protection of human health and the environment must be prioritized above pesticide industry profits in order for EPA to eliminate hazardous pesticides. This will require EPA Administrator Regan to establish new norms that will immediately affect decisions before the agency. At the same time, we urge more discussion and coordination with USDA, the Food and Drug Administration, other agencies, and Congress.

Summary of a New Framework at OPP

- A. OPP must take seriously the biodiversity and climate crises facing the planet.
- B. OPP must recognize the cradle-to-grave dangers associated with pesticides.
- C. OPP must recognize environmental injustice resulting from inequalities in protection from the dangers of pesticides.
- D. OPP must weigh the dangers of pesticides against so-called benefits, measured against the availability of less dangerous alternatives—in particular, organic agriculture and landscape management.

OPP Under New Management

If OPP adopts this new framework, certain changes can be expected at OPP within a short timeframe:

- Appointment of an OPP Director who is highly motivated and qualified to tackle the above solutions and steer the agency toward a culture that consistently places the highest priority on protection of human health and the environment.
- Prompt replacement of any official in OPP's leadership who contributed to the major health and environmental safety blunders described above or who is not committed to the needed culture change.

- Performance evaluations for OPP’s leadership that reward measures of documented reductions in U.S. pesticide use in agriculture, residences, and other settings, and reductions in the numbers of adverse incidents associated with registered pesticides. A specific measure should be reduction of annual pesticide-related honeybee mortality as reported by the nation’s beekeepers.
- Designation of an independent Ombudsperson, that is, a GS-15-level OPP official tasked with full-time representation of the public’s interest in the agency’s regulatory and policy decisions, as well as ensuring timely and informed responses to complaints, queries, and comments from the public.
- Aggressive implementation of EPA’s scientific integrity policy within OPP.

Specific Outcomes

If this framework is adopted, we should expect the following specific outcomes within a year. Each of these recommendations stands on its own as a necessary reform

1. Immediate revocation of all approved uses of chlorpyrifos, dicamba, glyphosate, triazine herbicides, paraquat, and all the organophosphate and neonic insecticides.
2. Required proof of efficacy for any proposed new pesticide registrations; that is, a strong showing of benefits exceeding costs before approving a new registration. The standard of comparison should be organic production, which does not rely on toxic pesticides.
3. Prohibition of prophylactic uses of neonic-coated seeds.
4. Granting of the pending 2017 petition from the Center for Food Safety on behalf of beekeepers and others to eliminate the “treated article” exemption for all pesticide-treated or coated seeds in order that seed bags or other containers bear labels with mandatory and enforceable warnings and use directions.
5. Granting of the pending 2016 petition from the Center for Biological Diversity (CBD) on disclosing and evaluating inert ingredients entitled *Petition for Rulemaking to Evaluate Synergistic Effects of Pesticides During Registration and Registration Review*
6. Granting of CBD’s pending 2021 petition related to preserving soil health entitled *Petition for Rulemaking to Implement a Soil Health Endpoint in EPA’s Ecological Risk Assessment for Pesticides*.
7. Drastic curtailment of the long abuse of “Emergency Exemptions” that allow short-term special uses of pesticides for which they are not registered. The agency has over-authorized these exemptions, which are a nationwide problem with almost no accountability because they last for short periods, thus are virtually impossible to litigate against.
8. Elimination of any pesticidal dog or cat product that causes documented mortalities exceeding five individual pets nationally annually.
9. Immediate prohibition of the use of PFAS in any pesticides as inert ingredients or active ingredients, as well as in any containers for them.

10. Substantially more staff and resources devoted to conducting ESA Section 7 compliance as opposed to processing new pesticide registrations.
11. Substantially more staff and resources devoted to conducting Registration Reviews for currently registered pesticides as opposed to processing new pesticide registrations. There is a Congressionally mandated re-registration process that aims for full reviews of all existing registrations every 15 years, but that process has been massively backlogged and underfunded.
12. Substantially more staff and resources devoted to revising and modernizing the agency's "benchmarks" for pesticide levels in surface and groundwater and conversion of those benchmarks into actionable standards that lead to enforced reductions in the use of particular pesticides in areas where the water standards are violated.
13. Alteration of OPP's policy on accepting outside scientific publications into registration and other regulatory decision-making. The perverse result of the existing policy is that non-peer-reviewed industry studies are readily accepted, but peer-reviewed journal-published studies typically are rejected.
14. Convening of an emergency advisory panel to consider pesticides that have been prohibited in the EU or other countries based on careful scientific analysis in order to propose similar prohibitions in the United States if they are justified.
15. Creation of a special advisory committee of beekeepers and pollinator entomologists to propose revocation of the most harmful insecticides to the nation's pollinators.
16. Revision of OPP's policy on IPM to clarify that pesticides are not to be applied prophylactically; that is, IPM does not include any chemical use in the absence of known or foreseeable pest pressure or when non-chemical or organic practices can achieve the pest management objective.
17. Adoption of stricter "revolving door" restrictions to prevent EPA personnel from rapidly shifting to working for or consulting with the pesticide industry and *vice versa*.
18. Convening an advisory committee to improve label language, ensuring that each product label is clear and understandable. OPP then should commission independent evaluations of label compliance. OPP also should require translation of labels into Spanish and other languages where needed.
19. Protection of vulnerable populations by establishing no-spray and buffer zones in pesticide label use directions in order to protect children at schools, day care centers, and other facilities. Reforms should better protect farmworkers and commercial landscape, lawn, and garden applicators, who often have the highest levels of exposure.
20. A policy that Endocrine Disruptor Screening Program data and a detailed OPP evaluation of that data is required for a pesticide to obtain or maintain registration.

Please commit to implementing the above solutions within the next year. The time is ripe now for the Administration to rebuild public confidence in OPP and take the actions necessary to protect public health and the environment. Too much hangs in the balance to allow its pattern of grievous misjudgments to continue. We will look forward to your prompt reply.

Sincerely,

Public Employees for Environmental Responsibility (PEER)*
Beyond Pesticides
350 Maine
Center for an Ecology-Based Economy
Center for Food Safety
Climate Action Now, Western Massachusetts
Climate XChange
Community Action Works
Environment Maine
Farmworker Association of Florida
Friends of the Earth
Green State Solutions
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Ocean River Institute
Ohio Ecological Food and Farm Association
Pasa Sustainable Agriculture
Pesticide Action Network
Pesticide Research Institute
Pollinate Minnesota
Pollinator Stewardship Council
Powder River Basin Resource Council
Regeneration Massachusetts
Sierra Club
Sustainable Tompkins
Toxic Free North Carolina

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