

August 7, 2019

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

**Re: Senate Bill S5343; Banning the Pesticide Chlorpyrifos to Protect New York's Children**

Dear Governor Cuomo,

The undersigned organizations, which together have hundreds of thousands of members and supporters across New York State, urge you to sign Senate bill S5343, a bill to ban the pesticide chlorpyrifos. The Trump administration is willfully ignoring decades of scientific research by refusing to ban this dangerous chemical. New York should not yield to Donald Trump on this critical public health issue. S5343 passed the Legislature in April with overwhelming and bipartisan support. It is critical that you enact this law to protect human health and our environment in New York. Every day that chlorpyrifos remains in use puts New Yorkers' health at risk, particularly that of children.

Chlorpyrifos is a neurotoxic pesticide belonging to a class of chemicals developed as nerve gas by Nazi Germany for use in World War II.<sup>1</sup> Although the U.S. Environmental Protection Agency (EPA) banned almost all residential uses of chlorpyrifos in 2000, this chemical is still used on food crops, golf courses, and elsewhere.<sup>2</sup> A large body of science, including the EPA's own scientific review, demonstrates that chlorpyrifos on food and in drinking water is unsafe for pregnant women, infants, and children.<sup>3</sup>

Scientific studies have demonstrated that prenatal exposure to very low levels of chlorpyrifos can harm the cognitive development of infants and young children. In fact, many studies have found no evidence of a threshold or "safe" level of chlorpyrifos exposure during pregnancy.<sup>4</sup> Specific adverse impacts include delayed mental and psychomotor development, attention and behavior problems including autism spectrum disorder, reduced IQ, and loss of working memory.<sup>5,6</sup> Exposure has also been linked to cancer, Parkinson's disease, and a whole host of other negative human health impacts.<sup>7,8</sup> Farmers, farmworkers, and rural communities have an increased risk of direct exposure to chlorpyrifos, which is associated with immediate and long-term adverse health impacts.<sup>9,10,11</sup>

The Trump administration has refused to protect the public from chlorpyrifos. In 2015, after years of study, EPA found that chlorpyrifos does not meet the federal safety standard of a "reasonable certainty of no harm" and proposed banning it.<sup>12</sup> EPA scientists found that every use of chlorpyrifos results in unsafe levels of exposure and concluded that young children are exposed to chlorpyrifos at levels 140 times higher than what the agency considers safe, *through food alone*.<sup>13</sup> Despite this, former EPA Administrator Scott Pruitt ignored recommendations from EPA scientists and rejected the proposed ban on chlorpyrifos as one of his first formal acts in office.<sup>14</sup> This decision was made *after* Dow Chemical — chlorpyrifos' manufacturer — donated \$1 million to the President's inauguration committee.<sup>15</sup> (Dow Chemical is now known as Corteva Agriscience.) Furthermore, in March 2019, *The New York Times* reported it had uncovered via a Freedom of Information Act request that the Trump administration blocked the release of a U.S. Fish and Wildlife pesticide analysis showing that chlorpyrifos is so toxic, it "jeopardizes the

continued existence” of more than 1,399 endangered and threatened birds, fish, and other animals and plants.<sup>16</sup>

In response to EPA’s failure to enact a chlorpyrifos ban, New York Attorney General Letitia James is leading a coalition of state attorneys general who have sued the agency, arguing that EPA’s failure to ban chlorpyrifos is illegal.<sup>17</sup> It would be hard to reconcile New York’s legal claims against EPA with a veto of New York’s bill proposing a similar ban. Last year, the U.S. Court of Appeals for the Ninth Circuit ordered the Trump administration to ban all uses of chlorpyrifos, but the administration appealed further. In July, the Trump administration again announced that it will not ban chlorpyrifos.<sup>18</sup> Litigation will likely continue for years.

Given the Trump administration’s ongoing refusal to protect public health and the environment, it is critical that New York continue to demonstrate leadership on this issue. Hawaii passed a bill in 2018 banning chlorpyrifos (which goes into effect in 2022).<sup>19</sup> California recently announced that it will begin proceedings to ban chlorpyrifos.<sup>20</sup> States including Connecticut, Maryland, and New Jersey are considering chlorpyrifos bans, and a ban here would spur them to act.

Many farmers have already identified safer alternatives to chlorpyrifos and use of this pesticide has declined.<sup>21</sup> Cornell University has published guides to alternatives for important crops, including apples.<sup>22</sup> Nonetheless, some farmers are still making the transition, and the ban in New York, if enacted, would not take full effect until December 1, 2021. Your administration could help speed this process. California, for example, is providing \$5.7 million to support farmers in their switch to safer alternatives.<sup>23</sup>

Given federal inaction and your administration’s efforts to protect public health, we urge you to sign Senate bill S5343 into law immediately and protect New York’s pregnant women, infants, children, and environment from the dangers of chlorpyrifos use.

Sincerely,

Citizens Campaign for the Environment  
Earthjustice  
Friends of the Earth  
Sierra Club Atlantic Chapter  
350NYC  
Alliance of Nurses for Healthy Environments  
American Bird Conservancy  
Association of Farmworker Opportunity Programs  
Audubon New York  
Beyond Pesticides  
Bronx River - Sound Shore Audubon Society  
Buffalo Audubon Society  
Catskill Mountain Honey  
Catskill Mountainkeeper  
Catskill Provisions Distillery

Cazenovia Lake Association  
Center for Environmental Health  
Central Westchester Audubon Society  
Child Care Council of Orange Co  
Child Labor Coalition  
Children's Defense Fund-New York  
Citizens' Environmental Coalition  
Clean and Healthy New York  
Concerned Citizens of Montauk  
Delaware-Otsego Audubon Society  
Doan Honey Farms  
Environmental Advocates of New York  
Farmworker Association of Florida  
Farmworker Justice  
Food & Water Watch  
Food Chain Workers Alliance  
Four Harbors Audubon Society  
Friends of the Bay  
Genesee Valley Audubon Society  
Grassroots Environmental Education  
Great Neck Breast Cancer Coalition  
Green America  
Green Inside and Out, Inc.  
Group for the East End  
Healthy Schools Network  
Hell's Kitchen Democrats  
Human Rights Watch  
Huntington Breast Cancer Action Coalition  
Interfaith Worker Justice  
International Initiative to End Child Labor  
LIGHT  
Migrant Clinicians Network  
Migrant Legal Action Program  
Mississippi Workers' Center for Human Rights  
National Consumers League  
National Education Association  
Natural Resources Defense Council  
New York Bee Sanctuary Inc.  
No Spray Coalition  
North Shore Audubon Society  
North Shore Land Alliance  
Northeast Organic Dairy Producers Alliance  
Northeast Organic Farming Association of New York (NOFA-NY)  
Northern Catskills Audubon Society, Inc.

NYC Audubon  
NYPIRG  
NYS American Academy of Pediatrics  
Onondaga Audubon  
Operation SPLASH  
Organic Consumers Association  
Partnership for the Public Good  
Peconic Baykeeper  
Pesticide Action Network (PAN)  
Public Citizen  
PUSH Buffalo  
Riverkeeper  
Safina Center  
Save the Sound  
Saw Mill River Audubon  
Seatuck Environmental Association  
Sierra Club Niagara Group  
SumOfUs  
United Farm Workers Foundation (UFWF)  
United Farm Workers of America  
WE ACT for Environmental Justice  
Western New York Environmental Alliance  
Wild Birds Unlimited of Syosset  
Women's Voices for the Earth  
Worker Justice Center of New York

cc: The Honorable Andrea Stewart-Cousins, Majority Leader  
The Honorable Carl E. Heastie, Speaker  
The Honorable Todd Kaminsky, Senator  
The Honorable Steve Englebright, Assemblyman  
The Honorable Richard A. Ball, Commissioner of Agriculture  
The Honorable Basil Seggos, Commissioner of Environmental Conservation  
The Honorable Dr. Howard A. Zucker, Commissioner of Health

## References

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