

September 19, 2023

Dear Senator,

As organizations dedicated to environmental protection, human health and wellbeing, and access to justice, we write in strong opposition to any efforts to limit existing state and local authority to regulate pesticides and lock-in outdated science. This includes, but is not limited to:

- The Agricultural Labeling Uniformity Act (Johnson/Costa), H.R. 4288, 118th Cong. (2023) and any future efforts to attach it as an amendment to other legislation, like Amdt. 690 to H.R. 2670, the House FY 24 National Defense Authorization Act. This language would prevent states from requiring warning labels that are different from federal labels, and tie EPA decisions to outdated risk assessments.
- The Ending Agricultural Trade Suppression (EATS) Act (Marshall), S. 2019/H.R. 4417 (Hinson), 118th Cong. (2023), which would broadly restrict or preempt state and local governments from imposing standards or conditions on the preharvest production, such as pesticide application, of any agricultural products produced in another state and sold in interstate commerce.
- Section 461 of the House FY24 Interior, Environment, and Related Agencies Appropriations Bill, which would tie EPA decisions to outdated risk assessments.
- Past bills, like H.R. 7266, 117th Cong. (2022) which would eliminate local authority to prohibit or regulate pesticide use in affected communities.

These efforts serve only to limit the ability of the EPA, states, and localities to protect their people and environment from the harms of pesticide use, while shielding companies from liability for their products' harms.

The Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") sets the federal floor on pesticide safety. Under FIFRA, states and localities have the authority to impose restrictions on sale and use that are more stringent than federal requirements or require warnings and other information designed to allow consumers to make informed decisions about pesticide use and exposure.

Preemption takes decision making out of the hands of those most impacted by pesticide use. States and localities are often in a much better position than the EPA to quickly assess risks, consider emerging evidence, and to make decisions to protect their unique local environments and communities including schools and childcare facilities, from toxic pesticides. Undermining

that authority would hamstring critical local efforts to address cancer and other human health risks, threats to water resources, and harms to pollinators and other wildlife.

Preemption of state authority can also effectively immunize pesticide and chemical manufacturers from claims that they failed to warn consumers of health hazards that either they were aware of or should have been. State tort law is currently a critical complement to federal regulation of pesticides and provides people who have been harmed by a pesticide an avenue to seek relief from the company that harmed them. State tort law also incentivizes manufacturers to continue to monitor the safety of their products and ensure their labels reflect the known risks. Federal preemption would not only limit states' ability to regulate pesticides but can strip consumers of their right to accountability if they are made sick by a toxic pesticide.

By prohibiting the EPA from approving labels that are inconsistent with human health risk assessments performed by the agency, many of these provisions also hamstring the EPA's ability to respond to the most recent data regarding pesticide risks. The EPA is just beginning to make progress in addressing the widespread use of toxic pesticides, but shackling the agency to potentially outdated assessments that may not reflect the best science will impair the EPA's ability to take swift and necessary action to protect public health. For example, Section 461 of the House Interior Appropriations bill would prohibit any action deemed "inconsistent" with existing EPA assessments—which potentially includes the EPA's own efforts to protect the public from serious harm.

Federal pesticide preemption is contrary to FIFRA's intentional and long standing balance of authorities. We ask that you stand on the side of public health, accountability, and the environment instead of chemical industry profits and oppose all efforts to preempt state and local authority to regulate pesticides.

Sincerely,

National Organizations:

Agricultural Justice Project
Alliance of Nurses for Healthy Environments
American Association for Justice
American Bird Conservancy
American Federation of Teachers
American Horse Protection Society
American Sustainable Business Network
Americans for Family Farmers
Animal Welfare Institute
Animal Wellness Foundation

As You Sow
Be the change project
Beyond Pesticides
Bonterra Organic Estates
Breast Cancer Prevention Partners
Center for Biological Diversity
Center for Democratic and Environmental Rights
Center for Food Safety
Center for Justice & Democracy
CleanEarth4Kids.org
Coalition for Healthier Schools
Coming Clean
Compassionate Action for Animals
Competitive Markets Action
Consumer Reports
Consumer Watchdog
Earthjustice
Ecofugees©
Endangered Habitats League
Endangered Species Coalition
Environmental Law & Policy Center
Environmental Protection Information Center- EPIC
Environmental Protection Network
Environmental Working Group
FACT (Food Animal Concerns Trust)
Fair Start Movement
Faith in Place Action Fund
Families Advocating for Chemical and Toxics Safety
Family Farm Defenders
Farm Action Fund
Farmworker Justice
Food Chain Workers Alliance
FOUR PAWS USA
Friends of Family Farmers
Friends of the Earth
GMOScience
Grandparents in Action
GreenLatinos
HEAL Food Alliance
Healthy Babies Bright Futures

Healthy Schools Network
Help Save the Bees Foundation
Howling For Wolves
Impact Fund
LEAD for Pollinators, Inc.
League of Conservation Voters
Mamavation
MegaFood
Moms Advocating Sustainability
National Association for Public Health Policy
National Association of Consumer Advocates
National Association of Pediatric Nurse Practitioners
National Center for Health Research
National Consumers League
National Dairy Producers Organization
National Education Association
National Environmental Health Association
National Family Farm Coalition
National League for Nursing
National Pollinator Pathway
National Sustainable Agriculture Coalition
National Wildlife Federation
Natural Resources Defense Council
Non Toxic Communities
Non-Toxic Neighborhoods
Oceanic Preservation Society
Organic Farming Research Foundation
Organic Trade Association
Organic Voices
Organization for Competitive Markets
Partnership for Policy Integrity
Paws all Pesticides
People & Pollinators Action Network
People's Action
Pesticide Action Network
Pesticide Free Zone
PolicyLink
Pollinator Friendly Alliance
Pollinator Stewardship Council
Predator Defense

Project Coyote
Protect All Children's Environment
Protect Our Pollinators
Public Employees for Environmental Responsibility (PEER)
Public Justice
Rachel Carson Council
Re:wild Your Campus
Resource Renewal Institute
Rural Coalition
Science and Environmental Health Network
SEE (Social Eco Education)
Sentient Media
Service Employees International Union (SEIU)
Sierra Club
Stonyfield Organic
The Earth Bill
The International Wildlife Coexistence Network
The Michael J. Fox Foundation for Parkinson's Research
The Weston A. Price Foundation
The Xerces Society for Invertebrate Conservation
Transformation
UNC Chapel Hill
Union of Concerned Scientists
United Farm Workers
United Food and Commercial Workers International Union (UFCW)
USA PATIENT NETWORK
Vote Climate
Voters For Animal Rights

State and Local Organizations:

350 Bay Area Action
Adee Honey Farms
Alabama Contract Poultry Growers Association
Alaska Community Action on Toxics
Bee Friendly Apiary
Bee Friendly Williamstown
Burbank Orchards
California Communities Against Toxics
Central California Asthma Collaborative
Chesapeake Climate Action Network (CCAN)

Chicago Food Policy Action Council
Coastal Plains Institute
Coy's Honey Farm, Inc.
CT NOFA: Northeast Organic Farming Association of Connecticut
Farmworker Association of Florida
Friends of Merrymeeting Bay
Good Food Buffalo Coalition
Great Neck Breast Cancer Coalition
Hackenberg Apiaries
Hawai'i Alliance for Progressive Action (HAPA)
Heartwood
Humane Action Pittsburgh
Illinois Environmental Council
Klamath Forest Alliance
Maine Organic Farmers and Gardeners Association
Maryland Ornithological Society
Maryland Pesticide Education Network
Maryland Votes for Animals
Massachusetts Pollinator Network
Menotomy Bird Club
Midwest Farmers of Color Collective
Montgomery Countryside Alliance
Neighbors to Preserve Rural Sonoma County
New Hampshire Audubon
Northeast Organic Family Farm Partnership
Northeast Organic Farming Association of New Hampshire
Northeast Organic Farming Association of New Jersey NOFA NJ
Northeast Organic Farming Association-Interstate Council
Northeast Organic Farming Association, Massachusetts Chapter (NOFA/Mass)
Northern California Council, Fly Fishers International
Northwest Center for Alternatives to Pesticides
Northwest Forest Worker Center
Norwalk River Watershed Association
Occupy Sonoma County
Ozark Akerz Regenerative Farm
Pollinator Pathway Stamford
Protect Wild Petaluma
Rio Grande International Study Center
Rocky Mountain Wild
Roots Return Heritage Farm LLC

San Diegans for Sustainable Equitable and Quiet Equipment in Landscaping
San Francisco Forest Alliance
Santa Cruz Climate Action Network
Save Lake Superior Association
Save Our Sky Blue Waters
Sonoma County Tomorrow, Inc.
Spiderweb Acre
Toxic Free North Carolina
Twin Springs Farm LLC
Virginia Association for Biological Farming
Western Watersheds Project
Wild Arizona
WillaBee Goods
Wills Soil & Stream
Wilson's Honey
Wine & Water Watch
Wood Botanicals