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. 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. 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.

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. Specific adverse impacts include delayed mental and psychomotor development, attention and behavior problems including autism spectrum disorder, reduced IQ, and loss of working memory. Exposure has also been linked to cancer, Parkinson’s disease, and a whole host of other negative human health impacts. 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.

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. 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. 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. This decision was made after Dow Chemical — chlorpyrifos’ manufacturer — donated $1 million to the President’s inauguration committee. (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.\textsuperscript{16}

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.\textsuperscript{17} 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.\textsuperscript{18} 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).\textsuperscript{19} California recently announced that it will begin proceedings to ban chlorpyrifos.\textsuperscript{20} 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.\textsuperscript{21} Cornell University has published guides to alternatives for important crops, including apples.\textsuperscript{22} 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.\textsuperscript{23}

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


7 Lawrence S. Engel, Emily Werder, Jaya Satagopan, et al. (2017) Insecticide use and breast cancer risk among farmers’ wives in the Agricultural Health Study. Environmental Health Perspectives. Available from: https://doi.org/10.1289/EHP1295


