



February 21, 2020

Oregon Senate Committee on Environment and Natural Resources
900 Court St. NE, S-407
Salem, OR 97301
Sen.MichaelDembrow@state.or.us
senr.exhibits@oregonlegislature.gov

Re: Support for HB 4109, the Healthy Kids and Farmworkers Act

Dear Senator Dembrow and Members of the Senate Committee On Environment and Natural Resources:

My name is Lori Ann Burd and I'm the Environmental Health Program Director and a senior attorney at the Center for Biological Diversity. I submit this testimony today on behalf of myself, the Center, and our approximately 25,000 members and supporters in Oregon to express our strong support for HB 4109. The Center is a national, nonprofit conservation organization with more than 1.7 million members and supporters. My program, environmental health works to combat pollution, recognizing that the fate of humans and all other species is inextricably intertwined.

My team of attorneys and scientist focuses about half of our efforts on pesticides. We have brought well over a dozen lawsuits regarding pesticides against the federal government. We submit detailed scientific and legal comments on every major federal action involving pesticides. We publish reports and scientific research on pesticides. We participate in the formal administrative petition process. And, I have served on the federal advisory committee to the EPA's pesticide office for five years.

To be blunt and cut to the chase, based on my thousands of hours of experience working on federal pesticide regulatory matters, I do not believe that we can rely on USDA or EPA to do the right thing when it comes to chlorpyrifos. Unfortunately, federal pesticide regulators have, time and time again, shown a callous disregard for human health and the environment. This is perhaps best exemplified in their refusal to take meaningful action on chlorpyrifos, despite the mountain of evidence showing that this pesticide is far too dangerous to be used. Because of

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federal recalcitrance, states have been forced to shoulder additional burdens and step up where federal regulators have failed to do their job. This burden may be unfair, but this is simply our current reality. Thus, I urge you to support HB 4109.

Just last month, we published an analysis of the EPA's pesticide approvals. We found that the EPA is actively working against its own stated efforts to replace dangerous, old pesticides by approving new ones containing those same dangerous ingredients.¹ In 2017 and 2018, the EPA approved more than 100 pesticide products containing ingredients widely considered to be the most dangerous still in use, including some that have been banned in multiple countries or targeted for phaseout in the United States. Pesticide products approved by the EPA in 2017 and 2018 include

- 15 new products containing neurotoxic carbamates or organophosphates (OPs), including chlorpyrifos.
- 17 new products containing the endocrine disruptor atrazine.
- 6 new products containing paraquat, which is so lethal that one spoonful can kill a full-grown adult.
- 69 new products containing an ingredient the EPA recognizes as a “known” or “likely” carcinogen²

Based on the fact that the EPA continues to routinely approve new products containing chlorpyrifos and other extremely dangerous pesticides, in contravention of its own policy of phasing them out, there is no reason to believe that they will change course and do the right thing now.

In June 2019, Dr. Nathan Donley, a former OHSU cancer researcher who is now a senior scientist in my program, had a peer-reviewed article published in the scientific journal *Environmental Health*, titled “The USA lags behind other agricultural nations in banning harmful pesticides.”³ Here are the key findings of his analysis.

- There are 72, 17, and 11 pesticides approved for outdoor agricultural applications in the USA that are banned or in the process of complete phase out in the EU, Brazil, and China, respectively.
- Of the pesticides used in USA agriculture in 2016, 322 million pounds were of pesticides banned in the EU, 26 million pounds were of pesticides banned in Brazil and 40 million pounds were of pesticides banned in China.
- Pesticides banned in the EU account for more than a quarter of all agricultural pesticide use in the USA.

¹ Toxic Hangover, Nathan Donley, Senior Scientist, Center for Biological Diversity, January 7, 2020. See https://www.biologicaldiversity.org/campaigns/pesticides_reduction/toxic-hangover.html

² *Id.*

³ The USA lags behind other agricultural nations in banning harmful pesticides, Nathan Donley, *Environmental Health*, June 7, 2019. See <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-019-0488-0>

- The majority of pesticides banned in at least two of these three nations have not appreciably decreased in the USA over the last 25 years and almost all have stayed constant or increased over the last 10 years.

Again, based on this analysis, there is, unfortunately, no reason to believe that our federal pesticide regulators will willingly act when the science shows that a pesticide is too dangerous to allow it to stay on the market, even when other major agricultural nations do.

I thank you for your consideration of my testimony and this bill and urge you to act to protect the health of kids and farm workers in Oregon by supporting HB 4109.

Sincerely,

A handwritten signature in black ink that reads "Lori Ann Burd". The signature is written in a cursive, flowing style.

Lori Ann Burd
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