

Protect America's Children from Toxic Pesticides Act of 2021

SEC. 3. ENDING INDEFINITE DELAYS ON REVIEW OF DANGEROUS PESTICIDES.

This section eliminates EPA's ability to ignore registration review deadlines, which EPA has exploited to allow the use of pesticides for years, sometimes decades, past the FIFRA deadline. Section 3 creates a citizen petition process for designating a pesticide as "dangerous." If EPA determines that a petition provides substantial information that a pesticide may warrant a "dangerous" designation, then pesticide will only be legal to use if it has a valid reregistration or registration review decision from the last 15 years. If not, EPA will be required to suspend the use of any pesticide that may be dangerous that does not have a completed reregistration or registration review. If EPA does not suspend the pesticide within 60 days of the missed deadline, the pesticide will be automatically canceled.

SEC. 4. EMERGENCY REVIEW OF PESTICIDES BANNED IN OTHER NATIONS.

This section requires the EPA to immediately suspend a pesticide for use in the United States when that pesticide is banned by the European Union or Canada. EPA will then be required to conduct an expedited review of the pesticide and is required consider all relevant science, including epidemiological data, peer reviewed literature, and government-generated data. EPA must cancel the pesticide within 2 years unless it determines that the decision by the EU and/or Canada to ban the pesticide was clearly erroneous. The final determination must be available for public comment.

SEC. 5. ENSURING ACCOUNTABILITY IN CONDITIONAL REGISTRATIONS.

This section terminates conditional registrations of pesticides once the parameters of the registration have been met. Conditional registrations may no longer be used for new active ingredients. This section also restores a provision requiring EPA to report to Congress annually on the number and details of conditional registrations issued. It prohibits the continued sale and use of pesticides whose conditional registration has expired.

SEC. 6. PROHIBITION ON THE SALE OR USE OF EXISTING STOCKS OF SUSPENDED OR CANCELED PESTICIDES.

This section discontinues EPA's practice of allowing stocks of pesticides that have been canceled or suspended to continue to be used.

SEC. 7. ENDING ABUSE OF EMERGENCY EXEMPTIONS.

This section prevents EPA from granting emergency exemptions for the same pesticide in the same location for more than 2 years in any 10-year period. It also prohibits EPA from granting emergency exemptions for pesticides that are unregistered or conditionally registered.

SEC. 8. ADDING TRANSPARENCY FOR INERT INGREDIENTS.

This section requires pesticide labels to include percentages of each inert ingredient, not just percentages of total inert ingredients. It also mandates that labels state whether a state or federal agency has determined that an inert ingredient is likely to be dangerous or acutely toxic. Section 8 also repeals a trade secret provision that prohibits the release of percentages of inert ingredients.

SEC. 9. CANCELLATION OF REGISTRATION OF ORGANOPHOSPHATES.

This section cancels the registration of organophosphates under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation. Organophosphates include pesticides such as chlorpyrifos, malathion, and diazinon.

SEC. 10. CANCELLATION OF REGISTRATION OF NEONICOTINOIDS.

This section cancels the registration of neonicotinoids under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation. Neonicotinoids listed by this section are the pesticides imidacloprid, clothianidin, thiamethoxam, dinotefuran, acetamiprid, sulfoxaflor, and flupyradifurone.

SEC. 11. CANCELLATION OF REGISTRATION OF PARAQUAT.

This section cancels the registration of paraquat under FIFRA. It revokes all food residue tolerances under the Federal Food, Drug, and Cosmetic Act within 6 months from the passage of the bill. It prohibits sale of existing stocks after cancellation.

SEC. 12. EMPOWERING COMMUNITIES TO PROTECT THEMSELVES FROM PESTICIDES.

This section enables local communities to pass restrictions on pesticides. This prevents less protective state legislation from preempting local community laws.

SEC. 13. PROTECTING FARMWORKERS FROM DANGEROUS PESTICIDES.

This section requires that all pesticide labels be printed in both English and Spanish. Where EPA has knowledge that there are more than 500 persons using a pesticide product, this section requires that the label be made available in that language as well.

This section also creates a process by which farmworker employers, EPA, and pesticide manufacturers are responsible for responding to incidents of injury and death to farmworkers. Employers of farmworkers will be required to report incidents of injury and other harm to an EPA-created online system. This section establishes civil and criminal penalties for failure to report, a criminal penalty for retaliation, and a reward system for identification of employers failing to report incidents. When an employer reports an incident, EPA will make a determination whether a change to the label is warranted to avoid future incidents. Where an

incident caused the death of the farmworker, EPA will temporarily suspend the pesticide until it determines whether a label change is necessary. If the pesticide manufacturer does not comply with EPA's determination, EPA will immediately cancel the pesticide. EPA will suspend a pesticide responsible for 10 farmworker incidents or 3 incidents resulting in death until it has conducted reregistration review. This section includes a citizen suit provision so that citizens can hold EPA accountable if it fails to enforce any portion of this section.

SEC. 14. CITIZEN SUITS.

This section enables members of the public to bring a claim against EPA where there is failure to comply with FIFRA, modeled after a similar provision in the Endangered Species Act.

SEC. 15. EMPLOYEE PROTECTION.

This section, copied from the Toxic Substances Control Act (TSCA), bars retaliation against an employee that brings a claim under FIFRA or testifies or otherwise assists in a claim under FIFRA.