July 19, 2023

The Honorable Patty Murray The Honorable Susan Collins

Chairwoman Vice Chairwoman

Committee on Appropriations Committee on Appropriations

United States Senate United States Senate

Washington, DC 20515 Washington, DC 20515

The Honorable Kay Granger The Honorable Rosa DeLauro

Chairwoman Ranking Member

Committee on Appropriations Committee on Appropriations

U.S. House of Representatives U.S. House of Representatives

Washington, DC 20515 Washington, DC 20515

Dear Chair Murray, Ranking Member Collins, Chair Granger, Ranking Member DeLauro,

As organizations dedicated to environmental protection, human health and wellbeing, and

access to justice, we write in strong opposition to language in the House FY24 Interior, Environment, and Related Agencies Appropriations Bill that undermines the ability of states and the Environmental Protection Agency (“EPA”) to address cancer and human health risks associated with the most dangerous pesticide chemicals.

Section 461 is an anti-science, anti-human health, anti-civil justice, and anti-state’s rights rider that is not designed to protect public health, but to reward pesticide and chemical companies that prefer to keep the public in the dark about the worst potential impacts of their products. It is also designed to allow pesticide and chemical companies to avoid accountability when they knew or should have known their products caused harm.

The Federal Insecticide Fungicide and Rodenticide Act (“FIFRA”) sets the federal floor on pesticide safety, but states are empowered to require warnings or other information on pesticide labels if necessary to protect people or the environment. States are often in a much better position to quickly assess additional risks, consider emerging evidence, and to make decisions to protect their unique environment and communities from toxic pesticides. Stripping states of this long-held authority to require additional, commonsense warnings and protections would hamstring ongoing efforts to address cancer risks, water resources, protection of wildlife, harms to pollinators, and other human health and environmental risks.

Section 461 also immunizes 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. State tort law is what allows anyone who has been harmed by a pesticide to pursue 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. This language would preempt state tort law along with all other state and local laws regulating pesticides in favor of one federal standard. Not only would this language strip states of their ability to regulate pesticides, it also strips consumers of any right to accountability if they are made sick by a toxic pesticide.

Lastly, 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 action. According to Section 461, any action deemed “inconsistent” with existing EPA assessments – which potentially includes the EPA’s own proactive actions – would be prohibited. Needlessly handcuffing the EPA would significantly undermine future efforts to protect public health and the environment from toxic pesticides.

The Pesticide Labeling Rider is an industry giveaway that has no place in this bill. We ask that you stand on the side of public health, accountability and the environment instead of chemical industry profits and ensure that this language is not in the Senate FY24 Interior, Environment, and Related Agencies Appropriations Bill nor any final appropriations bill.

Sincerely,

[[GROUPS]]