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*Via Federal Express  
and Electronic Mail: [McCarthy.Gina@epa.gov](mailto:McCarthy.Gina@epa.gov)*

Gina McCarthy, Administrator  
U.S. Environmental Protection Agency Headquarters  
William Jefferson Clinton Bldg.  
1200 Pennsylvania Avenue, NW  
M/C: 1101A  
Washington, DC 20460

RE: Request for Guidance to Reduce Unacceptable Risks to Workers and Their Families from Toxic Pesticide Exposure

Dear Administrator McCarthy:

On behalf of United Farm Workers (UFW), League of United Latin American Citizens (LULAC), Labor Council for Latin American Advancement (LCLAA), National Hispanic Medical Association (NHMA), Farmworker Association of Florida (FWAF), GreenLatinos, Pinos y Campesinos Unidos del Noroeste (PCUN), Migrant Clinicians Network (MCN), Learning Disabilities Association of America (LDA), and California Rural Legal Assistance Foundation (CRLAF), Earthjustice and Farmworker Justice ask that EPA issue direction to mitigate unacceptable risks to workers and their families as the risks are documented in human health risk assessments. For many pesticides undergoing registration review, EPA has released occupational risk assessments documenting serious risks to workers. Additionally, toxic pesticide drift is documented in EPA's risk assessments; yet, EPA has not required mitigation and has not imposed interim buffers or other protective measures during the registration review process.

**Request for Direction for EPA to Obtain Mitigation to Reduce or Eliminate Risks of Concern when EPA Identifies Such Risks in its Risk Assessments**

We ask that EPA issue direction requiring the Agency to take steps to reduce or eliminate risks of concern to workers, in addition to mitigating exposure to toxic drift, once EPA has documented such risks in its health risk assessments, rather than wait for what might be five years or more for completion of registration review. Historically, EPA has put workers last by waiting to impose bans, reduce exposures, or require protective measures until the end of its review processes, and often not doing so even then. By memorializing the policy of seeking

mitigation from registrants for documented risks, EPA would be affording workers and their families much-needed protection.

In 2014, EPA found that prenatal exposures to chlorpyrifos can cause brain damage to children, and in its preliminary risk assessment released in 2011 and its revised assessment released in 2014, EPA documented serious acute poisoning risks to workers. This includes harm to workers who re-enter the fields or greenhouses to weed, irrigate, or hand harvest, and workers who mix or apply pesticides through aerial spraying or by airblast in an open tractor. EPA estimated that some of the activities pose risks 10 times greater than what EPA has deemed unsafe, even without considering harm to children's brains. EPA has documented similar risks of concern to workers from bensulide, dimethoate, ethoprop, and other organophosphate and carbamate pesticides with recently released human health risk assessments. Yet EPA has taken no steps to address these risks.

### **The Worker Protection Standard, While an Important Step Forward, Leaves Gaps to Be Filled During Registration Review of Individual Pesticides**

The revised Agricultural Worker Protection Standard puts training, education, and protective measures in place to protect workers from toxic pesticides, but it leaves many crucial protections to EPA's registration of individual pesticides. For example, banning pesticides that are simply too dangerous, requiring protective clothing and engineering controls, establishing re-entry periods to prevent harmful exposures to field workers, and protecting children from toxic drift are all done on a pesticide-by-pesticide basis. As EPA reviews pesticides that present risks of concern, it is urgent and timely that workers and communities who are among the first to interact with food and non-food uses of those pesticides receive the strongest protections.

### **Interim Buffers are Necessary to Protect Children from Toxic Pesticide Drift during the Registration Review Process**

In its preliminary human health risk assessment for bensulide, EPA found that pesticides drift in toxic amounts for children 75 feet from the field's edge and for adults 25 feet. For ethoprop, dicotophos, tribufos, and many uses of dimethoate and malathion, children are exposed to risks of concern from pesticide drift at distances over 300 feet from the fields. When these pesticides are sprayed in the air from crop dusters, airblast sprayers or ground booms, drift reaches schools and homes in toxic amounts. The preliminary risk assessments for most of these pesticides have been out for over a year and yet no mitigation has been put in place.

### **EPA Has Precedent for Obtaining Mitigation to Reduce or Eliminate Risks of Concern**

In its decision to impose no-spray buffers to protect children from toxic chlorpyrifos exposure, EPA has a precedent of obtaining mitigation prior to completion of registration review. We ask that the Agency do the same for other pesticides undergoing registration review and protect workers and children as risks are identified.

In 2011, EPA released its preliminary human health risk assessment for chlorpyrifos, using the spray drift assessment methods. EPA found that chlorpyrifos drifts in toxic amounts to schools, homes, day cares, playfields, and other places people gather. In July 2012, EPA announced an agreement with the registrants to implement use restrictions to reduce toxic drift, including no-spray buffers. The mitigation was on the chlorpyrifos labels by the end of 2012. In its July 2012 Spray Drift Mitigation Decision for Chlorpyrifos, EPA stated:

Where risks are identified early in the registration review process and opportunities for early mitigation exist, the Agency will pursue those opportunities as they arise, rather than waiting for completion of a chemical's registration review to mitigate the risks.

EPA-HQ-OPP-2008-0850-0103.

Moreover, in 2000, EPA ended home uses of chlorpyrifos prior to completing registration review because of unacceptable risks to children from crawling on carpets or hugging their pets after flea treatments, but it did not protect farmworker children from pesticide drift at that time. We ask EPA to seek mitigation during its pesticide reviews to protect farmworkers and their children, as it did for urban and suburban kids.

We applaud EPA for taking steps to protect children from toxic chlorpyrifos exposure, but ask that EPA institutionalize its policy of seeking mitigation as soon as it can for identified risks from both drift and occupational exposures to pesticides.

Sincerely,



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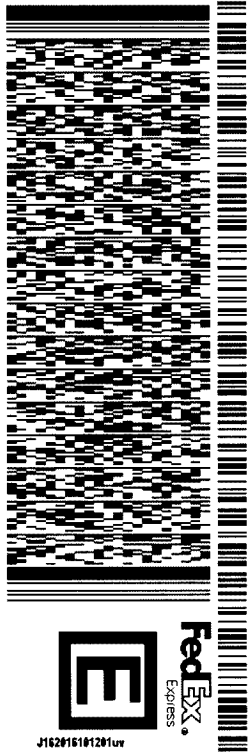
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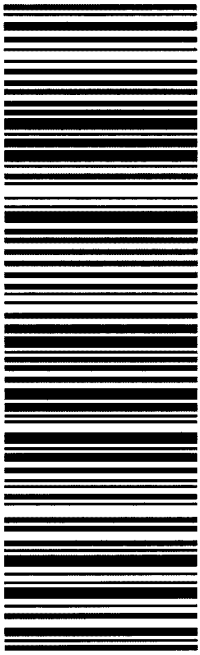
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