

NPMA LEGISLATIVE ALERT

NPMA supports common sense, consistent, and science-based pesticide regulation. NPMA opposes political or arbitrary product bans.

S.3283 The Protect America's Children from Toxic Pesticides Act (or PACTPA) was introduced by Senator Cory Booker (NJ). This bill would have a devastating impact on pesticide registration and use, and would negatively impact the protection of public health and property.

Preemption: This bill would repeal pesticide preemption from the 46 states where it currently exists, and allow local governments to regulate pesticides instead. This would have a disastrous impact on the entire pest control industry. Businesses would be required to know the individual regulations on every pesticide in every single jurisdiction a company operates in. If passed, this means every city, borough, parish, county, and town can and likely would have different pesticide regulations. The unintended consequences that could result from **unfettered municipal pesticide bans** include an inability to control disease vector pests such as ticks and mosquitoes that pose threats to human health.

Our industry is predominantly composed of small businesses. To expect them to know and keep track of different regulations for every jurisdiction in which they work is unreasonable. An added regulatory layer enforced at the municipal level, in addition to federal and state laws, would complicate compliance efforts for commercial pest control service providers working in multiple jurisdictions. For more information about pesticide preemption, you can view NPMA's one-pager on the issue.

Creates a "Dangerous" Pesticides Category to Arbitrarily Ban Products

Without Considering Science: This bill would allow citizen petitions to designate pesticides as "dangerous." Dangerous pesticides are defined as any of the following: carcinogenic, acutely toxic, an endocrine disruptor among other factors. While these factors are already considered when pesticides are evaluated by the EPA, this provision is poised to overwhelm the EPA with citizen petitions. For example: the **IARC list** of what can cause cancer goes far beyond what is supported in the United States and can involve political rather than scientific designations, which would be considered valid data when determining whether to ban a pesticide. The EPA Administrator must also review these petitions within 90 days and if they do not, then pesticide is automatically classified as "dangerous". If the pesticide is deemed "dangerous", the Administrator must suspend registration, and if they do not, then registration is immediately cancelled. This means pesticides could be banned with no input from registrants or users, or consideration of factors like public health, environmental impacts, dosage, benefits to society, or conditions of use. Pesticides already undergo a comprehensive review every 15 years, or when new information becomes available. Whenever EPA determines there are urgent human or environmental risks from pesticide exposures that require prompt attention, the Agency will take appropriate regulatory action, regardless of the registration review status of the pesticide.

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Delegates United States Pesticide Decisions to Other Countries:

Any pesticide banned or suspended in the EU or Canada would be immediately suspended in the United States. These pesticides would have an expedited review with a notice and comment period. According to the bill's sponsors, this would cover approximately one third of all registered pesticides. EPA is the global leader in pesticide registration and this provision would cause confusion, as many countries base their decisions off different standards than the United States.

What would be considered when a pesticide is reviewed?

The only factors that would be considered are epidemiological data, peer reviewed literature, and data generated by the United States or foreign governments or agencies. Economic data is not considered, meaning the cost or benefit associated with the use of the pesticide could not be included in an evaluation. In a practical sense, this means that if a pesticide is the best solution to treat a pest, and there aren't any other appropriate pesticides that could be used, then none of that could be factored in the ultimate determination. Hypothetically, this could mean that because a pesticide is banned in the EU or Canada, even if no alternative is available in the United States, use would be suspended or banned here despite the on-the-ground impacts to public health or food safety.

Why does all of this matter to NPMA?

Our members use pesticides every day to protect the public health, food and property of everyday Americans. Our small, often family-owned businesses help care for the most vulnerable populations by keeping hospitals, nursing homes, restaurants, and schools free of pests that carry disease.

Our member companies are committed to following all conditions of use specified by the EPA and state lead agencies, and want to ensure pesticide regulation is based on sound science and is consistent across the jurisdictions they work in. By removing preemption this bill would make it almost impossible for companies to operate, and would result in tools in our toolbox being removed without reason or notice.

NPMA supports the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and believes that EPA and state lead agencies are best suited to determine pesticide regulation using sound science and with plenty of time to consider registration.

NPMA opposes any legislation that would remove preemption nationwide and reduce the time the EPA has to make these important decisions. NPMA opposes reintroduction of S. 3283 or any similar legislation that reduces the role that science and state lead agencies play.

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