

[Pesticide Protection Act of 2017 \(HR 3380, 115th Congress\)](#)

Prohibits the continued sale and use of chlorpyrifos, a common ingredient in pesticides, for all currently registered uses.

Updated last **December 8, 2017**

for the 07/25/2017 version of HR 3380.

WHAT IT DOES

[HR 3380](#), the Pesticide Prevention Act of 2017, proposes that the pesticide chlorpyrifos be discontinued for all currently registered uses, effective immediately. The bill states that the chemical's registration should be canceled due to the chemical's "unreasonable adverse effects on the environment", specifically the dietary risks to humans that eat foods containing the pesticide's residue.

In addition to canceling all registered uses, the bill calls upon the Environmental Protection Agency (EPA) to revoke any existing exemptions of and prevent reregistration for chlorpyrifos. Registration and exemptions of chemicals, which are currently permitted under, respectively, the [Federal Insecticide, Fungicide, and Rodenticide Act](#) (FIFRA) (specifically [7 U.S.C. 136a-1](#)) and the [Federal Food, Drug, and Cosmetic Act](#) (specifically [21 U.S.C. 346a\(1\)](#)), will no longer apply to chlorpyrifos.

Finally, the bill prohibits the sale and use of existing stocks of chlorpyrifos. As an exception, the only continued uses of chlorpyrifos that will be permitted are those pursuant to FIFRA section 6(a) ([7 U.S.C. 136d\(a\)](#)). Section 6(a) permits the use of existing stocks of pesticides whose registration has been canceled only if the EPA Administrator permits such use and the use is consistent FIFRA's broad purposes.

RELEVANT SCIENCE

[Chlorpyrifos](#), a type of chemical known as an [organophosphate](#), has been used as an ingredient in insecticides since the 1930s and in pesticides since 1965. Organophosphates are one of the [most popular](#) insecticides in the world; in the United States, they are most heavily used in [California](#).

Humans [can come into contact](#) with chlorpyrifos directly, in the case of farmworkers or commercial users who apply the pesticide, or indirectly by touching or eating foods that have been treated with chlorpyrifos. Exposure can happen orally, through inhalation, or from skin absorption.

Chlorpyrifos can adversely affect human health. It has been [classified](#) by the Agency for Toxic Substances and Disease Registry (ATSDR) as a [neurotoxin](#), which is a substance that is destructive or poisonous to nerve tissue. According to a [public health statement](#) from the ATSDR, even one-time exposure to a few milligrams of chlorpyrifos can cause dizziness, fatigue, runny nose or eyes, salivation, nausea, intestinal discomfort, sweating, and changes in heart rate. Higher doses can cause paralysis, seizures, loss of consciousness, and death. People who have been exposed to chlorpyrifos may feel muscle weakness, changes in mood, behavior, or sleeping patterns, and numbness or tingling even weeks after their exposure ends. Researchers suggest that more than [10,000 people](#) die every year as a result of exposure to chlorpyrifos.

There are also long-term effects to chlorpyrifos exposure. The chemical has not only been associated with the neurological effects listed above, but also [developmental disorders and autoimmune disorders](#). These effects are especially prevalent in the children of pregnant women exposed to chlorpyrifos:

- In 2003, a community-based [study](#) in New York City found that when pregnant women were exposed to chlorpyrifos, the chemical could be found in 64–70% of blood samples taken from the umbilical cords of their children.

- A 2012 [study](#), funded by the National Institute of Environmental Health Sciences, found that when pregnant mothers were exposed to higher levels of the chemical, their children tended to have abnormal brain development. The study also found that most of the exposed children had consistently lower IQs. These effects were seen even below the approved EPA levels of appropriate exposure.
- A 2016 [study](#) following pregnant women exposed to chlorpyrifos found that their children (of approximately 11 years of age) were more likely to experience tremors in their arms.

In general, many other organophosphates [are associated](#) with developmental disorders, attention problems, reduced weight, hyperactivity, and other problems in children across age groups. For example, in a 1995 [study](#), researchers demonstrated how organophosphates could be transmitted to fetuses via their mothers and affect brain development. The abnormal reflexes, such as the arm tremors mentioned above, have likewise been seen in fetuses exposed to other types of organophosphates.

BACKGROUND

Ordinarily, pesticides are registered and regulated by the EPA. A company wishing to register new pesticide ingredients and products must submit an [application](#) to the EPA, which typically includes the identity, proposed use, potential risks, proof of manufacturing process, directions, label, and other relevant aspects of the product. In addition to requiring data from the manufacturers, the EPA conducts its own series of risk assessments, and ultimately determines whether a pesticide will be approved. The EPA also has the power to [unregister](#) pesticides, and to issue a variety of orders that halt the sale or certain uses of a product.

Chlorpyrifos has been regulated for over a decade before the introduction of this bill and has been the subject of debate in recent years. The EPA [banned](#) the use of chlorpyrifos in homes and residential areas by 2001 and for lawns, gardens, and turf areas by 2003, following research and public concern over the threat posed by the chemical to pregnant women and their children.

The EPA also has policies addressing agricultural use of chlorpyrifos, particularly regarding farmworkers, most of which were implemented in the early 2000s. Their policies currently [include](#):

- A re-entry interval of between 24 hours and five days for areas treated with chlorpyrifos, meaning that farmworkers must wait a period of one to five days before entering a treated area;
- Labels requiring workers handling the chemical to wear gloves, coveralls, respirators, and other protective equipment; and,
- Restrictions or limitations on using chlorpyrifos on tomatoes, apples, grapes, citrus trees, and tree nuts.

In 2015, the EPA released a [statement](#) announcing its intention to revoke the use of chlorpyrifos for agricultural applications by April 2016 due to health safety concerns. This statement followed petitions from the National Resources Defense Council (NRDC) and Pesticide Action Network North America. The EPA ultimately did not act by its self-imposed deadline because the EPA determined they had to revise their human health assessment methods and learn more about the science behind chlorpyrifos.

In March 2017, EPA decided to deny the initial petitions, despite [EPA scientists' recommendation](#) of banning the chemical. In the EPA's [statement](#) defending the petition's denial, the EPA cast doubt on the methods used to determine the chemical's health hazards, claiming that the science behind the petition and recommendations was not sound. In response, in July 2017 the NRDC, Earthjustice, and other environmental groups [petitioned](#) a federal appeals court on the basis that the March 2017 denial was inadequate since it did not contain new safety findings, but the court rejected the petition.

In contrast to this petition process carried out through independent regulatory agency action, the Pesticide Prevention Act would bypass the typical EPA process for chemical approval and registration. The bill would instead create a statutory requirement for the EPA to stop the sale and use of the pesticide and to remove its registration status.

STATUS

HR 3380 was introduced in the House on July 25, 2017, and referred to the [Committee on Agriculture](#) and the [Committee on Energy and Commerce](#). On July 28, the Committee on Energy and Commerce referred it to the [Subcommittee on Environment](#). On August 8, the Committee on Agriculture referred it to the [Subcommittee on Biotechnology, Horticulture, and Research](#).

RELATED POLICIES

The Protect Children, Farmers, and Farmworkers from Nerve Agent Pesticides Act of 2017 ([S 1624](#), 115th Congress), referred to the Committee on Agriculture, Nutrition, and Forestry, proposes an amendment to the Federal Food, Drug, and Cosmetic Act (specifically [21 U.S.C. 342](#)) that adds food contaminated from chlorpyrifos or its metabolites to the list of adulterated foods. The bill also calls upon the EPA to contract with the National Resource Council to study the effects of chlorpyrifos on all populations, including vulnerable groups known to be heavily affected by the chemical: infants, children, and fetuses. It would also require the EPA to take fast regulatory action based on the results of the aforementioned risk assessment, pursuant to the Federal Food, Drug, and Cosmetic Act and FIFRA.

SPONSORS

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