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The Maryland House of Delegates

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Testimony of Delegate Dana Stein in Support of House Bill 229

Pesticides - Use of Chlorpyrifos – Prohibition

Chlorpyrifos is a neurotoxic pesticide that has been found by the EPA to cause brain damage in children. It is part of a class of chemicals that were originally developed as nerve agents during WWII. This pesticide also contaminates waterways and harms pollinators and wildlife.

Evidence of the adverse effects of chlorpyrifos on human health became known in the 1990s, and in 2000 EPA eliminated indoor applications of chlorpyrifos to protect children.

Since then, scientific studies have documented harm from very small exposures to chlorpyrifos, as you will hear about in greater detail from the experts here with me today.

After two decades of study, EPA concluded that food exposure to chlorpyrifos was unsafe for infants and children and was set to ban chlorpyrifos. Unfortunately, in early 2017, under the new EPA Administrator, the EPA reversed that decision, defying its own scientists and putting human health and our environment at great risk.

In response, Maryland and several other states, and advocacy organizations sued the EPA for its decision to reverse the ban on chlorpyrifos, resulting in an August 2018 ruling by the 9th Circuit Court of Appeals' 3-judge panel that the EPA must "revoke all tolerances and cancel all registrations for chlorpyrifos." The Court said there was "*no justification for the EPA's decision . . . in the face of scientific evidence that its residue on food causes neurodevelopmental damage to children.*"

EPA appealed that decision and requested a full 9th Circuit Court hearing. The full Court ordered that EPA had to meet a deadline on its final decision in regard to the petition to ban chlorpyrifos on food. In July 2019, EPA announced the brain-damaging pesticide chlorpyrifos can still be used on food. Consequently, several states, including Maryland, as well as health and labor organizations, have sued over the agency's decision to allow further use of a pesticide linked to brain damage.

Court appeals are likely to continue to tie this issue up for years. But EPA has released no new studies contradicting the Obama administration's findings and has not formed a new scientific advisory committee.

Chlorpyrifos is also a major concern for the health of aquatic life, the Chesapeake Bay, and pollinators as you will hear from experts today. The substance has been found in high percentages in Bay water samples, in concentrations that exceed government thresholds. EPA found that chlorpyrifos is "likely to adversely affect" 97 % of all threatened and endangered wildlife, including more than 100 listed bird species.

There is widespread [support](#) among Marylanders for banning chlorpyrifos. In a 2017 OpinionWorks poll, three-quarters of voters (74 percent) favored banning this pesticide in Maryland, compared to only 8 percent who were opposed.

Maryland has the authority—and ability—to protect its own citizens by passing a law to prohibit use of chlorpyrifos in our state. Maryland would not be alone: California, Hawaii, and New York have all passed legislation to ban chlorpyrifos. In New York, Governor Cuomo directed the state Department of Environmental Conservation to ban the pesticide. New Jersey, Vermont, Oregon and Connecticut are working to pass legislation to ban chlorpyrifos. The European Union banned the sale of the pesticide effective January 31, 2020.

One recent news item that I want to address. Corteva announced earlier this month that it will stop making chlorpyrifos. Corteva is one of the three chemical companies that resulted from the 2019 split of DowDuPont into three companies.

Corteva is not the only manufacturer of chlorpyrifos. Other companies are still making and selling it. As Corteva spokesman Gregg Schmidt said, farmers will still be able to obtain chlorpyrifos because "there are a lot of global manufacturers out there. It doesn't just go away." *AgriPulse*, February 6, 2020. But still, it's very

good news that this largest manufacturer of chlorpyrifos will stop making a chemical known to harm children's brains.

However, given that chlorpyrifos remains on the market through other manufacturers who might even increase their production to pick up the slack, children will continue to be harmed even with Corteva's decision.

Corteva made this announcement on February 6, the same day that it became illegal to sell chlorpyrifos in California. States are leading the way while the federal government abdicates its responsibility to protect public health and the environment.

If we do not act, Maryland children and farmworkers will likely not be protected from chlorpyrifos for at least years to come. We should take action now by banning chlorpyrifos.