



Pesticide newsletter

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Jurisdictional news



United States: Ban on chlorpyrifos in sight?

Capping 14 years of legal battles led by American associations, the Court of Appeals for the 9th Circuit has [enjoined](#) the American Environmental Protection Agency (EPA) to ban the use of chlorpyrifos, a particularly toxic insecticide. The court found that the EPA's delay in doing so has exposed a generation of American children to brain damage. The verdict also deals a blow to the federal agency's decision under the Trump administration not to ban the product.

The EPA has seen numerous scientific studies regarding the brain risks for children caused by chlorpyrifos, particularly in terms of loss of IQ, learning difficulties, attention deficit disorders, or in the development of autistic syndromes. As early as the 1980s, serious doubts about the safety of

chlorpyrifos were raised, leading to calls for its ban and numerous legal actions (1). The increasing restrictions on its use imposed by the EPA were challenged by agricultural lobbies, who claimed that the restrictions were causing significant reductions in fruit and vegetable production. In 2016 the EPA seemed poised to ban chlorpyrifos, when the advent of the Trump administration changed the agency's dynamic. Under Scott Pruitt, the EPA flip-flopped without providing any scientific justification and rejected measures to ban or reduce tolerances. This reversal is easily explained by the financial contributions of the Dow Chemical Company (now Corteva), the leading producer of chlorpyrifos, to the campaign of former U.S. President Donald Trump.

Judge Jed S. Rakoff, in the 9th Circuit Court of Appeals decision of April 29th, 2021, ordered the EPA to issue a final rule on chlorpyrifos within 60 days. The decision states that EPA must modify or revoke the chlorpyrifos tolerance levels and modify or cancel the product's registrations.

With the advent of the Biden administration, a new era of tightening toxics regulations appears to have begun. President Joe Biden has issued an executive order calling for a re-evaluation of EPA decisions on chlorpyrifos made under his predecessor's administration. Sensing the wind coming, Corteva announced in 2020 to end its production of chlorpyrifos.

(1) See for example:

- [Washington Toxics Coalition et al. v. EPA et C. Todd Whitman](#)
- [Northwest Center for Alternatives to pesticides et al v. EPA et Croplife America](#)
- [CBD v. Fish and Wildlife Service et EPA](#)
- [Alba Luz Calderon de Cerda, Rafael Cerda Martinez v. Corteva, Inc.](#)
- [CBD v. Ministère du Commerce et al](#)
- [Carmela Zamora Avila, Reymundo Arciniega Herrera v. Corteva, Inc.](#)

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