



## Newsletter about Pesticides

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### Jurisdictional news



#### **USA: A new lawsuit and some progress on chlorpyrifos**

On February 24, 2022, the Center for Biological Diversity (CBD) filed a [lawsuit](#) against the U.S. Fish and Wildlife Service (FWS), in order to obtain the

protection of endangered species and their habitats from the use of two dangerous organophosphate insecticides : chlorpyrifos and diazinon.

According to a legal agreement, the FWS was supposed to produce a biological opinion by the end of 2017, identifying tools to preserve endangered species from chlorpyrifos, malathion and diazinon, as required by the [Endangered Species Act](#) (ESA). However, the FWS has not yet published such an assessment. It is the unreasonable delay in the FWS, decided by the Trump administration, according to a [New York Times investigation](#), that is the reason of the complaint.

Indeed the US Environmental Protection Agency (EPA) had completed its part of the process and published a [biological assessment](#) in January 2017, which showed that almost all federally protected species were probably harmed by chlorpyrifos, and that more than three quarters of all threatened species were probably harmed by diazinon.

Following the EPA announcement, Dow AgroSciences officials asked the Trump administration to suspend the assessments. In May 2017, FWS announced that its draft biological opinion was nearly achieved, and would be ready for public comment within a few months. But the assessments were suspended after key political officials were informed that the FWS analysis had determined that chlorpyrifos endangered the continued existence of 1399 protected species.

Under Biden's présidence, and in response to the April 29, 2021 [order](#) of the 9th Circuit Court of Appeals, the EPA [decided](#) in August 2021 that all tolerances for chlorpyrifos in food would be revoked. However, non-agricultural and non-food uses of chlorpyrifos are not affected by this ban. Thus, the pesticide can still be used in a wide variety of non-food applications, such as Christmas tree farms, nurseries, bait traps, etc.

Many growers and users of the pesticide have filed objections to these decisions. They requested for hearings on those objections, and requested for suspensions, as permitted by the Federal Food, Drug and Cosmetic Act.

On [25 February 2022](#), after careful consideration of these objections, the EPA announced its decision to reject all of them. It claims that this is another step in the Biden-Harris administration's commitment to human health, including that of children and farm workers.

The EPA also wrote to the registrants of chlorpyrifos used on food, confirming that all tolerances for the product expire on February 28, 2022. The distribution of food to which the pesticide has been applied is therefore now considered illegal.

*If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?*

*Justice Pesticides needs your help.*

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