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April 13, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan,

First, congratulations on your recent confirmation as Administrator. Your professional achievements give me confidence that under your leadership, EPA policymaking will be driven by the best available science. I look forward to working with you to support clean air, land and water in every American community, to address the inequity in environmental conditions faced by people of color and vulnerable populations, and to restore our national leadership role in the global fight against climate change.

Today, I write to direct your attention to a matter which is having a disproportionate effect on low-income rural communities in the United States.

Chlorpyrifos is a toxic chemical. It is prohibited for household use, but sold legally as a pesticide and used widely in the agricultural sector. Chlorpyrifos has been found to have acute impacts on the nervous system, causing nausea and dizziness and, in extreme cases, vomiting, muscle tremors, convulsions, and paralysis. Over a decade starting in the mid-2000s, researchers from the EPA-funded Columbia Center for Children's Environmental Health (CCCEH) published landmark research which found that chlorpyrifos is particularly harmful to the developing brains of young children and fetuses. When pregnant women are exposed to even low levels of chlorpyrifos, their babies experience more developmental delays, attention deficit disorders, hyperactivity disorders, and decreased birth weights. These health risks and others have been affirmed in independent studied conducted by the Agency for Toxic Substances and Disease Registry (ATSDR), the University of California-Berkeley, and the University of California-Davis, among others.

In October 2015, EPA under President Obama announced a proposed rule to ban the chemical entirely due to chlorpyrifos's impact on children's brain development.[1] In 2017, however, then-Administrator Scott Pruitt dismissed the science used by the Agency to justify the regulation and reversed the decision to ban chlorpyrifos, claiming that "the science addressing neurodevelopmental effects remains unresolved." The American Academy of Pediatrics was "deeply alarmed" by this decision and wrote to EPA that "the risk to infant and children's health and development is unambiguous."[2]

Legal challenges followed, resulting in a federal court ruling that required EPA to make a final decision about whether to ban chlorpyrifos by the end of July 2019. On July 18, 2019, EPA formally affirmed that it would still allow chlorpyrifos to be used in the United States and would not plan to revisit its status until October 1, 2022.[3] These decisions were an afront to scientific integrity, as EPA's own scientists had determined in its Human Health Risk Assessments that chlorpyrifos exposures were unsafe, and a callous dismissal of what we know to be a grave threat to children's health.[4]

Further, in justifying the decision, Administrator Wheeler specifically excluded consideration of the seminal studies from CCCEH because it could not obtain "raw data" about the study's subjects. This strategy to sideline research that shows the harmful health consequences of chemical exposures was a hat tip to the Trump Administration's *Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information* rulemaking, which sought to establish arbitrary requirements for data transparency as a procedural hurdle to reduce the influence of the best available science in EPA policymaking.

In February, the *Strengthening Transparency* rule was vacated and remanded by a federal court, just two weeks after it was finalized in the Federal Register.[5] As such, its principles for sidelining epidemiological findings like the CCCEH studies are no more in place today than they were in 2019 when EPA moved to keep chlorpyrifos in circulation.

Accordingly, I support President Biden's direction to EPA to reconsider chlorpyrifos, and I urge you to act quickly to protect the American public by getting chlorpyrifos out of the foods that we eat. I also urge EPA to consider all available peer-reviewed research on the health effects of chemical exposures in its policy decisions going forward.

I appreciate your consideration of this important issue and I look forward to working with you. Please have your staff contact Janie Thompson of the Committee on Science, Space and Technology at 202-225-6375 with any questions.

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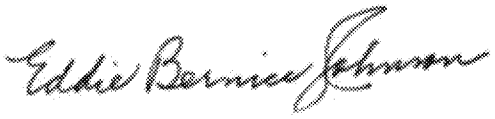
[1] https://www.govinfo.gov/content/pkg/FR-2015-11-06/pdf/2015-28083.pdf
[2] https://www.latimes.com/business/la-fi-epa-pesticide-dow-20170627-story.html
[3] https://www.federalregister.gov/documents/2019/07/24/2019-15649/chlorpyrifos-final-order-denying-objections-to-march-2017-petition-denial-order
[4] https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0001
[5] https://www.epa.gov/sites/production/files/2021-02/documents/vacatur_and_remand_final_order_case_421-cv-00003-bmm.pdf

Sincerely,



Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology