



## PRESS RELEASE

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### **Attorney General Frosh Joins Multistate Coalition in Suing Trump Administration for Allowing Food Contamination to Continue** *EPA Continues to Allow Levels of Toxic Chlorpyrifos on Food Even Though Agency Has Not Determined Contamination Is Safe*

**BALTIMORE, MD (August 7, 2019)** – Maryland Attorney General Brian E. Frosh today joined a coalition of six state attorneys general in filing a [lawsuit against the Environmental Protection Agency \(EPA\)](#) for continuing to allow chlorpyrifos—a widely used pesticide with well-documented harms to infants’ and children’s neurological development—to continue to contaminate common foods. The coalition is challenging EPA’s decision to continue to allow chlorpyrifos in food, even though it has not made a current finding, as required by law, that this pesticide contamination is safe. The lawsuit was filed in the U.S. Ninth Circuit Court of Appeals.

“Chlorpyrifos is dangerous to kids. EPA continues to allow industry to feed children this poison,” said Attorney General Frosh. “Our coalition is determined to get this toxic chemical off the menu.”

Chlorpyrifos, a widely used pesticide on food crops—including fruits and vegetables consumed by infants, young children, and pregnant women—is well-documented to harm proper development and functioning of the central nervous system and brain. In fact, EPA’s own scientists have twice been unable to identify a safe level for the pesticide on food. Because of this, in November 2015 and again in November 2016, EPA issued proposed regulations to revoke all allowable levels, or “tolerances,” and no longer allow chlorpyrifos to be used on food crops. However, in one of his first official acts, then EPA Administrator Scott Pruitt disregarded those proposals—and decades of scientific evidence amassed by the EPA—and issued an order putting off until October 2022, if not longer, any decision on whether to revoke or modify currently allowable levels for chlorpyrifos residues in food.

The suit filed today argues that EPA’s July 18 decision was “arbitrary and capricious and contrary to law in several respects,” including that the Agency is leaving the tolerances in place without, as required by the Food Act, ensuring that no harm will result to infants and children, or determining that the current tolerances for chlorpyrifos are safe. The coalition requests that the court set aside the July 18 order, and direct EPA to revoke all tolerances for chlorpyrifos residues on foods unless the agency makes a finding that the tolerances are “safe.”

Chlorpyrifos is one of the most widely used insecticides in the United States on numerous food crops, including those consumed by infants and young children such as apples, strawberries, cherries, bananas, pears, peaches, nectarines, and cherries. Residues of the pesticide have repeatedly been documented in baby foods and juices. Chlorpyrifos has been subjected to regulatory review for nearly 20 years, and its dangers are well-documented. The pesticide is related to nerve gas, and acts by inhibiting an enzyme that is key to the proper development and functioning of the central nervous system and brain. Several studies have shown that children born to women exposed to chlorpyrifos during pregnancy had cognitive and

motor development delays in the first three years; structural changes in the brain, lower working memory, and IQ scores at age seven; and movement disorders (including arm tremors) by age eleven.

In addition to Maryland, the lawsuit was filed by the attorneys general of California, New York, Washington, Massachusetts, and Vermont. The attorneys general of Hawaii and the District of Columbia intend to join the coalition by filing tomorrow to intervene in the suit.