



PRESS RELEASE

Attorney General Frosh Joins Suit to Halt EPA Effort Weakening Protections for Farmworkers from Pesticide Poisoning *Coalition Argues that EPA's New Rule Put Families, Children of Agriculture Communities at Risk*

BALTIMORE, MD (December 17, 2020) – Maryland Attorney General Brian E. Frosh today joined a coalition of five states in announcing a [lawsuit](#) against the Environmental Protection Agency (EPA) for illegally weakening protections for farmworkers, their families, and others from toxic pesticides. The coalition's lawsuit argues that EPA violated federal law when it adopted a regulation that allows pesticide spraying to continue even if farmworkers or other persons are within the area immediately surrounding the spraying equipment, if that area is outside the farm's boundaries.

"Pesticides are poisons. Many are dangerous to humans and can have long-term, deadly effects," said Attorney General Frosh. "It is EPA's job to protect farmworkers, their families and others who are exposed to pesticides. These regulations prioritize killing bugs over protecting people."

The agricultural sector ranks among the most hazardous industries in the country, with EPA determining in 2015 that a "sizeable portion of the agricultural workforce may be exposed occupationally to pesticides and pesticide residues." During the period from 1998 to 2011, there were nearly 10,000 reported cases of acute pesticide poisoning resulting from pesticide exposure at work – although, as EPA has acknowledged, pesticide incidents may be underreported by up to 70 percent. Severe acute pesticide exposures can result in seizures, respiratory depression, loss of consciousness, and death. Many pesticide exposures, however, do not result in acute, apparent symptoms but, when accumulated over time, can result in grave harms – such as Parkinson's disease, and blood, prostate, and lung cancers – occurring many years after exposure. Pesticides, which may be transported into the home on parents' skin, clothing, and shoes, pose particular dangers to the children of farmworkers. Studies have shown an association between mothers exposed to pesticides during pregnancy and increased risk of birth defects and fetal death, as well as delayed mental development and development of behavior due to childhood exposure to certain pesticides.

In 2015, for the first time in nearly 25 years, EPA updated and strengthened its Agricultural Worker Protection Standard regulations to better address the adverse effects of pesticides among agriculture workers, and other communities vulnerable to exposure. As a part of the 2015 regulation, EPA established the Application Exclusion Zone (AEZ), an up to 100-

foot circular area around pesticide application equipment that, because of the inherent dangers of pesticides, must be free of all persons other than appropriately trained and equipped handlers during application. The regulation also required handlers to suspend a pesticide application if any person is within the AEZ – including if the AEZ extended beyond the boundaries of the farm on which conducting the application. However, on October 20, the EPA adopted a rule that weakened the protections afforded to farmworkers, their families, and others from pesticide exposure by substantially limiting the AEZ, allowing handlers to continue applying pesticides even when farmworkers or bystanders are present within AEZ – so long as these persons are located outside the farm’s boundaries.

In the lawsuit filed today, the coalition charges that EPA violated the law by:

- Departing from its prior recent position without adequate justification;
- Failing to justify the changes to the Application Exclusion Zone;
- Providing an explanation that contrary to evidence; and
- Ignoring its obligation to identify and address the disproportionately high and adverse effects of this policy change on minority and low-income populations.

The coalition asks the court to vacate the EPA’s rule and bar the agency from implementing it.

Joining Attorney General Frosh in today’s lawsuit are the attorneys general of California, Illinois, Minnesota, and New York.