



## The California Environmental Health Initiative

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*Science at the intersection of human health and agriculture*

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### **Court Rejects California's Blanket Approval for Pesticide Spraying**

SACRAMENTO, *Calif.*— A California court has halted a state program allowing pesticide spraying at schools, organic farms and backyards across California because of inadequate public disclosure of the chemicals' harms.

The California Department of Food and Agriculture's statewide "pest management" program required no site-specific analysis of risks before the application of 79 pesticides, including some known to cause cancer and birth defects and to be highly toxic to bees, butterflies, fish and birds.

In a [sweeping decision](#) issued Monday, Judge Timothy M. Frawley ruled that the state agency failed to adequately review impacts or provide adequate notice of pesticide spraying. The agency also didn't account for the full range of dangers caused by the program, including risks of contaminating water supplies and the cumulative danger of adding even more pesticides to the more than 150 million pounds of pesticides already being used in California each year.

"We are thrilled that the court has ruled that the state does not have free rein to use pesticides as a first resort and hope that this decision will inspire the Department of Food and Agriculture to move toward sustainable pest-management practices that honor the public's desire to make protecting the health of our communities and food supply the top priority," said Nan Wishner of the California Environmental Health Initiative.

Pesticides used in the program include these dangerous chemicals:

- Chlorpyrifos, known to cause brain damage in children and to threaten [97 percent of endangered wildlife](#);
- Neonicotinoid pesticides that are [highly toxic to pollinators](#) like bees and aquatic invertebrates like crustaceans and mollusks;
- The [toxic fumigant methyl bromide](#), which depletes the protective ozone layer;
- The chemical warfare agent chloropicrin, which [causes genetic damage](#).

“California has to now take reasonable, site-specific steps to curb the harms of pesticides to our water supplies and imperiled species like salmon,” said Jonathan Evans, environmental health legal director at the Center for Biological Diversity. “This ruling affirms that people should have a voice in which pesticides are used in their own neighborhoods.”

The court rejected the program’s provision allowing pesticide spraying anywhere in the state, anytime, without further environmental review or input from the public. The court also ruled that the California Department of Food and Agriculture relied on “unsupported assumptions and speculation” regarding the dangers of pesticides to bodies of water.

“It’s especially troubling that the state gave itself a blank check to spray people’s yards, exposing children and pets to a range of pesticides that can cause serious long-term problems for children, including cancer, asthma and IQ loss,” said Debbie Friedman, founder of MOMS Advocating Sustainability.

The ruling halts the program until the state develops a program that provides adequate notice and protection for the public. This decision also opens the door for the public to have an opportunity to learn about and comment on new pesticide treatments and treatment sites approved under the program, which could previously have been approved without public scrutiny or notice.

The state’s attorney told the court during the hearing that the Department of Food and Agriculture has already carried out more than 1,000 pesticide treatments since the program was approved in 2014. The agency spent \$4.5 million preparing the flawed PEIR that the court has set aside.

“The judge has told the state that harmful pesticides simply can’t be sprayed indiscriminately, without consideration of impacts on people, animals and water,” said Bill Allayaud, California Director of Government Affairs for the Environmental Working Group. “The ruling also affirms that Californians have the right to know about pesticides being sprayed in their communities, and the right to challenge spraying that endangers public health and natural resources.”

The suit was brought by the City of Berkeley and eleven public-health, conservation and food-safety organizations: the Center for Biological Diversity, Environmental Working Group, California Environmental Health Initiative, MOMS Advocating Sustainability, Center for Food Safety, Pesticide Action Network North America, Center for Environmental Health, Environmental Action Committee of West Marin, Beyond Pesticides, Californians for Pesticide Reform and Safe Alternatives for our Forest Environment. The plaintiffs are represented by Sheppard, Mullin, Richter, and Hampton, along with ATA Law Group.

*California Environmental Health Initiative works to bring citizen advocacy and scientific research to expanding awareness that protecting human and environmental health must be the first priority in all food and agricultural decisions. [www.cal-ehi.org](http://www.cal-ehi.org)*