



The California Environmental Health Initiative

Science at the intersection of human health and agriculture

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California Court Ruling Ends Decades of State Pesticide Spraying

Judge strips State Food and Agriculture Agency of Authority to Use Chemicals

Sacramento CA – A judge has ordered the California Department of Food and Agriculture to stop using chemical pesticides in its statewide program until the agency complies with state environmental laws.

The [injunction](#), issued late last week, is a sweeping victory for 11 public-health, conservation, citizen, and food-safety organizations as well as the City of Berkeley. The coalition sued the state after attempting for years to persuade the agency to shift to a sustainable approach that protects human health and the environment.

Despite thousands of comment letters urging the department to take a safer approach, officials in 2014 approved a program that gave them broad license to spray 79 pesticides, some known to cause cancer and birth defects, anywhere in the state, including at schools, organic farms, public parks, and in residential yards. Spraying was allowed indefinitely and required no analysis of the health and environmental impacts of the chemicals at the specific application sites and no public notice or scrutiny of treatment decisions. Many of the pesticides are also highly toxic to bees, butterflies, fish and birds.

This injunction follows a [Jan. 8 ruling](#) by Judge Timothy M. Frawley voiding approval of the agency's statewide program for numerous violations of state environmental laws, including relying on "unsupported assumptions and speculation" to conclude that pesticides would not contaminate water bodies. The ruling also cited the state's "woefully deficient" analysis of the cumulative danger of increasing the more than 150 million pounds of pesticides already being used in California each year.

The court process culminating in Friday's injunction revealed not only far-reaching flaws in the state's analysis of the environmental harm caused by the department's pesticide use but also the agency's decades-long history of evading disclosure of the human health and environmental impacts of its activities by granting itself repeated "emergency" exemptions from environmental laws.

“After more than 30 years of disregard for state environmental laws, the agency’s chemical weapons have finally been taken off the table,” said Nan Wishner of the California Environmental Health Initiative. “We hope the department will take this opportunity to shift course and apply sound science, partner with the public, and develop a more sustainable, transparent approach.”

The court also held that the agency had to give public notice of its activities, which officials had insisted was not required.

“The court rejected the agency’s blank check to spray people’s yards, exposing children and pets to a range of pesticides that can cause serious long-term problems, including cancer, asthma, and IQ loss,” said Debbie Friedman, founder of MOMS Advocating Sustainability. “If only the \$4.5 million in taxpayer dollars used to develop this outdated program had been spent to develop a modern, sustainable approach that does not rely on toxic chemicals, just imagine what progress we could have made toward a healthier environment for everyone.”

“Now California must assure these pesticides aren’t harming 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 pesticide use in their neighborhoods.”

The state’s attorney told the court that the Department of Food and Agriculture had already carried out more than 1,000 pesticide treatments since the program was approved in 2014. Program pesticides 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](#).

“The judge has told the state that harmful pesticides simply can’t be sprayed indiscriminately, without robust 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 around them and the ability to challenge spraying that endangers public health and natural resources.”

The suit was brought by the City of Berkeley and 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 Arthur Friedman of Sheppard, Mullin, Richter, and Hampton, along with Jason Flanders of 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