

Agricultural Resources Center * Alaska Community Action on Toxics * American Bird Conservancy * Apraxia Network of Bergen County, New Jersey * Beyond Pesticides/NCAMP * BioLogical Pest Management, Inc. * California Safe Schools * Californians for Alternatives to Toxics * Canadian Association of Physicians for the Environment * Center for Health, Environment and Justice * Children's Environmental Health Network * Citizens Campaign for the Environment * Councilman Elect City of Maywood, CA * Department of the Planet Earth * Farmworker Justice Fund, Inc. * Friends of Casco Bay * Grassroots Environmental Education * Hilltown Anti-Herbicide Coalition * Learning Disabilities of America * Maryland Pesticide Network * National Center for Environmental Health Strategies, Inc. * New Jersey Environmental Federation * No Spray Nashville / Bring Urban Recycling to Nashville Today * Pesticide Action Network, North America * Pesticide Free Zone Campaign * Project Ladybug * Rocky Mountain Peace and Justice Center * Texans for Alternatives to Pesticides * The Endocrine Disruption Exchange, Inc. * The Xerces Society for Invertebrate Conservation * Toxics Information Project * Washington Toxics Coalition

December 5, 2005

Dear Honorable Member,

We send you this letter on behalf of 32 grassroots environmental, health, and medical groups around the country. We are extremely troubled by news of several bills that are currently being considered by Congress that would remove the regulation of pesticides from the Clean Water Act and allow the President or EPA to waive or weaken additional environmental, health, civil, and tax laws in the Gulf Coast and beyond.

We are clustering these bills together because they share a fundamental feature — to allow or promote further exposure to toxic chemicals in our waterways, air, land and food. If enacted, the potential negative impacts on human and environmental health would reach well beyond the Gulf Coast to all regions of the country.

Great concern is arising in our communities – and is supported by scientific literature – that our exposure to environmental toxins such as pesticides and other pollutants in our water, air, and food is among the distinct causes of increased rates of cancer, childhood diseases, developmental disabilities, asthma and other respiratory problems and immune system deficiencies. Environmental toxins must be reduced or eliminated wherever, whenever possible – not increased, as these bills would allow.

Now, more than ever, the people of Louisiana and the Gulf Coast region need strong health and safety protections and deserve the same protections to which all U.S. residents should be entitled. This is especially important at a time of environmental and associated economic crisis when many uncontrolled factors pose new or elevated threats to the health and well-being of those communities most directly affected. In short, no one should be made to choose between clean water and a decent shelter or job!

We stand united to ask you to please:

OPPOSE Senate Bills S. 1269, S. 1711, S. 1765, S. 1776 and any other bills that include similar waivers or generate further chemical pollution of our waterways.

SUPPORT Senate Res. 261 entitled “Public Health and Environmental Equity Act” that asks Congress to maintain environmental, public health and environmental justice laws and regulations in response to the Hurricane Katrina crisis.

S. 1269 removes pesticides registered under the *Federal Insecticide, Fungicide, Rodenticide Act* (FIFRA) from the purview of the Clean Water Act (CWA). Oversight by the CWA of pesticide application in, over or near waterways is not redundant as argued by the bill’s supporters, a point that has been underscored numerous times by the 9th Circuit U.S. District Court. The reality is that EPA creates pesticide labels in a national context using probabilistic modeling that averages risk factors across the population while assuming full label compliance. These generalized federal labels do not, and cannot, take the place of the CWA which monitors the impacts of pesticides on local waterways that may contain drinking water contaminant exceedances, depleted populations of aquatic organisms, endangered fish or other threatened species or sensitive habitats.

The Congressional Research Service has noted that pesticide permits issued under CWA are undertaken by states to protect water quality, “...because the federal government lacks the resources for day-to-day monitoring and enforcement.”¹ We stand beside our brothers and sisters who work on and own farms and want them to make the best living they can, but we recognize that farmers rely on clean water as much as the rest of the community. S. 1269 is a giant leap backwards that would worsen the toxic load carried by our waterways.

S. 1765 and S. 1766 include three sections (Section 501, Section 502 and Section 652) that gut public health, worker and environmental protections. The Bills would automatically exempt all approved projects from compliance with the *National Environmental Policy Act* and the *Clean Water Act*. They then authorize the President to exempt any project related to hurricane recovery, no matter how distant, from compliance with any and all federal environmental laws as well as worker protections, civil rights guarantees, and even criminal laws.

Similarly, S. 1711 would grant EPA unprecedented and sweeping authority to waive any law or regulation – federal or state, local, environmental or non-environmental, anywhere in the country – for projects “in the public interest” and linked in any way to Hurricane Katrina. Yet, the Agency need not gather facts or demonstrate that the waiver is necessary to protect public health. States are granted no power whatsoever to object to the waiving of state or other laws.

We call upon you, our elected leaders, to protect our right and the rights of our children to live in toxic-free communities. This right should not be overridden even when there is a major crisis in our country.

Sincerely,

¹ Pesticide Use and Water Quality: Are the Laws Complimentary or in Conflict, April 25, 2005. RL32884, p. 4.

Beyond Pesticides/NCAMP
Shawnee Hoover
Washington, D.C.

Agricultural Resources Center
Fawn Pattison, Executive Director
Raleigh, North Carolina

Alaska Community Action on Toxics
Pamela K. Miller, Director
Anchorage, Alaska

American Bird Conservancy
Michael Fry
Washington, D.C.

Apraxia Network of Bergen County, NJ
Jeanne Buesser, President
Paramus, New Jersey

BioLogical Pest Management, Inc.
Alan Cohen, President
Washington, D.C.

Bring Urban Recycling to Nashville Today
No Spray Nashville
Rachel Sumner
Nashville, Tennessee

California Safe Schools
Robina Suwol
Executive Director
Toluca Lake, California

Californians for Alternatives to Toxics
Patricia Clary, Executive Director
Eureka, California
Canadian Association of Physicians for the
Environment
Warren Bell
Ottawa, ON Canada

Center for Health, Environment and Justice
Child Proofing Our Communities Campaign
Falls Church, Virginia

Children's Environmental Health Network
Nsedu Obot Witherspoon
Washington, D.C.

Citizens Campaign for the Environment
Adrienne Esposito, Executive Director
Farmingdale, New York

Citizens for Pesticide Reform
Rocky Mountain Peace and Justice Center
Betty Ball
Boulder, Colorado

Councilman Elect City of Maywood, CA
Felipe Aguirre
Maywood, California

Department of the Planet Earth
Erik Jansson, Executive Director
Washington, D.C.

Farmworker Justice Fund, Inc.
Shelley Davis, Deputy Director
Washington, D.C.

Friends of Casco Bay
Joseph E. Payne, Casco Baykeeper
Cathy L. Ramsdell, Executive Director
South Portland, Maine

Grassroots Environmental Education
Patti Wood, Executive Director
Port Washington, New York

Hilltown Anti-Herbicide Coalition
Ken Kipen
Ashfield, Massachusetts

Learning Disabilities of America
Theresa c. Cavanaugh, President
Pittsburgh, Pennsylvania

Maryland Pesticide Network
Ruth Berlin, Executive Director
Annapolis, Maryland

National Center for Environmental Health
Strategies, Inc.
Mary Lamielle, Executive Director
Voorhees, New Jersey

New Jersey Environmental Federation
Amy Goldsmith, Director
Belmar, New Jersey

Pesticide Action Network, North America
Monica Moore, Executive Director
San Francisco, California

Pesticide Free Zone Campaign
Ginger Souders-Mason, Director
Marin, California

Project Ladybug
Julie Randall
Chevy Chase, Maryland

Texans for Alternatives to Pesticides
Charlotte Wells, Executive Director
Houston, Texas

The Endocrine Disruption Exchange, Inc.
Theo Colborn, President
Paonia, Colorado

The Xerces Society for Invertebrate
Conservation
Scott Hoffman Black, Executive Director
Portland, Oregon

Toxics Information Project
Liberty Goodwin, Director
Providence, Rhode Island

Washington Toxics Coalition
Erika Schreder, M.S., Staff Scientist
Seattle, Washington