

Pesticides and You

Vol. 6, No.5
December, 1986

News From the National Coalition Against the Misuse of Pesticides (NCAMP)

One in a Series of NCAMP "How-To's"

Petitioning Agencies for Improved Controls

What is a petition?

A petition is a formal request to the head of a state or federal agency requesting action (or challenging the lack thereof) on a specific issue. The right to petition is contained not only in the Bill of Rights, but also in Section 553 of the federal Administrative Procedures Act and similar state acts. The APA requires that agencies consider a petition and that they respond (whether to grant or deny) "in a reasonable time." Anyone can submit a petition.

Why use a petition?

For one, it requires an agency to consider specific actions such as granting a label change or establishing buffer zone

regulations. Furthermore, it can be used as an important organizing tool to generate publicity on an issue and generate support for new or stronger rules. It is useful to include as signatories well-known organizations or individuals. This will increase the pressure on regulatory agencies and attract the attention of legislators and the media.

What is the proper format for a petition?

If an agency has its own format (most do), it will be written into the particular agency's rules. For further information, interested people should get a copy of the

regulations or contact the agency to determine if the regulations stipulate timelines in which the agency must respond.

What information should the petition contain?

The petition should mention what the situation is; who is being harmed; how; who is benefiting; why the Agency petitioned has the necessary legal authority to act on the matter; the potential outlook for the situation if a change is not made; and, a request for a specific change in the rules. Supporting documents may be attached.