

Letter from Washington

Change, Now!

The case for suing EPA

As an organizer indignant on stopping the poisoning of people and the environment from unnecessary toxic chemical pesticides, it is a daily challenge to decide how to best use limited time and resources to fight for change. I wake up in the morning knowing that our office will be besieged with calls from people who have been poisoned, who have lost their homes and health to pesticide contamination, whose children are sick because of a contaminated school, who can't function because of the relentless drifting of pesticides off of conventional agricultural lands or their neighbor's yard, and on and on.

Beyond the horror stories is the promise for change. In great numbers, people contact Beyond Pesticides for alternative strategies. Everyday we are talking with people who want to adopt nonchemical or organic approaches to managing their homes, schools, golf courses, gardens, landscapes and farms.

Grassroots pressure for change

The pressure for change comes from the people. We have seen this with organic food. By the time the government got around to implementing the *Organic Foods Production Act of 1990* last year, the organic market was well established as a \$10 billion enterprise and growing strong. Despite EPA proclamations of pesticide safety, people have decided, rightly so, to support food production systems that do not rely on toxic substances. Now, we are seeing the same phenomenon at the community level in school districts across the country. With EPA again proclaiming that the regulatory system adequately protects children, school districts across the U.S. are embracing policies and practices that restrict pesticides.

Why bother with EPA?

Why bother with EPA? Isn't it irrelevant to change? It is much more difficult, time and resource intensive, to engage in bottom-up change. Of course, people are extremely effective where they can exert influence over decisions, such as an individual food choice in the grocery store or through advocacy of policy and program choice at a local school. These changes are the result of campaigns that take place over time, sometimes a long time, and they do result in new practices that are sustainable. As we build our web-based *Safety Source for Pest Management* at www.beyondpesticides.org (if you don't have access to the web, we'll send you the information you need by mail), we will be seeing the growth of companies that are responding to increasing consumer demand to deliver pest management services without relying on toxic substances. We survey companies and post them on our website to provide full disclosure of philosophy, practices and materials, linking concerned people with concerned companies. Today, we received a survey response from Oklahoma, which brings the coverage of the pest management database to 34 states.

There are, however, daily chemical assaults over which we have less control—pesticides that intrude into our lives despite our best efforts. We know pesticides are carried across the country in clouds and fog, depositing themselves in communities far from where they are used. Contaminated water flows through communities after being contaminated by pesticides upstream, and large aquifers and small wells are hit. For these, government must play a critical role in intervening to protect public health and the environment.

Then, there are those toxic utility poles. They contain some of the worst chemicals known to humankind, chemicals that should have been banned decades ago, but were not because EPA could not identify viable, cost effective alternatives to them. The toxic trail that these chemicals leave, from the communities that house wood treatment facilities, to storage facilities that warehouse treated wood, to communities with landfills that bury them. Nearly all the pentachlorophenol (penta) that is used in the U.S. is used to treat utility poles. Its contaminants are a virtual hit parade of the nastiest of chemicals—dioxin, hexachlorobenzene and furans. There is a risk factor of three excess cancers for every utility worker exposed and a 220% elevated cancer rate for children playing in soil around penta-treated poles, according to EPA. Extraordinary! The story is the same for creosote, which is principally used to treat railroad ties. And, we have heard the horror stories associated with exposure to arsenic-treated wood.

We can approach utilities and ask that they change their practices. We have done and are doing this and ask that you join us. Alternative chemicals and materials, such as recycled steel, composites and cement, are widely and readily available and cost competitive. EPA says its in process with no end in sight.

This issue contains the specifics of our lawsuit against EPA on wood preservatives. We reserve litigation for those extraordinary times when EPA's failure is so over the top and the resulting harm is so unacceptable that we believe, even under a weak federal pesticide law, a politically appointed judge might agree. If EPA cannot regulate within a reasonable amount of time on these wood preservatives, then there is no reason to believe it can ever regulate. If the courts believe EPA is within its discretionary authority to delay action for decades, then we need to let the Congress

know that the law, the *Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)*, is simply not able to offer any reasonable amount of basic public health, occupational health and environmental protection. In the public interest, we must take back an EPA that has been overtaken by industry interests!

—Jay Feldman is executive director of Beyond Pesticides.

