



School Pesticide Monitor

A Bi-Monthly Bulletin on Pesticides and Alternatives
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Vol. 14 No. 1 2014

Feds Move to Dismiss Parent's Lawsuit to Protect Children From Pesticides

The U.S. Department of Justice filed a motion in federal court asking a judge to dismiss the lawsuit alleging that the U.S. Environmental Protection Agency (EPA) has failed to uphold environmental justice protections under civil rights law. EPA previously found that Latino schools in California disproportionately suffer from exposure to pesticides due to spraying near their schools, but has yet to adequately remedy these risks, prompting parents to file a civil rights complaint.

The schools are near crop fields where toxic fumigants are routinely

sprayed and drift off agricultural fields to the nearby community. More than a decade after Latino parents first filed a civil rights complaint with EPA detailing the dangerous levels of pesticides at Latino public schools throughout California, parents filed a lawsuit against EPA to force the agency to protect the civil rights of hundreds of Latino children in August 2013. The parent say that ongoing pesticide monitoring set up by the California Department of Pesticide Regulation (CDPR) has not protected children from excessive exposure to pesticides. The case argues that the

Latino community did not receive due process and that EPA's agreement with CDPR does not prevent schools from pesticide contamination.

On November 20, 2013, the U.S. Department of Justice (which serves as the EPA's legal counsel) filed a motion to dismiss the case without a trial. Documents filed with the court argue the case should be dismissed in part due to lack of jurisdiction, stating that there is no law requiring EPA to consult with

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Children Exposed to Increasing Concentrations of Pyrethroid Insecticides

A new study from University of California, Davis finds that exposure to pyrethroids is increasing among children and adults.

Researchers analyzed urine samples, as well as floor wipe samples from participants' kitchen floors. These samples were analyzed for concentrations of pyrethroids, pyrethroid metabolites, chlorpyrifos, and chlorpyrifos metabolites. The study found pyrethroid metabolites in 63 percent of all urine samples with concentrations twice as high as levels reported in a national 2001-2002 study. In children, higher concentrations of pyrethroids

found in floor wipes were associated with higher urine levels. This suggests that the indoor residential environment is a more important route of exposure to pyrethroids than dietary ingestion for children. Children also often play on the floor and put their hands in their mouths, which could lead to greater exposure from household dust.

Growing concentrations of pyrethroids indoors clearly create an unhealthy environment for children. High levels of pyrethroids may cause significant toxicity and health effects, including acute neurotoxic effects, immunotoxic effects, and endocrine disruption. Py-

rethroids are also a possible human carcinogen, with associations seen between exposure and cutaneous melanoma, as well as childhood leukemia. The impacts of chronic low or moderate level of pyrethroid exposure in general and on children have not been well studied.

Additionally, the study also finds that children are still widely exposed to chlorpyrifos, an organophosphate chemical that has been banned for household use for over 12 years. Levels of a breakdown product of chlorpyrifos are on average 21 percent lower in the chil-

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Lawsuit

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the original complainants, and that EPA acted within its authority. EPA's counsel further argues that the plaintiffs have another avenue to fight improper permits: "Plaintiffs have another adequate remedy in court, namely, state court suits challenging the issuance of permits to use pesticides near the school (or schools) relevant to plaintiffs."

However, fighting permits one by one would do nothing to stop the pattern of discrimination, said Madeline Stano, a staff attorney at the Center on Race, Poverty and Environment, which filed the lawsuit on behalf of the parents. "The state court option EPA attorneys point to would mean our clients challenging every single permitting action (likely hundreds) that results in discrimination near all Latino public schools in California," said Ms. Stano. "Which doesn't even get to the bad behavior that EPA found CDPH to have violated under Title VI in their preliminary finding of discrimination."

EPA also argues that the new plaintiffs do not actually have standing to sue, because their children are ages one, three, five and six—and therefore not currently enrolled in the schools with higher-than-average pesticide applications nearby.

Currently, California runs tests for air particles from methyl bromide and 32 other pesticides and breakdown products, and measures the results against screening levels established by CDPH. However, critics maintain that the state's sampling is not representative of peak agricultural exposures and question whether any level of a toxicant in air is reasonable under the law, given the viability of alternative agricultural practices that do not rely

on these chemicals. Pesticides can drift and volatilize, and move over long distances fairly rapidly through wind and rain. Documented exposure patterns resulting from drift cause particular concerns for children and other sensitive population groups. Adverse health effects, such as nausea, dizziness, respiratory problems, headaches, rashes, and mental disorientation, may appear even when a pesticide is applied in compliance with label directions.

Communities living near agricultural areas have disproportionate exposure risks to pesticides due to pesticide drift. Farmworker communities and their children, as a result of pesticide exposures, are at risk of developing serious chronic health problems such as cancer, neurological impairments and Parkinson's disease.

The current monitoring program is the result of a settlement agreement EPA reached with CDPH in 2011, which EPA celebrated as a crowning civil rights achievement. This settlement aimed to resolve a 1999 civil rights complaint under Title VI of the Civil Rights Act of 1964 which prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin by recipients of federal financial assistance. It alleged that CDPH's renewal of the toxic fumigant methyl bromide in 1999 discriminated against Latino school children whose schools are located near agriculture fields. Concerns were raised that there was an unintentional adverse and disproportionate impact on Latino children resulting from the use of methyl bromide during that period. While methyl bromide has been phased-out in the U.S., research shows that it is continued to be used in alarming amounts across California due to a sizeable loophole in regulations.

As a follow up to the 1999 complaint, the suit filed this summer cites EPA's failure and continued failure to protect the children's rights to freedom from racial discrimination, noting that CDPH's measures fell short of actually providing relief to the children and their parents who were affected by the use of methyl bromide. Legal representatives argue that the exclusion of the Hispanic community by EPA is unconstitutional under the Civil Rights Act, and are continuing to work have the case heard.

Pyrethroids

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children who participated in the new study than in the nationwide study six years earlier. The researchers attribute this decline to the ban of chlorpyrifos products inside homes. However, even at lower concentrations, traces were still found in 65 percent of participant's urine and in 99 percent of floor wipes. As evident from this study, chlorpyrifos does not break down quickly indoors, and has been detected for up to eight years after its use in homes for termites.

The study, Urinary Pyrethroid and Chlorpyrifos Metabolite Concentrations in Northern California Families and Their Relationship to Indoor Residential Insecticide Levels, was published in Environmental Science and Technology in January, 2014.

Most people are unaware that they, or their children, carry chemical compounds in their bodies. Chemical 'body burden' refers to the accumulation of synthetic chemicals found in pesticides, cosmetics, industrial solvents, heavy metals in our bodies. For more information, see Beyond Pesticides' Body Burden entry in the Pesticide Induced Diseases Database (PIDD).