

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: May 10, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations  
Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst Council File No: 19-0002-S77  
Assignment No: 19-05-0440

SUBJECT: Resolution to support SB 458

CLA RECOMMENDATION: Adopt the Resolution (Wesson – Koretz) to include in the City’s 2019 – 2020 State Legislative Program SUPPORT for SB 458 (Durazo), the Protect Children from Brain-Damaging Chlorpyrifos Act of 2019, which would prohibit the use of a pesticide that contains the active ingredient chlorpyrifos.

SUMMARY

The Resolution (Wesson – Koretz), introduced on April 30, 2019, states that chlorpyrifos is a pesticide that has been used for both agricultural and non-agricultural uses since 1965. Multiple studies have indicated that chlorpyrifos exposure is associated with neurodevelopmental harm in children. The Environmental Protection Agency (EPA) restricted most household uses and some agricultural uses of chlorpyrifos in 2000. The EPA announced plans to ban the use of chlorpyrifos in food in 2015 and EPA scientists proposed a federal ban in 2016. In 2017, however, the EPA reversed the decision to ban the use of chlorpyrifos in food and rejected the proposed ban.

The Resolution further states that SB 458, the Protect Children from Brain-Damaging Chlorpyrifos Act of 2019, would make it unlawful to use a pesticide that contains the active ingredient chlorpyrifos in California. The Resolution requests the City support SB 458.

BACKGROUND

Existing law authorizes the Director of Pesticide Regulation (DPR) to adopt regulations to govern the possession, sale, or use of specified pesticides. DPR may also adopt regulations that prohibit the use or possession of a restricted material, such as those presenting a danger to public health, in certain areas or under certain conditions.

Chlorpyrifos is a pesticide that has been in use since 1965. It is used primarily to control foliage and soil-borne insect pests on various crops, including soybeans, fruit and nut trees, Brussels sprouts, cranberries, broccoli, and cauliflower. Non-agricultural uses include treating golf courses, turf, utility poles, and fence posts.

Long-term health impacts of chlorpyrifos includes adverse effects on neurodevelopment. Studies have shown that prenatal exposure to chlorpyrifos is associated with decreases in full-scale IQ and working memory of 7 year-olds and development delays, attention problems, and pervasive developmental disorder problems of 3 year-olds. Additional impacts include increased autism risks and changes to brain architecture.

In 2000, in response to more stringent standards established by the 1996 Food Quality Protection Act, the United States Environmental Protection Agency (EPA) reached an agreement with manufacturers and distributors of chlorpyrifos to eliminate, phase out, and modify certain uses. This included eliminating most homeowner uses and discontinuing all uses of chlorpyrifos products on tomatoes, restricting use on apples to pre-bloom and dormant application, and lowering the grape tolerance.

In 2007, the National Resources Defense Council (NRDC) and Pesticide Action Network North America (PANNA) filed a petition with the EPA requesting the revocation of all pesticide tolerances, the maximum residue levels in food, for chlorpyrifos and to cancel all chlorpyrifos registrations. Approval of this petition would have banned the use of chlorpyrifos.

In October 2015, following extensive litigation, the EPA responded to the petition by proposing to revoke all food tolerances. This would not have affected the nonfood uses of chlorpyrifos. In 2016, the EPA released a revised human health risk assessment, which found that all food exposures exceed safe levels and that there is no safe level of chlorpyrifos in drinking water.

In March 2017, the EPA denied the 2007 petition, determining that additional evaluation of the safety of chlorpyrifos was necessary. In response, various groups, including the League of United Latin American Citizens (LULAC), filed suit against the EPA objecting to the denial of the petition. In April 2019, the Ninth Circuit Court of Appeals ruled that the EPA must issue a final decision on LULAC's objections by mid-July.

SB 458 (Durazo) was introduced on February 21, 2019. It would make it unlawful for a person to use a pesticide that contains the active ingredient chlorpyrifos in California. The proposed legislation also makes various findings and determinations related to early childhood development and exposure to environmental contaminants and the effects of chlorpyrifos exposure on children and pregnant women.

Supporters of the legislation argue that chlorpyrifos is highly toxic, with demonstrated severe health effects far below current average exposure levels. This includes detrimental effects to developing fetuses, infants, children, and pregnant women. Opponents of the legislation contend that chlorpyrifos is an important tool farmers use to protect against invasive species. They therefore note that the pesticide is important to Integrated Pest Management systems for fruit, nut, and vegetable crops due to its efficacy.

#### BILL STATUS

2/21/2019	Introduced
3/07/2019	Referred to Committees on Health and Environmental Quality
4/11/2019	From Health Committee: Do pass as amended and re-refer to Committee on Environmental Quality (6-1)
4/25/2019	From Environmental Quality Committee: Do pass as amended and re-refer to Committee on Appropriations (5-2)

  
Tim Plummer  
Analyst

SMT:tcp

Attachments: Resolution (Wesson – Koretz) in support of SB 458

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, chlorpyrifos is a pesticide that has been used for both agricultural and non-agricultural uses since 1965; and

WHEREAS, multiple studies have indicated that chlorpyrifos exposure is associated with neurodevelopmental harm in children, including delays in mental and psychomotor development, attention-deficit/hyperactivity disorder (ADHD), and reductions in working memory, perceptual reasoning, processing speed, and verbal comprehension; and

WHEREAS, in 1996, the Food Quality Protection Act established a more stringent safety standard to be especially protective of children, and, in response, the United States Environmental Protection Agency (EPA) restricted most household uses and some agricultural uses of chlorpyrifos in 2000; and

WHEREAS, the EPA announced plans to ban the use of chlorpyrifos in food in 2015 and EPA scientists proposed a federal ban in 2016; and

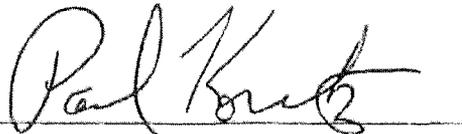
WHEREAS, in 2017, the EPA reversed the 2015 decision to ban the use of the pesticide in food and rejected the proposed federal ban; and

WHEREAS, Senate Bill 458 (Durazo), which would make it unlawful to use a pesticide containing the active ingredient chlorpyrifos in California, is currently pending before the State Senate; and

WHEREAS, the City of Los Angeles should support SB 458 (Durazo) to ensure the health and safety of children living, going to school, and playing in Los Angeles;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT for SB 458 (Durazo), the Protect Children from Brain-Damaging Chlorpyrifos Act of 2019, which would prohibit the use of a pesticide that contains the active ingredient chlorpyrifos.

PRESENTED BY:   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

SECONDED BY: 

ORIGINAL

10p 11/10/2019  
