

118TH CONGRESS  
1ST SESSION

# H. R. 5085

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2023

Mr. MCGOVERN (for himself, Mr. KHANNA, Mr. LYNCH, Mr. GRIJALVA, Mr. NADLER, Mr. RASKIN, Mr. DESAULNIER, Mr. BLUMENAUER, Mrs. WATSON COLEMAN, Mr. PAYNE, Ms. NORTON, Ms. WEXTON, Ms. BARRAGÁN, and Ms. STANSBURY) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect America’s Chil-  
5 dren from Toxic Pesticides Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the Environmental Protection Agency (re-  
2           ferred to in this section as the “EPA”) regularly  
3           fails to incorporate updated scientific understanding  
4           to protect human health and the environment from  
5           the harmful effects of pesticide products, as envi-  
6           sioned by the Federal Insecticide, Fungicide, and  
7           Rodenticide Act (7 U.S.C. 136 et seq.), resulting in  
8           the use of billions of pounds of pesticides every year  
9           that were approved based on outdated science;

10           (2) the United States lags behind the European  
11           Union and other developed nations in protecting its  
12           people and its environment from toxic chemicals, al-  
13           lowing the use of 72 pesticides that have been  
14           banned or are being phased out in the European  
15           Union alone;

16           (3) the EPA registers nearly 65 percent of pes-  
17           ticides through conditional registrations and fre-  
18           quently waives requirements to extend the use of  
19           conditional registrations prior to completion of com-  
20           prehensive registration;

21           (4) the EPA permits the continued sale of po-  
22           tentially dangerous stocks of pesticides after reg-  
23           istration has been canceled, suspended, or otherwise  
24           voided;

1           (5) the EPA uses emergency exemptions to  
2 keep pesticides on the market for years without un-  
3 dergoing a comprehensive registration process that  
4 would ensure the safe use of the pesticides;

5           (6) the EPA is prohibited from requiring the  
6 disclosure of inert ingredients, even though inert in-  
7 gredients can account for 99 percent of a pesticide  
8 product and include carcinogenic and toxic chemi-  
9 cals;

10          (7) scientists have repeatedly linked exposure to  
11 organophosphate pesticides to neurodevelopmental  
12 damage in children;

13          (8) the United States Fish and Wildlife Service  
14 and the National Marine Fisheries Service have de-  
15 termined that organophosphate pesticides jeopardize  
16 the survival of 97 percent of endangered species;

17          (9) neonicotinoid pesticides are contributing to  
18 the rapid decline of pollinators and the deterioration  
19 of pollinator health, including impaired foraging be-  
20 havior and increased susceptibility to viruses, dis-  
21 eases, and parasites;

22          (10) exposure to paraquat—

23                 (A) causes heart failure, kidney failure,  
24 liver failure, lung scarring, and damage to brain  
25 cells; and

1 (B) greatly increases the risk of developing  
2 Parkinson’s disease;

3 (11) local communities have been blocked by  
4 States from enacting pesticide restrictions to protect  
5 people and environment from toxic chemicals; and

6 (12) farmworkers are—

7 (A) disproportionately exposed to and  
8 harmed by pesticide use; and

9 (B) afforded inadequate safeguards and  
10 far less protection than industrial workers.

11 **SEC. 3. ENDING INDEFINITE DELAYS ON REVIEW OF DAN-**  
12 **GEROUS PESTICIDES.**

13 (a) DEFINITIONS.—

14 (1) IN GENERAL.—Section 2 of the Federal In-  
15 secticide, Fungicide, and Rodenticide Act (7 U.S.C.  
16 136) is amended—

17 (A) by striking subsection (z) and inserting  
18 the following:

19 “(z) REGISTRATION.—The term ‘registration’ means  
20 the approval of an active ingredient or pesticide product  
21 under this Act—

22 “(1) that has not previously been registered  
23 under this Act; or

1           “(2) for a crop or use for which the active in-  
2           ingredient or pesticide has not previously been reg-  
3           istered under this Act.”;

4           (B) by redesignating subsections (aa)  
5           through (oo) as subsections (bb) through (pp),  
6           respectively; and

7           (C) by inserting after subsection (z) the  
8           following:

9           “(aa) REGISTRATION REVIEW DETERMINATION.—

10           “(1) IN GENERAL.—The term ‘registration re-  
11           view determination’ means the final decision to  
12           renew the registration of a pesticide product or ac-  
13           tive ingredient to authorize the use of the pesticide  
14           product or active ingredient—

15           “(A) for an additional 15-year period from  
16           the date of the previous registration, reregistra-  
17           tion, or registration review determination, as  
18           applicable; and

19           “(B) in compliance with all applicable laws  
20           and regulations.

21           “(2) EXCLUSION.—The term ‘registration re-  
22           view determination’ does not include any interim de-  
23           termination regarding the continued use of a pes-  
24           ticide product or active ingredient by the Adminis-  
25           trator.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 2(e)(1) of the Federal Insecti-  
3 cide, Fungicide, and Rodenticide Act (7 U.S.C.  
4 136(e)(1)) is amended by striking “subsection  
5 (ee)” and inserting “subsection (ff)”.

6 (B) Section 3(h)(3)(E) of the Federal In-  
7 secticide, Fungicide, and Rodenticide Act (7  
8 U.S.C. 136a(h)(3)(E)) is amended by striking  
9 “section 2(mm)” and inserting “section 2(nn)”.

10 (C) Section 33(b)(3) of the Federal Insec-  
11 ticide, Fungicide, and Rodenticide Act (7  
12 U.S.C. 136w-8(b)(3)) is amended—

13 (i) by striking “§2(mm)” each place it  
14 appears and inserting “section 2(nn)”; and

15 (ii) by striking “Section 2(ll)(2)” and  
16 inserting “section 2(mm)(2)”.

17 (b) SUSPENSION OF DANGEROUS PESTICIDES ON  
18 FAILURE TO COMPLETE REGISTRATION REVIEW ON  
19 TIME.—Section 4 of the Federal Insecticide, Fungicide,  
20 and Rodenticide Act (7 U.S.C. 136a-1) is amended by  
21 adding at the end the following:

22 “(o) SUSPENSION OF DANGEROUS PESTICIDES ON  
23 FAILURE TO COMPLETE REGISTRATION REVIEW ON  
24 TIME.—

1           “(1) DEFINITION OF DANGEROUS PESTICIDE.—

2           In this subsection, the term ‘dangerous pesticide’  
3           means an active ingredient or pesticide product that  
4           may—

5                     “(A) be carcinogenic;

6                     “(B) be acutely toxic;

7                     “(C) be an endocrine disruptor;

8                     “(D) cause harm to a pregnant woman or  
9           a fetus; or

10                    “(E) cause neurological or developmental  
11           harm.

12           “(2) PETITIONS TO DESIGNATE DANGEROUS  
13           PESTICIDES.—

14                    “(A) IN GENERAL.—An interested person  
15           may submit a petition under section 553(e) of  
16           title 5, United States Code, to designate an ac-  
17           tive ingredient or pesticide product as a dan-  
18           gerous pesticide under this subsection.

19                    “(B) REVIEW.— On receipt of a petition  
20           under subparagraph (A), the Administrator  
21           shall review the petitions submitted by inter-  
22           ested persons under that subparagraph relating  
23           to that active ingredient or pesticide product to  
24           determine if the active ingredient or pesticide

1 product may warrant designation as a dan-  
2 gerous pesticide.

3 “(3) INITIAL FINDINGS.—

4 “(A) IN GENERAL.—Not later than 90  
5 days after the receipt of a petition described in  
6 paragraph (2)(A), the Administrator shall make  
7 a finding as to whether the petition presents  
8 substantial scientific information indicating that  
9 the designation of the petitioned active ingre-  
10 dient or pesticide product as a dangerous pes-  
11 ticide may be warranted.

12 “(B) FAILURE TO REVIEW PETITION.—If  
13 the Administrator fails make a finding on a pe-  
14 tition by the date required under subparagraph  
15 (A), the active ingredient or pesticide product  
16 that is the subject of the petition shall be  
17 deemed to be a dangerous pesticide.

18 “(C) FULL CONSIDERATION OF ALL  
19 SCIENCE.—

20 “(i) IN GENERAL.—In making a find-  
21 ing as to whether a petition provides sub-  
22 stantial scientific information that an ac-  
23 tive ingredient or pesticide product may  
24 warrant designation as a dangerous pes-  
25 ticide under subparagraph (A), the Admin-



1                    Administrator shall fully consider all relevant evi-  
2                    dence, including—

3                               “(I) epidemiological studies or  
4                               data;

5                               “(II) peer-reviewed literature;  
6                               and

7                               “(III) data generated by—

8                                       “(aa) a Federal or State  
9                                       agency; or

10                                       “(bb) an agency of a foreign  
11                                       government.

12                               “(ii) REQUIREMENT.—The Adminis-  
13                               trator shall not discount or ignore informa-  
14                               tion provided in a petition described in  
15                               paragraph (2)(A) based on any criteria  
16                               under part 152 or 160 of title 40, Code of  
17                               Federal Regulations (or successor regula-  
18                               tions).

19                               “(4) SUSPENSIONS OF PESTICIDE.—

20                                       “(A) IN GENERAL.—Notwithstanding any  
21                               other provision of law, on a finding under para-  
22                               graph (3)(A) that an active ingredient or pes-  
23                               ticide product may warrant designation as a  
24                               dangerous pesticide, or on operation of para-  
25                               graph (3)(B), the Administrator shall imme-

1 diately suspend the registration of the active in-  
2 gredient or pesticide product if a valid rereg-  
3 istration eligibility decision or registration re-  
4 view determination has not been made regard-  
5 ing the active ingredient or pesticide product  
6 during the 15-year period ending on the date of  
7 that finding or operation.

8 “(B) DURATION.—The registration of an  
9 active ingredient or pesticide product suspended  
10 under subparagraph (A) shall remain suspended  
11 until such time as the Administrator makes a  
12 registration review determination in accordance  
13 with this section.

14 “(5) EXISTING STOCKS.—In accordance with  
15 section 6(a)(1), the Administrator shall not permit  
16 the continued sale and use of existing stocks of an  
17 active ingredient or pesticide product the registra-  
18 tion of which has been suspended under paragraph  
19 (4).

20 “(6) CANCELLATION.—Notwithstanding any  
21 other provision of law, including section 6(b), if the  
22 Administrator fails to suspend the registration of an  
23 active ingredient or pesticide product that may war-  
24 rant designation as a dangerous pesticide as re-

1       quired by this subsection by not later than 60 days  
2       after any deadline described in this subsection—

3               “(A) the registration of the active ingre-  
4               dient or pesticide product shall be immediately  
5               and permanently canceled by operation of law  
6               and without any further proceedings; and

7               “(B) in accordance with section 6(a)(1),  
8               the sale of existing stocks of the active ingre-  
9               dient or pesticide product shall be prohibited.

10              “(7) INAPPLICABILITY OF IREDS.—Notwith-  
11              standing any other provision of law, an interim reg-  
12              istration review decision or any other interim deter-  
13              mination with respect to an active ingredient or pes-  
14              ticide product shall have no force or effect regarding  
15              any requirement of this subsection.”.

16 **SEC. 4. EMERGENCY REVIEW OF PESTICIDES BANNED IN**  
17 **OTHER NATIONS.**

18       Section 6 of the Federal Insecticide, Fungicide, and  
19       Rodenticide Act (7 U.S.C. 136d) is amended by adding  
20       at the end the following:

21              “(i) SUSPENSION AND EXPEDITED REVIEW OF  
22       BANNED PESTICIDES.—

23              “(1) SUSPENSION OF BANNED PESTICIDES.—  
24       The Administrator shall immediately suspend the

1 registration of any active ingredient or pesticide  
2 product that is—

3 “(A) banned or otherwise prohibited from  
4 entering the market by the European Union, 1  
5 or more countries in the European Union, or  
6 Canada; and

7 “(B) registered for use within the United  
8 States.

9 “(2) EXPEDITED REVIEW.—The Administrator  
10 shall complete an expedited review of the justifica-  
11 tion and rationale for the ban of a pesticide by the  
12 European Union or a country described in para-  
13 graph (1)(A).

14 “(3) CANCELLATION.—

15 “(A) IN GENERAL.—Notwithstanding any  
16 other provision of law, including section 6(b),  
17 unless the Administrator determines after a re-  
18 view under paragraph (2) that the decision to  
19 ban a pesticide by the European Union or a  
20 country described in paragraph (1)(A) was  
21 clearly erroneous, the registration that is sus-  
22 pended shall be canceled not later than 2 years  
23 after the date of completion of the review.

24 “(B) FULL CONSIDERATION OF ALL  
25 SCIENCE.—

1           “(i) IN GENERAL.—In determining  
2 whether the ban of a pesticide by the Eu-  
3 ropean Union or a country described in  
4 paragraph (1)(A) was clearly erroneous  
5 under subparagraph (A), the Adminis-  
6 trator shall fully consider all relevant evi-  
7 dence, including—

8                   “(I) epidemiological studies or  
9 data;

10                   “(II) peer-reviewed literature;  
11 and

12                   “(III) data generated by—

13                           “(aa) a State or Federal  
14 agency; or

15                           “(bb) an agency of a foreign  
16 government.

17           “(ii) TREATMENT OF INFORMA-  
18 TION.—Notwithstanding any requirements  
19 or criteria under parts 152 and 160 of title  
20 40, Code of Federal Regulations (or suc-  
21 cessor regulations), the Administrator shall  
22 not discount, otherwise ignore, or give dis-  
23 proportionately more or less weight to evi-  
24 dence described in clause (i).

1           “(C) CONSIDERATION OF ECONOMIC COST  
2 PROHIBITED.—In determining whether the ban  
3 of a pesticide by the European Union or a  
4 country described in paragraph (1)(A) was  
5 clearly erroneous under subparagraph (A), the  
6 Administrator shall not consider any economic  
7 analysis of the benefits or costs of continuing to  
8 register the pesticide.

9           “(D) PUBLIC COMMENT.—Prior to making  
10 a final determination under subparagraph (A),  
11 the Administrator shall provide a draft deter-  
12 mination for not less than 90 days of public  
13 comment.”.

14 **SEC. 5. ENSURING ACCOUNTABILITY IN CONDITIONAL REG-**  
15 **ISTRATIONS.**

16       (a) IN GENERAL.—Section 3(e)(7) of the Federal In-  
17 secticide, Fungicide, and Rodenticide Act (7 U.S.C.  
18 136a(e)(7)) is amended by striking subparagraph (C) and  
19 inserting the following:

20           “(C) TIME LIMITS ON CONDITIONAL REG-  
21 ISTRATIONS.—

22           “(i) IN GENERAL.—Notwithstanding  
23 any other provision of this subsection or  
24 section 6(e), the Administrator shall pro-  
25 vide not longer than 2 years for the terms

1 and requirements of any conditional reg-  
2 istration under this paragraph to be met  
3 by the registrant.

4 “(ii) CANCELLATION.—The Adminis-  
5 trator shall cancel a conditional registra-  
6 tion under this paragraph unless the reg-  
7 istrant fully complies with all conditions by  
8 the earlier of—

9 “(I) all deadlines established by  
10 the Administrator; and

11 “(II) 2 years after the effective  
12 date of the conditional registration.

13 “(iii) EXISTING CONDITIONAL REG-  
14 ISTRATIONS.—Notwithstanding any other  
15 provision of law, as of the date of enact-  
16 ment of this clause, each outstanding con-  
17 ditional registration under this paragraph  
18 for which the registrant has not fulfilled all  
19 conditions of the conditional registration  
20 shall be canceled.

21 “(iv) REPORTS.—

22 “(I) IN GENERAL.—Not later  
23 than December 31 of each calendar  
24 year, the Administrator shall submit  
25 to Congress an annual report describ-

1           ing the total number of conditional  
2           registrations under this paragraph  
3           that were registered during the imme-  
4           diately preceding fiscal year.

5                   “(II) CONTENTS.—A report  
6           under subclause (I) shall include a de-  
7           scription of—

8                           “(aa) each conditionally reg-  
9                           istered pesticide and the condi-  
10                           tions imposed, including any  
11                           modification of those conditions;  
12                           and

13                                   “(bb) the quantity produced  
14                                   of each pesticide described in  
15                                   item (aa).”.

16           (b) CONFORMING AMENDMENT.—Section 6(e) of the  
17   Federal Insecticide, Fungicide, and Rodenticide Act (7  
18   U.S.C. 136d(e)) is amended—

19                   (1) in paragraph (1), by striking the last sen-  
20                   tence and inserting “The Administrator shall not  
21                   permit the continued sale and use of existing stocks  
22                   of a pesticide the conditional registration of which  
23                   has been canceled.”; and

24                   (2) in paragraph (2), in the third sentence, by  
25                   striking “, and whether the Administrator’s deter-



1 mination with respect to the disposition of existing  
2 stocks is consistent with this Act”.

3 **SEC. 6. PROHIBITION ON THE SALE OR USE OF EXISTING**  
4 **STOCKS OF SUSPENDED OR CANCELED PES-**  
5 **TICIDES.**

6 Section 6(a) of the Federal Insecticide, Fungicide,  
7 and Rodenticide Act (7 U.S.C. 136d(a)) is amended by  
8 striking the subsection designation and heading and all  
9 that follows through the period at the end of paragraph  
10 (1) and inserting the following:

11 “(a) PROHIBITION ON THE SALE OR USE OF EXIST-  
12 ING STOCKS; INFORMATION.—

13 “(1) EXISTING STOCKS.—The Administrator  
14 shall not permit the continued sale or use of existing  
15 stocks of a pesticide the registration of which is—

16 “(A) suspended or canceled under this sec-  
17 tion or section 3 or 4; or

18 “(B) vacated or set aside by judicial de-  
19 cree.”.

20 **SEC. 7. ENDING ABUSE OF EMERGENCY EXEMPTIONS.**

21 Section 18 of the Federal Insecticide, Fungicide, and  
22 Rodenticide Act (7 U.S.C. 136p) is amended—

23 (1) in the first sentence, by striking “The Ad-  
24 ministrator” and inserting the following:

25 “(a) IN GENERAL.—The Administrator”;

1           (2) in subsection (a) (as so designated), in the  
2           second sentence, by striking “The Administrator”  
3           and inserting the following:

4           “(b) CONSULTATION.—The Administrator”; and  
5           (3) by adding at the end the following:

6           “(c) LIMITATIONS ON EMERGENCY EXEMPTIONS.—  
7           Notwithstanding any other provision of law, the Adminis-  
8           trator shall not grant an emergency exemption under sub-  
9           section (a) for the same active ingredient or pesticide  
10          product in the same location for more than 2 years in any  
11          10-year period.

12          “(d) RESTRICTIONS ON UNREGISTERED PES-  
13          TICIDES.—The Administrator shall not grant an emer-  
14          gency exemption under subsection (a) to use an active in-  
15          gredient or pesticide product that is not registered under  
16          section 3 for any use.

17          “(e) RESTRICTIONS ON CONDITIONAL PESTICIDES.—  
18          The Administrator shall not grant an emergency exemp-  
19          tion under subsection (a) for any active ingredient or pes-  
20          ticide product that is registered conditionally under sec-  
21          tion 3(c)(7)(A).”.

22       **SEC. 8. ADDING TRANSPARENCY FOR INERT INGREDIENTS.**

23          (a) DEFINITION OF INGREDIENT STATEMENT.—Sec-  
24          tion 2(n) of the Federal Insecticide, Fungicide, and  
25          Rodenticide Act (7 U.S.C. 136(n)) is amended—

1           (1) by redesignating paragraph (2) as para-  
2           graph (4); and

3           (2) by striking paragraph (1) and inserting the  
4           following:

5           “(1) the name and percentage of each active in-  
6           gredient in the pesticide product;

7           “(2) the name and percentage of each inert in-  
8           gredient in the pesticide product;

9           “(3) if applicable, a statement that the pesticide  
10          product contains an inert ingredient determined by  
11          a State or Federal agency, or the Administrator  
12          based on epidemiological data or peer-reviewed lit-  
13          erature, to be likely—

14                 “(A) to be carcinogenic;

15                 “(B) to be an endocrine disruptor;

16                 “(C) to be acutely toxic;

17                 “(D) to cause harm to pregnant women or  
18          fetuses; or

19                 “(E) to cause neurological or develop-  
20          mental harm; and”.

21          (b) COMPLETE LIST OF INERT INGREDIENTS.—Sec-  
22          tion 3(c)(9) of the Federal Insecticide, Fungicide, and  
23          Rodenticide Act (7 U.S.C. 136a(c)(9)) is amended by add-  
24          ing at the end the following:

1           “(E) COMPLETE LIST OF INERT INGREDI-  
 2           ENTS.—Notwithstanding any other provision of  
 3           law, the label or labeling required under this  
 4           Act shall provide a complete list of inert ingre-  
 5           dients.”.

6           (c) CONFORMING AMENDMENT.—Section 10(d) of  
 7           the Federal Insecticide, Fungicide, and Rodenticide Act  
 8           (7 U.S.C. 136h(d)) is amended—

9           (1) in paragraph (1)—

10           (A) in subparagraph (A), by adding “or”  
 11           at the end;

12           (B) in subparagraph (B), by striking “or”  
 13           at the end; and

14           (C) by striking subparagraph (C); and

15           (2) in paragraph (3), by striking “clause (A),  
 16           (B), or (C)” each place it appears and inserting  
 17           “subparagraph (A) or (B)”.

18 **SEC. 9. CANCELLATION OF REGISTRATION OF**  
 19 **ORGANOPHOSPHATES.**

20           Section 6 of the Federal Insecticide, Fungicide, and  
 21           Rodenticide Act (7 U.S.C. 136d) (as amended by section  
 22           4) is amended by adding at the end the following:

23           “(j) CANCELLATION OF REGISTRATION OF  
 24           ORGANOPHOSPHATE PESTICIDES.—

25           “(1) IN GENERAL.—

1           “(A) CANCELLATION.—Effective on the  
2 date of enactment of this subsection—

3           “(i) all pesticides of the class  
4 organophosphate shall be deemed to gen-  
5 erally cause unreasonable adverse effects to  
6 humans; and

7           “(ii) notwithstanding any other provi-  
8 sion of law, including section 6(b), the reg-  
9 istration of all uses of pesticides of the  
10 class organophosphate shall be immediately  
11 and permanently canceled by operation of  
12 law and without further proceedings.

13           “(B) REVOCATION OF TOLERANCES AND  
14 EXEMPTIONS.—Not later than 6 months after  
15 the date of enactment of this subsection, the  
16 Administrator shall, in accordance with section  
17 408(b)(1)(B) of the Federal Food, Drug, and  
18 Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), re-  
19 voke any tolerance or exemption that allows the  
20 presence of an organophosphate, or any pes-  
21 ticide chemical residue that results from  
22 organophosphate use, in or on food.

23           “(2) SALE OF EXISTING STOCKS PROHIB-  
24 ITED.—In accordance with subsection (a)(1), effec-  
25 tive on the date of enactment of this subsection, the

1 continued sale or use of existing stocks of pesticides  
2 of the class organophosphate shall be prohibited.

3 “(3) NO FUTURE ORGANOPHOSPHATE REG-  
4 ISTRATIONS.—Effective on the date of enactment of  
5 this subsection, the Administrator may not register  
6 any pesticide of the class organophosphate under  
7 section 4.

8 “(4) INELIGIBILITY FOR EMERGENCY USE.—  
9 Notwithstanding any other provision of law, a pes-  
10 ticide canceled under this subsection shall not be eli-  
11 gible for use under section 18.”.

12 **SEC. 10. CANCELLATION OF REGISTRATION OF**  
13 **NEONICOTINOIDS.**

14 Section 6 of the Federal Insecticide, Fungicide, and  
15 Rodenticide Act (7 U.S.C. 136d) (as amended by section  
16 9) is amended by adding at the end the following:

17 “(k) CANCELLATION OF REGISTRATION OF  
18 NEONICOTINOID PESTICIDES.—

19 “(1) IN GENERAL.—

20 “(A) CANCELLATION.—Effective on the  
21 date of enactment of this subsection—

22 “(i) all active ingredients and pes-  
23 ticide products containing 1 or more of the  
24 active ingredients imidacloprid,  
25 clothianidin, thiamethoxam, dinotefuran,

1 acetamiprid, sulfoxaflor, and  
2 flupyradifurone (referred to in this sub-  
3 section as ‘neonicotinoid pesticides’) shall  
4 be deemed to generally cause unreasonable  
5 adverse effects to the environment; and

6 “(ii) notwithstanding any other provi-  
7 sion of law, including section 6(b), the reg-  
8 istration of all uses of neonicotinoid pes-  
9 ticides shall be immediately and perma-  
10 nently canceled by operation of law and  
11 without further proceedings.

12 “(B) REVOCATION OF TOLERANCES AND  
13 EXEMPTIONS.—Not later than 6 months after  
14 the date of enactment of this subsection, the  
15 Administrator shall, in accordance with section  
16 408(b)(1)(B) of the Federal Food, Drug, and  
17 Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), re-  
18 voke any tolerance or exemption that allows the  
19 presence of a neonicotinoid pesticide, or any  
20 pesticide chemical residue that results from  
21 neonicotinoid pesticide use, in or on food.

22 “(2) SALE OF EXISTING STOCKS PROHIB-  
23 ITED.—In accordance with subsection (a)(1), effec-  
24 tive on the date of enactment of this subsection, the

1 continued sale or use of existing stocks of  
2 neonicotinoid pesticides shall be prohibited.

3 “(3) NO FUTURE NEONICOTINOID REGISTRA-  
4 TIONS.—Effective on the date of enactment of this  
5 subsection, the Administrator may not register any  
6 neonicotinoid pesticide under section 4.

7 “(4) INELIGIBILITY FOR EMERGENCY USE.—  
8 Notwithstanding any other provision of law, a pes-  
9 ticide canceled under this section shall not be eligible  
10 for use under section 18.”.

11 **SEC. 11. CANCELLATION OF REGISTRATION OF PARAQUAT.**

12 Section 6 of the Federal Insecticide, Fungicide, and  
13 Rodenticide Act (7 U.S.C. 136d) (as amended by section  
14 10) is amended by adding at the end the following:

15 “(1) CANCELLATION OF REGISTRATION OF  
16 PARAQUAT.—

17 “(1) IN GENERAL.—

18 “(A) CANCELLATION.—Effective on the  
19 date of enactment of this subsection—

20 “(i) paraquat shall be deemed to gen-  
21 erally cause unreasonable adverse effects to  
22 humans; and

23 “(ii) notwithstanding any other provi-  
24 sion of law, including section 6(b), the reg-  
25 istration of all uses of paraquat shall be



1 immediately and permanently canceled by  
2 operation of law and without further pro-  
3 ceedings.

4 “(B) REVOCATION OF TOLERANCES AND  
5 EXEMPTIONS.—Not later than 6 months after  
6 the date of enactment of this subsection, the  
7 Administrator shall, in accordance with section  
8 408(b)(1)(B) of the Federal Food, Drug, and  
9 Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), re-  
10 voke any tolerance or exemption that allows the  
11 presence of paraquat, or any pesticide chemical  
12 residue that results from paraquat use, in or on  
13 food.

14 “(2) SALE OF EXISTING STOCKS PROHIB-  
15 ITED.—In accordance with subsection (a)(1), effec-  
16 tive on the date of enactment of this subsection, the  
17 continued sale or use of existing stocks of paraquat  
18 shall be prohibited.

19 “(3) NO FUTURE PARAQUAT REGISTRATIONS.—  
20 Effective on the date of enactment of this sub-  
21 section, the Administrator may not register any  
22 paraquat pesticide under section 4.

23 “(4) INELIGIBILITY FOR EMERGENCY USE.—  
24 Notwithstanding any other provision of law, a pes-

1       ticide canceled under this section shall not be eligible  
2       for use under section 18.”.

3   **SEC. 12. EMPOWERING COMMUNITIES TO PROTECT THEM-**  
4                   **SELVES FROM PESTICIDES.**

5       (a) IN GENERAL.—Section 24 of the Federal Insecti-  
6   cide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is  
7   amended—

8           (1) in subsection (a)—

9                   (A) by inserting “, or any political subdivi-  
10                   sion of a State,” after “A State”; and

11                   (B) by inserting “or political subdivision”  
12                   after “the State”;

13           (2) by striking subsection (b); and

14           (3) by redesignating subsection (c) as sub-  
15   section (b).

16       (b) CONFORMING AMENDMENT.—Section 3(c)(5) of  
17   the Federal Insecticide, Fungicide, and Rodenticide Act  
18   (7 U.S.C. 136a(c)(5)) is amended, in the fourth sentence  
19   of the undesignated matter following subparagraph (D),  
20   by striking “24(e) of this Act” and inserting “24(b)”.

21   **SEC. 13. PROTECTING FARMWORKERS FROM DANGEROUS**  
22                   **PESTICIDES.**

23       (a) LANGUAGE REQUIREMENTS FOR PESTICIDE  
24   PRODUCTS.—Section 3(c)(9) of the Federal Insecticide,  
25   Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(9)) (as

1 amended by section 8(b)) is amended by adding at the  
2 end the following:

3                   “(F) LANGUAGE REQUIREMENTS FOR PES-  
4                   TICIDE PRODUCTS.—

5                   “(i) IN GENERAL.—The label for any  
6                   pesticide product shall be printed in both  
7                   English and Spanish.

8                   “(ii) OTHER LANGUAGES.—In a case  
9                   in which information exists that a pesticide  
10                  product is used in agriculture by more  
11                  than 500 individual persons or applicators  
12                  who speak the same language other than  
13                  English or Spanish, the Administrator  
14                  shall provide a translation of that label in  
15                  the language used by those individuals on  
16                  the website of the Environmental Protec-  
17                  tion Agency.

18                  “(iii) EDUCATIONAL INFORMATION.—  
19                  The Administrator shall provide edu-  
20                  cational information to ensure that all  
21                  users of a pesticide product are aware that  
22                  information is available in alternate lan-  
23                  guages.”.

1 (b) FARMWORKER SAFETY.—The Federal Insecti-  
2 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et  
3 seq.) is amended by adding at the end the following:

4 **“SEC. 36. FARMWORKER SAFETY.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) FARMWORKER.—The term ‘farmworker’  
7 means an individual of any age that is employed in  
8 agriculture, including as a pesticide user or appli-  
9 cator, for any length of time, including migrant and  
10 seasonal employees, regardless of classification as a  
11 full-time, part-time, or contract employee.

12 “(2) FARMWORKER INCIDENT.—The term  
13 ‘farmworker incident’ means exposure of a farm-  
14 worker to an active ingredient, a pesticide product,  
15 a tank mixture of multiple pesticides, a metabolite,  
16 or a degradate that results in—

17 “(A) an illness or injury—

18 “(i) requiring medical attention or  
19 hospitalization of the farmworker; or

20 “(ii) that requires the farmworker to  
21 stop working temporarily or permanently;

22 “(B) a permanent disability or loss in  
23 function of the farmworker; or

24 “(C) death of the farmworker.

25 “(b) MANDATORY DUTY TO REPORT.—

1           “(1) IN GENERAL.—Whenever a farmworker in-  
2           cident occurs, the employer of each affected farm-  
3           worker shall report the incident to the Adminis-  
4           trator.

5           “(2) ONLINE SYSTEM.—

6           “(A) IN GENERAL.—Not later than 60  
7           days after the date of enactment of this section,  
8           the Administrator shall implement and deploy  
9           an online system to facilitate the reporting of  
10          farmworker incidents.

11          “(B) REQUIREMENTS.—The online system  
12          under subparagraph (A) shall include, at a min-  
13          imum, a description of, with respect to each  
14          farmworker incident—

15                 “(i) the time and location;

16                 “(ii) the name of each active ingre-  
17                 dient and pesticide product involved;

18                 “(iii) whether such a pesticide was ap-  
19                 plied in accordance with the label instruc-  
20                 tions;

21                 “(iv) the harm that resulted to any af-  
22                 fected farmworker;

23                 “(v) the nature of any medical care  
24                 that was sought by any affected farm-  
25                 worker; and

1 “(vi) any other pertinent information.

2 “(C) ANONYMOUS REPORTING.—The Ad-  
3 ministrator shall ensure that the online system  
4 under subparagraph (A) allows for anonymous  
5 reporting to protect farmworkers from retalia-  
6 tion.

7 “(c) PENALTIES FOR FAILURE TO REPORT.—

8 “(1) CIVIL PENALTIES.—An employer described  
9 in subsection (b)(1) that fails to report a farm-  
10 worker incident shall be fined \$1,000 per day begin-  
11 ning on the 8th day after the farmworker incident  
12 occurs.

13 “(2) CRIMINAL PENALTIES.—An employer de-  
14 scribed in subsection (b)(1) that knowingly fails to  
15 report a farmworker incident, or that otherwise pres-  
16 sures or coerces a farmworker to not report a farm-  
17 worker incident, shall be liable for a criminal penalty  
18 of up to \$100,000, 6 months in prison, or both.

19 “(3) REWARDS.—The Administrator shall im-  
20 plement a reward system that a provides monetary  
21 award of not less than \$25,000 per person per farm-  
22 worker incident that leads to the identification of 1  
23 or more employers that have failed to report a farm-  
24 worker incident.

25 “(4) RETALIATION.—

1           “(A) IN GENERAL.—Any person that takes  
2           punitive action against a farmworker or a per-  
3           son that reports a farmworker incident shall be  
4           liable for a criminal penalty of not more than  
5           \$100,000, 6 months in prison, or both.

6           “(B) IMMIGRATION STATUS.—No Federal  
7           agency shall take any action regarding the im-  
8           migration legal status within the United States  
9           of a farmworker, including initiating removal  
10          proceedings or any other prosecution of the  
11          farmworker, based solely on any information  
12          derived from the reporting or investigation of a  
13          farmworker incident.

14          “(d) PREVENTING FUTURE HARM TO FARM-  
15          WORKERS.—

16                 “(1) IN GENERAL.—Not later than 15 days  
17                 after the receipt of a report of a farmworker inci-  
18                 dent, the Administrator shall transmit a report pre-  
19                 pared by the Administrator of the farmworker inci-  
20                 dent to—

21                         “(A) the manufacturer of each involved  
22                         pesticide product; and

23                         “(B) the manufacturer of each involved ac-  
24                         tive ingredient or ingredients.

1           “(2) SUSPENSION.—Notwithstanding any other  
2 provision of law, if a farmworker incident results in  
3 the death of a farmworker, the pesticide product or  
4 active ingredient that caused the death shall be im-  
5 mediately suspended, pending the review required by  
6 this section.

7           “(3) ASSESSMENTS.—

8           “(A) PESTICIDE PRODUCT MANUFAC-  
9 Turer.—Not later than 60 days after the re-  
10 ceipt of a report of a farmworker incident, the  
11 manufacturer of the pesticide product shall pro-  
12 vide to the Administrator an assessment of the  
13 farmworker incident, including whether any  
14 changes to the label of the pesticide product or  
15 active ingredient are warranted at the time of  
16 the assessment to avoid future farmworker inci-  
17 dents.

18           “(B) ASSESSMENT BY ACTIVE INGREDIENT  
19 MANUFACTURER.—Not later than 60 days after  
20 the receipt of a report of a farmworker incident,  
21 the manufacturer of each involved pesticide ac-  
22 tive ingredient shall provide to the Adminis-  
23 trator an assessment of the farmworker inci-  
24 dent, including whether any changes to the pes-  
25 ticide product or active ingredient are war-



1 ranted at the time of the assessment to avoid  
2 future farmworker incidents.

3 “(4) DETERMINATIONS BY ADMINISTRATOR.—

4 “(A) DRAFT DETERMINATION.—

5 “(i) IN GENERAL.—Not later than the  
6 earlier of 90 days after the receipt of an  
7 assessment required by paragraph (3) and  
8 180 days after the occurrence of the farm-  
9 worker incident, the Administrator shall  
10 make a draft determination as to whether  
11 a change in the label of an involved pes-  
12 ticide product or active ingredient is war-  
13 ranted.

14 “(ii) PUBLICATION.—The Adminis-  
15 trator shall publish a determination under  
16 clause (i) in the Federal Register for a pe-  
17 riod of 30 days for public notice and com-  
18 ment.

19 “(B) FINAL DETERMINATION.—Not later  
20 than 30 days after the close of the public com-  
21 ment described in subparagraph (A)(ii), the Ad-  
22 ministrator shall—

23 “(i) make a final determination as to  
24 whether the label of the pesticide product  
25 should be changed; and

1                   “(ii) publish that final determination  
2                   in the Federal Register.

3                   “(5) CANCELLATIONS.—

4                   “(A) FAILURE TO CHANGE LABEL.—Not-  
5                   withstanding any other provision of law, includ-  
6                   ing section 6(b), if the manufacturer of a pes-  
7                   ticide product or active ingredient does not  
8                   change the label of the applicable product in ac-  
9                   cordance with a final determination of the Ad-  
10                  ministrators under paragraph (4)(B), the pes-  
11                  ticide product or active ingredient shall be im-  
12                  mediately and permanently canceled by oper-  
13                  ation of law and without further proceedings.

14                  “(B) CANCELLATION FOR FAILURE TO  
15                  COMPLY.—Notwithstanding any other provision  
16                  of law, including section 6(b), if the manufac-  
17                  turer of the pesticide product or active ingre-  
18                  dient fails to comply with any applicable provi-  
19                  sion of this section, the active ingredient and all  
20                  pesticide products containing the active ingre-  
21                  dient shall be immediately and permanently  
22                  canceled by operation of law and without fur-  
23                  ther proceedings.

24                  “(e) ACCOUNTING FOR FARMWORKER INCIDENTS  
25                  DURING REGISTRATION REVIEW.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 provision of law, if a pesticide product or active in-  
3 gredient is responsible for not fewer than 10 farm-  
4 worker incidents of any type, or not fewer than 3  
5 farmworker incidents resulting in death, and the  
6 pesticide product or active ingredient has not re-  
7 ceived a final determination regarding a registration  
8 review during the preceding 15-year period, the Ad-  
9 ministrator shall immediately suspend the pesticide  
10 product or active ingredient until a final determina-  
11 tion is made regarding the registration review of the  
12 pesticide.

13           “(2) REPORTS.—The Administrator shall—

14           “(A) include in a final determination re-  
15 garding the registration review of a pesticide  
16 the registration of which is suspended under  
17 paragraph (1) a full and complete report de-  
18 scribing each farmworker incident that has oc-  
19 curred during the period covered by the report;  
20 and

21           “(B)(i) require label changes to prevent  
22 farmworker incidents from occurring in the fu-  
23 ture; or

24           “(ii) explain why no label changes under  
25 clause (i) are warranted.”.

1 **SEC. 14. AUTHORITY TO BRING CIVIL ACTION.**

2 Section 16 of the Federal Insecticide, Fungicide, and  
3 Rodenticide Act (7 U.S.C. 136n) is amended by adding  
4 at the end the following:

5 “(e) **AUTHORITY TO BRING CIVIL ACTION.**—

6 “(1) **IN GENERAL.**—Any person may bring a  
7 civil action against the Administrator where there is  
8 an alleged failure of the Administrator to comply  
9 with any provision of this Act.

10 “(2) **JURISDICTION.**—The district courts of the  
11 United States shall have exclusive jurisdiction over a  
12 civil action brought pursuant to paragraph (1).”.

13 **SEC. 15. EMPLOYEE PROTECTION.**

14 The Federal Insecticide, Fungicide, and Rodenticide  
15 Act (7 U.S.C. 136 et seq.) (as amended by section 13(b))  
16 is amended by adding at the end the following:

17 **“SEC. 37. EMPLOYEE PROTECTION.**

18 “(a) **PROHIBITION.**—No employer may discharge any  
19 employee or otherwise discriminate against any employee  
20 with respect to the employee’s compensation, terms, condi-  
21 tions, or privileges of employment because the employee  
22 (or any person acting pursuant to a request of the em-  
23 ployee)—

24 “(1) has commenced, has caused to be com-  
25 menced, or is about to commence or cause to be  
26 commenced a proceeding under this Act;

1           “(2) has testified or is about to testify in any  
2 proceeding described in paragraph (1); or

3           “(3) has assisted or participated or is about to  
4 assist or participate in any manner in—

5                 “(A) any proceeding described in para-  
6 graph (1); or

7                 “(B) any other action to carry out the pur-  
8 poses of this Act.

9           “(b) REMEDY.—

10                 “(1) FILING OF COMPLAINT.—Any employee  
11 who believes that the employee has been discharged  
12 or otherwise discriminated against by any person in  
13 violation of subsection (a) may, not later than 30  
14 days after the date on which the alleged violation oc-  
15 curs, file (or have any person file on behalf of the  
16 employee) a complaint with the Secretary of Labor  
17 (referred to in this section as the ‘Secretary’) alleg-  
18 ing that discharge or discrimination.

19                 “(2) NOTIFICATION.—On receipt of a complaint  
20 filed under paragraph (1), the Secretary shall notify  
21 the person named in the complaint of the filing of  
22 the complaint.

23           “(3) INVESTIGATIONS.—

24                 “(A) IN GENERAL.—On receipt of a com-  
25 plaint filed under paragraph (1), the Secretary

1 shall conduct an investigation of the violation  
2 alleged in the complaint.

3 “(B) RESULTS.—Not later than 30 days  
4 after the date on which the Secretary receives  
5 a complaint filed under paragraph (1), the Sec-  
6 retary shall—

7 “(i) complete the investigation under  
8 subparagraph (A); and

9 “(ii) notify in writing the complainant  
10 (and any person acting on behalf of the  
11 complainant) and the person alleged to  
12 have committed the applicable violation of  
13 the results of that investigation.

14 “(4) ORDERS.—

15 “(A) IN GENERAL.—Not later than 90  
16 days after the date on which the Secretary re-  
17 ceives a complaint filed under paragraph (1),  
18 unless the proceeding on the complaint is termi-  
19 nated by the Secretary on the basis of a settle-  
20 ment entered into by the Secretary and the per-  
21 son alleged to have committed the applicable  
22 violation, the Secretary shall issue an order—

23 “(i) providing the relief described in  
24 paragraph (5); or

25 “(ii) denying the complaint.

1           “(B) NOTICE AND OPPORTUNITY FOR  
2 HEARING.—An order of the Secretary under  
3 subparagraph (A) shall be made on the record  
4 after notice and opportunity for agency hearing.

5           “(C) SETTLEMENTS.—The Secretary may  
6 not enter into a settlement terminating a pro-  
7 ceeding on a complaint filed under paragraph  
8 (1) without the participation and consent of the  
9 complainant.

10          “(5) RELIEF.—If, in response to a complaint  
11 filed under paragraph (1), the Secretary determines  
12 that a violation of subsection (a) has occurred, the  
13 Secretary shall issue an order—

14           “(A) requiring the person who committed  
15 the violation—

16           “(i) to take affirmative action to  
17 abate the violation; and

18           “(ii) if the complainant was dis-  
19 charged by the person committing the vio-  
20 lation, to reinstate the complainant to the  
21 complainant’s former position, with the  
22 compensation (including back pay), terms,  
23 conditions, and privileges of the complain-  
24 ant’s employment; and

1           “(B) assessing against the person who  
2 committed the violation—

3                   “(i) compensatory damages;

4                   “(ii) if appropriate, exemplary dam-  
5 ages; and

6                   “(iii) at the request of the complain-  
7 ant, a sum equal to the aggregate amount  
8 of all costs and expenses (including attor-  
9 ney’s fees) reasonably incurred, as deter-  
10 mined by the Secretary, by the complain-  
11 ant for, or in connection with, the bringing  
12 of the complaint.

13           “(c) JUDICIAL REVIEW.—

14                   “(1) IN GENERAL.—Any employee or employer  
15 adversely affected or aggrieved by an order issued  
16 under subsection (b) may obtain review of the order  
17 in the court of appeals of the United States for the  
18 judicial circuit in which the violation with respect to  
19 which the order is issued allegedly occurred.

20                   “(2) PETITION.—A petition for review under  
21 paragraph (1) shall be filed not later than 60 days  
22 after the date on which the applicable order is issued  
23 under subsection (b).



1           “(3) APPLICABLE LAW.—Judicial review under  
2 paragraph (1) shall be in accordance with chapter 7  
3 of title 5, United States Code.

4           “(4) EXCLUSIVE REVIEW.—An order of the  
5 Secretary with respect to which judicial review may  
6 be or may have been obtained under paragraph (1)  
7 shall not be subject to judicial review in—

8                   “(A) a criminal proceeding; or

9                   “(B) a civil proceeding under any other  
10 provision of law.

11          “(d) ENFORCEMENT.—

12           “(1) IN GENERAL.—If a person fails to comply  
13 with an order issued under subsection (b), the Sec-  
14 retary shall bring a civil action in the district court  
15 of the United States for the judicial district in which  
16 the violation is determined to occur to enforce that  
17 order.

18           “(2) JURISDICTION.—In a civil action brought  
19 under paragraph (1), a district court of the United  
20 States shall have jurisdiction to grant all appro-  
21 priate relief, including injunctive relief, compen-  
22 satory damages, and exemplary damages.

23          “(e) EXCLUSION.—Subsection (a) shall not apply  
24 with respect to any employee who, acting without direction  
25 from the employee’s employer (or any agent of the em-

1 ployer), deliberately causes a violation of any requirement  
2 of this Act.”.

○