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1ST SESSION

S. 3283

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. BOOKER (for himself, Mrs. GILLIBRAND, Mr. SANDERS, Ms. WARREN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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9 that were approved based on outdated science;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 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 ministrators 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 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.”.

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