

Chlorpyrifos Bans

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February 14, 2020 | 2020-R-0083

Issue

Describe state bans on the use of chlorpyrifos, which is an organophosphate pesticide used mainly to control foliage and soil-borne insect pests. (Organophosphates are a type of human-made chemical used to poison insects and mammals.)

Summary

At least three states ban the use of chlorpyrifos, California, Hawaii, and New York, though the bans vary in scope and by how they were imposed.

Hawaii legislatively banned the use of pesticides with chlorpyrifos as an active ingredient. It provides a limited exception, until 2022, for people who receive a temporary permit.

Although New York passed a law in 2019 to phase-in a ban on chlorpyrifos, the governor vetoed the legislation. Instead, he directed the state's regulatory agency with authority over pesticides to (1) take immediate action to ban aerial use of chlorpyrifos and (2) develop regulations to ban most chlorpyrifos use by December 2020.

California's efforts to ban chlorpyrifos involve both regulatory action and an agreement with pesticide manufacturers to remove most chlorpyrifos pesticide products from the market. A ban on possessing and using the products will be in effect at the end of 2020. The state also appropriated \$5.6 million and convened a working group to develop alternatives to chlorpyrifos products.

Hawaii

Hawaii law prohibits using or applying any pesticide that has chlorpyrifos as an active ingredient, but it has a limited exception for people who receive a temporary permit to use the pesticide. The exception expires at the end of 2022 ([Haw. Rev. Stat. § 149A-31](#)). The legislature passed the ban in 2018, with the ban taking effect on January 1, 2019.

New York

On December 10, 2019, Governor Cuomo [directed](#) the state's Department of Environmental Conservation to (1) take immediate steps to ban aerial use of chlorpyrifos and (2) have regulations in place by December 2020 to ban all chlorpyrifos use, except that it may be used until July 2021 on apple tree trunks.

Earlier in the year, the legislature passed a law to similarly phase out chlorpyrifos use, but on a slightly later time schedule (e.g., aerial ban by January 1, 2020, and a complete ban by December 2021)(see [S5343](#)). The governor vetoed the legislation, stating that he does not believe a pesticide should be banned legislatively. Rather, he supports using the state's regulatory process to review and restrict a pesticide's use (see [veto #193](#), December 10, 2019).

California

In May 2019, the California Environmental Protection Agency [announced](#) that its Department of Pesticide Regulation (DPR) was initiating a cancellation of chlorpyrifos' state pesticide registration. Pesticide manufacturers subsequently [agreed](#) to withdraw most of their products with chlorpyrifos (granular products may remain on the market).

DPR's [timeline](#) for removing pesticide products with chlorpyrifos from use is as follows:

1. November 8, 2019: ban on distributing or selling the products by manufacturers;
2. February 6, 2020: ban on distributing or selling the products by pesticide dealers; and
3. December 31, 2020: ban on possessing and using the products by end users.

The state also (1) [appropriated](#) \$5.6 million to fund developing safer, more sustainable pest management alternatives and (2) convened a [working group](#) to make recommendations on alternative pest management solutions.

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