

**SUMMARY**  
**EPN Opposes EPA Proposal  
to Undermine Rules Protecting People  
from Pesticide Spray**

January 27, 2020

On January 27, 2020, EPN submitted [comments](#) objecting to EPA's [proposal](#) to dramatically weaken rules designed to protect the public and farmworkers from being sprayed by pesticides. EPA wants to allow farmers and crop-dusters to apply pesticides when people are close enough to be covered by a toxic pesticide spray.

For decades, it's been illegal to spray a pesticide in a way that contacts people. But because EPA knew that many farmers were not complying with this prohibition, in 2015, EPA acted to strengthen the ban. To provide the additional needed safeguards, the agency issued its Application Exclusion Zone (AEZ) requirements. Much like traffic safety laws requiring motorists to stop when a pedestrian is in a crosswalk, the AEZ rules require the pesticide applicator to suspend spraying if there is a person inside the AEZ, i.e., close enough to be sprayed. Depending on the application method, the AEZ extends 25 or 100 feet from the application equipment. This requirement is simple common sense—pause the application so people have time to move away before they get sprayed. Also, under the new rules, farmers could not allow workers to be in the AEZ. EPA determined these measures would be easy to implement and would significantly reduce the thousands of incidents in which people were being sprayed—illegally and unnecessarily.

EPA has recently proposed a series of changes that would undermine the AEZ protections. One change would allow spraying to continue even when a person is in the AEZ, if the individual is not on the farmer's property. Yet, EPA data indicate over half of the spraying incidents that have occurred involve people who were illegally sprayed when they were outside farm boundaries. Another change would shrink the size of the AEZ by over 90% for many common types of pesticide applications and eliminate it entirely for other spray applications. This would put anyone nearby at significantly greater risk. Other changes would introduce new criteria that would confuse people applying a pesticide, and make it more difficult for the government to enforce the ban on spraying people.

EPA makes only a half-hearted attempt to justify its proposed changes, saying that it will reduce “complexity” and “burden,” without reducing protection. Yet, EPA's proposal ignores its own 2015 analysis that reached exactly the opposite conclusions: the burden of pausing applications for a brief moment is negligible, but complying with the simple, common-sense rule could prevent more than half of the risky, unintentional spray incidents. EPA made absolutely no effort to assess how much its proposal would reduce burdens and failed to examine how the AEZ rules were being implemented in the field.

EPN calls for EPA to withdraw its proposal because it would only make pesticide applications more dangerous for those who work, play, go to school, or live near farms.