



CHILDREN'S ENVIRONMENTAL HEALTH &
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July 21, 2020

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Re: **Call to Action:** Non-Essential Businesses Detrimental to Children's Health and the Environment

Dear County Health Officers:

The Children's Environmental Health & Protection Advisory Council (CEHPAC) respectfully submits this letter requesting your prompt action per the **Order of the Governor of the State of Maryland Number 20-04-05-02** entitled *Delegating Authority to Local Health Officials to Control and Close Unsafe Facilities*. This Executive Order calls for you as the "Authorized Health Official" to "designate all or part of" a business unsafe if it "poses an unreasonable risk of exacerbating the spread of COVID-19".

Compromising public health, particularly children's health, by exposing them unnecessarily to known hazardous or toxic chemicals (i.e. discretionary lawn and ornamental pesticides) may make them more vulnerable to COVID-19. CEHPAC requests that you take prompt action during this current State of Emergency, since Maryland Public Schools remain closed to students and so **children's homes are now their "schools"**.

Children deserve the same protections while their school is their residence as they have in school buildings. Under the **1997 Maryland School IPM Law**, certain pesticide applications are banned from public school properties – including the discretionary cosmetic application of pesticides to any public school property. Therefore, businesses classified under MDA Regulations Pertaining To The Pesticide Applicator's Law (15.05.01.08(3) Ornamental or Turf) and any other types of non-essential-to-public-health pesticide applications not related to food and agriculture (i.e. crops) should be deemed "non-essential" business during this state of emergency.

CEHPAC acknowledges that on March 30, 2020 Joseph Bartenfelder, Maryland Secretary of Agriculture (MDA), deemed such discretionary pesticide applications "essential" to public health. This Council fails to see how cosmetic applications of these chemicals is essential to public health. In fact, we point out the toxicological impacts of pesticides¹, especially on developing nervous and reproductive systems. The US Environmental Protection Agency [EPA] states "By their very nature, most pesticides create some risk of harm. [They] can cause harm to humans, animals or the environment because they are designed to kill or [harm]...living organisms." Additionally, "Impaired neurobehavioral development of children has been significantly linked in epidemiological studies with exposure to pesticides."²

Children breathe more air, drink more water, have additional hand-to-mouth behaviors and generally are more likely to experience increased exposures to environmental toxicants. Additionally, they have a decreased metabolic capacity to eliminate toxicants and are more susceptible to central nervous system toxicants due to the fact that their nervous system is still developing. Many turf and ornamental pesticides may also be developmentally toxic. Studies of pregnant rats suggest that low levels of chlorpyrifos exposure during gestation have the potential to increase offspring mortality, reduce birth weight, and alter offspring behavior.”³ Exposure to organophosphate pesticides in general has been increasingly associated with changes in children's cognitive, behavioral and motor performance.⁴ “Evidence of neurological deficits associated with exposure to OP pesticides (organophosphate pesticides) in children is growing. The studies reviewed collectively support the hypothesis that exposure to OP pesticides induces neurotoxic effects.”⁵

The Council requests that Maryland's County Health Officers take action to protect children from this known hazard. The Governor's April 5, 2020 Executive Order explicitly requests that you review such determinations of “**essential**” and “**non-essential**” business activities based on their impact to public health.

Maryland has already legislatively established which types of pesticide and pest control are particularly hazardous to children and other sensitive populations. Maryland has taken steps to define in statute these sensitive populations (or areas) and put laws, regulations and policies on our books requiring protection whenever EPA registered hazardous or toxic chemicals, including pesticides, are applied as they are detrimental to public health, particularly to children's health. The most relevant are highlighted herein.

Since 1988, MDA Regulations have required notification to physician-certified and state-registered pesticide sensitive individuals (refer to MDA Reg. 15.05.01.17 List of **Pesticide Sensitive Individuals**). Those not registered, such as children, families, and other sensitive populations are not notified. There is no opportunity to take action to prevent contact with this well-established hazard to public health during this State of Emergency. Even with notification – the means to protect public health do not exist due to stay-at-home orders or recommendations.

Maryland Department of Agriculture (MDA) Regulations require that such pesticides applied by “licensee or permittee in pest control category III – ornamental or turf” be “required to post a sign...” to warn the public that a chemical product hazardous to adults, children and pets was applied. The sign must remain posted for at least 48 hours (refer to MDA Reg. 15.05.01.15 List of Posting of Sign). There is no warning prior, no protection during or after, and no way to prevent drift.

Applicators of turf/grounds pesticides are not landscapers, they are chemical applicators of EPA registered hazardous and toxic chemicals detrimental to human health, and especially children's health. Such businesses' activities should be deemed non-essential if the application is for a discretionary cosmetic reason, with no evidence of a pest issue that threatens public health. These pesticide applications are not related to “**food or crop production**”, “**agriculture**” or “**exterminators**”, which are deemed “essential” during this state of emergency.

The Maryland General Assembly identified children's environmental health as a priority for the State when CEHPAC was established pursuant to Health-General §§13-1501—1506. Protecting children from pesticide and fertilizer pollution in Maryland waters and specifically ground water used for drinking wells; protecting children from exposures to hazardous pesticides applied without warnings or enforcement consequences; and ensuring their protection while they are ordered to “Stay at Home” are all part of CEHPAC's statutory duties. CEHPAC's goal is to enable children in Maryland to grow up in a safe and healthy environment. Our duties include:

- ✓ Review and comment on existing rules, regulations, and standards to ensure that they adequately protect the health of children from environmental hazards by taking into account the special vulnerability of children because of their developing physiology, and because their exposures can differ greatly from those of adults;
- ✓ recommend uniform guidelines for State agencies to follow to help reduce and eliminate children's exposure to environmental hazards; and
- ✓ educate others regarding the environmental hazards that impact children's health, the means to avoid those hazards and provide any other relevant information that will assist in protecting children health.

CEHPAC requests that each of you **designate the discretionary application of EPA registered pesticides for discretionary cosmetic application to residential, community and non-agricultural commercial (i.e. shopping centers, etc.) properties as non-essential.** They are not necessary to protect public health and in fact are detrimental to public health and are causing injury and harm to essential workers, children, vulnerable individuals, etc.

CEHPAC looks forward to working with our County Health Departments on this and other issues, and thanks you for your leadership on this issue. Please note that the opinions of the Council expressed in this letter do not necessarily reflect that of the Department of Health or any other State agency.

Sincerely,



Megan Weil Latshaw, PhD MHS

On Behalf of the Children's Environmental Health and Protection Advisory Council

cc:

The Honorable Larry Hogan, Governor, State of Maryland

The Honorable Bill Ferguson, President of the Senate

The Honorable Adrienne A. Jones, Speaker of the House

Robert R. Neall, Secretary, Maryland Department of Health

Benjamin Grumbles, Secretary, Maryland Department of the Environment

Joseph Bartenfelder, Secretary, Maryland Department of Agriculture

Karen B. Salmon, Superintendent of Education

Fran Phillips, Deputy Secretary for Public Health Services, Maryland Department of Health

¹ Costa, LG. Chapter 22. Toxic Effects of Pesticides. Casarett & Doull's Essentials of Toxicology, 2nd edition. McGraw-Hill Education (2010).

² Timofeeva, Olga A.; Levin, Edward D. (2010). "Lasting Behavioral Consequences of Organophosphate Pesticide Exposure During Development" (<http://www.sciencedirect.com/science/article/pii/B9780123743671000331>). In R. Krieger (ed.). *Hayes' Handbook of Pesticide Toxicology (Third Edition)*. New York: Academic Press. pp. 837–846. ISBN 978-0-12-374367-1 Accessed January 21, 2020.

³ Agency for Toxic Substances and Disease Registry (September 1997). Toxicological Profile for Chlorpyrifos, Chapter 2: Health Effects, p. 91. (<https://www.atsdr.cdc.gov/toxprofiles/tp.asp?id=495&tid=88>). Accessed January 21, 2020.

⁴ Muñoz-Quezada, Maria Teresa; Lucero, Boris A.; Barr, Dana B.; Steenland, Kyle; Levy, Karen; Ryan, P. Barry; Iglesias, Veronica; Alvarado, Sergio; Concha, Carlos; Rojas, Evelyn; Vega, Catalina (December 2013). "Neurodevelopmental effects in children associated with exposure to organophosphate pesticides: A systematic review" (<https://www.ncbi.nlm.nih.gov/pubmed/24121005>). Accessed January 21, 2020.

⁵ Flaskos, J., op.cit.