

Factsheet: Methyl Iodide Lawsuit

Parties involved

A lawsuit was filed on December 30, 2010 by Earthjustice and California Rural Legal Assistance, Inc. on behalf of Pesticide Action Network North America, United Farm Workers of America, Californians for Pesticide Reform, Pesticide Watch Education Fund, Worksafe, Communities and Children Advocates Against Pesticide Poisoning and farmworkers Jose Hidalgo Ramon and Zeferino Estrada. The suit is filed against the California Department of Pesticide Regulation and the Director of the Department of Pesticide Regulation.

Summary

The suit challenges the state Department of Pesticide Regulation's (DPR) approval of this dangerous pesticide for use in California on the grounds that it is a violation of the California Environmental Quality Act, the California Birth Defects Prevention Act, and the Pesticide Contamination Prevention Act that protects groundwater against pesticide pollution. In addition, the suit contends that DPR violated the law requiring involvement of the Office of Environmental Health Hazard Assessment (OEHHA) in the development of farmworker safety regulations. The text of the lawsuit is available at <http://earthjustice.org/documents/legal-document/pdf/mei-final-petition>.

Explanation of Legal Violations

The **California Environmental Quality Act** requires (among other requirements) transparency in decision-making, evaluation of alternatives, and a cumulative risk assessment, none of which were applied to the methyl iodide decision. In particular, the lawsuit challenges DPR's lack of meaningful consideration of alternatives.

The **California Birth Defects Prevention Act** prohibits registration of a pesticide when any of the mandatory health effects studies is missing, incomplete, or of questionable validity. DPR's own toxicologists were concerned that the Director used a "mix and match" method to determine an "acceptable" level of exposure that lacked scientific credibility and abandoned an additional uncertainty factor that both DPR's toxicologists, California Office of Environmental Health Hazard Assessment (OEHHA) scientists, and the members of the Scientific Review Committee indicated was necessary because essential data were unavailable for determining methyl iodide's potential for impairing neurological development in the fetus, infants, and children. The available neurotoxicity data were deemed questionable by the Scientific Review Committee.

The **Pesticide Contamination Prevention Act** was passed to protect groundwater from pesticide pollution and prohibits registration of a pesticide if information related to potential for groundwater contamination is missing. Early research conducted at UC Riverside indicated that methyl iodide has the potential to contaminate groundwater, but DPR did not require additional studies from Arysta. The Scientific Review Committee found it "alarming that there were no reliable data on the potential of methyl iodide to contaminate groundwater."