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EPA Proposes Rule to Revoke Most Food Uses of the Insecticide Chlorpyrifos

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Contact Information

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WASHINGTON – Today, Dec. 2, the U.S. Environmental Protection Agency announced a proposed rule to revoke tolerances for chlorpyrifos, which establish the amount of a pesticide that is allowed on food. This rule revokes all tolerances for chlorpyrifos, except for those tolerances associated with the 11 food and feed crops that remain registered. EPA is taking this action in response to a decision by the U.S. Court of Appeals for the Eighth Circuit. This action will support EPA efforts to cancel most uses of chlorpyrifos on food to reduce exposure and protect public health.

“EPA continues to prioritize the health of children,” **said Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff.**

“This proposed rule is a critical step forward as we work to reduce chlorpyrifos in or on food and to better protect people, including infants and children, from exposure to chemicals that are harmful to human health.”

Chlorpyrifos is an organophosphate (OP) insecticide that was used for a large variety of agricultural uses, including soybeans, fruit and nut trees, vegetables, and other row crops, as well as non-food uses. At high levels, OP exposures can result in neurological effects such as tremors, fatigue and nausea. There is also

concern for exposures to pregnant women and children since chlorpyrifos has been associated with neurodevelopmental effects indicating it could impact the normal development of the nervous system during pregnancy or childhood.

In a final rule issued in August 2021, EPA revoked all tolerances for chlorpyrifos, which establish an amount of chlorpyrifos that is allowed on food, effectively stopping the use of chlorpyrifos on all food and animal feed. EPA took this action in response to an April 2021 order from the U.S. Court of Appeals for the Ninth Circuit for the agency to issue—within 60 days—a final rule addressing the use of chlorpyrifos in food or feed crops, without taking public comment or engaging in “further fact-finding.”

On Nov. 2, 2023, the U.S. Court of Appeals for the Eighth Circuit vacated EPA’s August 2021 rule and reinstated the chlorpyrifos tolerances. On Feb. 5, 2024, EPA issued a Federal Register notice to amend the Code of Federal Regulations to reflect the court’s reinstatement of those tolerances. At this time, and as a result of the court decision, all the chlorpyrifos tolerances have been reinstated and are currently in effect.

Since the Eighth Circuit issued its ruling, EPA has worked with the chlorpyrifos registrants to further reduce pesticide exposures by limiting the registered uses of chlorpyrifos on food to be consistent with the 11 uses referenced by the Eighth Circuit and identified in the 2020 Proposed Interim Registration Review Decision (PID). These 11 food uses are alfalfa, apple, asparagus, cherry (tart), citrus, cotton, peach, soybean, strawberry, sugar beets and wheat (spring and winter) and are limited to specific states that were assessed in the 2020 PID. Based on the available data, retaining only the 11 food uses could decrease average annual pounds of chlorpyrifos applied in the U.S. by 70% as compared to historical usage.

The registration review process for chlorpyrifos is ongoing. EPA plans to issue an amended PID for chlorpyrifos for public comment followed by an Interim Decision (ID) in 2026.

Upon publication in the Federal Register, the proposed rule will be available at docket ID EPA-HQ-OPP-2024-0431 at [Regulations.gov](http://www.regulations.gov) <<http://www.regulations.gov>> for public comment for 60 days. EPA will continue to keep the

public updated as it evaluates and takes any actions related to chlorpyrifos pesticide use. For more information, view a prepublication version the Federal Register notice <<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>>.

Learn more about this pesticide at EPA's chlorpyrifos webpage <<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>>.

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