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Hawaii Attorney General Files Amicus Brief in Lawsuit Challenging Improper EPA Approval of Pesticide that is Toxic to Bees

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a multistate coalition in filing an amicus brief in support of a lawsuit challenging the Environmental Protection Agency’s (EPA) improper registration process for new uses of sulfoxaflor. Sulfoxaflor is a pesticide that, due to its toxicity, poses risks to pollinators – like bees – that are essential to our nation’s agriculture and ecosystem. In the amicus brief, the coalition argues that the EPA violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Endangered Species Act by approving new uses of sulfoxaflor without consulting the public or considering the pesticide’s effects on endangered species.

“The registration of sulfoxaflor violated federal law,” said Attorney General Connors. “Protecting the environment is a critical concern for our state and the EPA should be at the forefront of these efforts, rather than undermine them.”

Under FIFRA, all pesticides must receive regulatory approval from the EPA before their use. Before registering a pesticide, the EPA reviews human and environmental safety information to determine whether the pesticide will cause “unreasonable adverse effects on the environment.” Sulfoxaflor was originally registered in 2013, however, a successful court challenge reversed its registration until its manufacturer, Dow Chemical, submitted additional evidence of its effect on pollinators. Studies subsequently showed the pesticide’s toxicity to bees.

Despite this, on July 12, 2019, the EPA suddenly issued pesticide registrations for numerous new uses of sulfoxaflor and removed restrictions on its use and mitigation measures that had previously been in place. The Center for Biological Diversity and the Center for Food Safety filed a lawsuit in the 9th Circuit on August 20, 2019, and Earthjustice filed a lawsuit on behalf of beekeeping organizations shortly thereafter.

In the amicus brief, the coalition argues that the EPA’s registration of new uses for sulfoxaflor is unlawful and should be vacated. The EPA not only failed to provide the public with an opportunity to review and comment on the new applications for registration, but blatantly ignored requirements under the Endangered Species Act that

the agency determine whether the uses will affect endangered species. The EPA's refusal to comply with the Endangered Species Act is particularly troubling given its recent history of ignoring that law in pesticide actions.

Attorney General Connors joins the attorneys general of California, Maryland, Minnesota, New Jersey, New Mexico, New York, Oregon, Vermont, and Washington in filing this amicus brief.

A copy of the amicus brief can be found [here](#).

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