

Applying Organic Law to the Protection of Children and Toxics Policy Reform

One of the highlights of the 2009 National Pesticide Forum, *Bridge to an Organic Future*, was a talk by organic dairy farmer Neill Lindley of Chatham County, North Carolina, who in 2007 received organic certification after transitioning to organic practices. His love of farming and the benefits of organic practices form a framework for thinking about approaches to regulating toxics more broadly, an approach that rejects toxic chemicals and embraces practices that create a default against their use. (Mr. Lindley's talk to the conference is featured in this issue of PAY.)

The Organic Experience. . .

Mr. Lindley's experience sets a context for challenging our society's dependence on toxic chemicals in all settings. It makes sense that we would juxtapose a discussion of organic with the introduction of the *School Environment Protection Act* (SEPA), which was introduced in the U.S. Congress in December 2009. SEPA takes the principles of organic, a systems approach not dependent on toxic chemicals, and applies it to the school environment with the goal of protecting children's health.

As a new member of the National Organic Standards Board (NOSB), I am reminded almost daily about approaches to land and building management that start with the premise that toxic materials are not necessary. The *Organic Foods Production Act* (OFPA) builds on the notion that toxic chemicals are not needed to grow our food. SEPA attempts to do the same thing, building on the experience of OFPA and the success of the organic sector and people like Mr. Lindley.

The legislation requires school integrated pest management (IPM) plans, similar to the organic systems plan. It stresses prevention strategies that keep unwanted insects out through the sealing of entryways, sanitation, and elimination of attractive habitat and other conditions that are conducive to pest problems. It employs an essentiality principle by allowing "least-toxic" pesticides, with a clear definition, only as a last resort. Under OFPA, we ask, "Is there another practice that would make the substance unnecessary?" This is key because even under the best of circumstances, we do not have all the information we would like to fully evaluate substances.

To take advantage of the knowledge of those in the pest management, scientific, and parent community, SEPA creates the National School IPM Advisory Board to oversee implementation of the act and determine the acceptable "least-toxic" materials in accordance with the legislation's definition. This board is similar to the NOSB, with a high degree of transparency in decision making.

. . . Applied More Broadly

We are hearing from some practitioners of IPM that successful pest management is impossible with the level of chemical restriction that SEPA imposes. However, we hear every day that parents do not want their children exposed to chemicals that cause cancer,

asthma, neurotoxic and immune system effects, endocrine disruption, developmental disabilities, and more, especially when they are not necessary. And it is not just Beyond Pesticides that is hearing this. Towns and cities across the country, schools, hospitals and homeowners want the same thing. The good news is that it is possible today to manage buildings and grounds without pesticides that cause these effects.

SEPA utilizes modern approaches and green chemistry on the cutting edge of technology that has made the toxic chemicals obsolete. Companies that are selling services to parents and other customers looking for "green" services tell us that they have all kinds of modern tools in their toolbox, from mechanical, biological, to chemical products derived from natural substances, which meet the standards of SEPA and work just fine when they are needed. When an IPM program is operating effectively with all the systems in place, practitioners say they do not need to use much if any pesticide product at all.

IPM is an evolving methodology. Years ago IPM practitioners did not differentiate among all the pesticides available in the marketplace. They were (and many are still today) highly dependent on very hazardous materials, except they only used them when their monitoring identified pests. So, in most cases, even the best IPM system was still dependent on highly toxic chemical products. Today's IPM systems that are a part of the "green" movement and not stuck on pesticide-dependency put much more emphasis on practices and management and only use selected products as a last resort, meeting the health and environmental screen in SEPA.

We were told three decades ago by many that organic was impossible to commercialize, that it was unrealistic, that it "takes away the best pest management tools." Now organic is over a nearly \$20 billion industry with increasing growth among practitioners worldwide.

SEPA is cutting edge legislation that embraces the experiences across the country where schools and communities have rejected the old arguments and are meeting the challenges with new and creative approaches that manage pests and protect health and environment at the same time. In addition to generating support for SEPA nationwide, we must elevate the principles in the legislation and the OFPA experience to change our approach to chemicals policy reform, learning from those approaches that advance sustainable practices and replace toxics with alternatives, rather than seeking to mitigate hazards through risk assessments which allow unnecessary poisoning and contamination.



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