To amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 30, 2021

Mr. Booker (for himself, Mrs. Gillibrand, Mr. Sanders, Ms. Warren, and Mr. Padilla) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect America’s Children from Toxic Pesticides Act”.

SEC. 2. FINDINGS.

Congress finds that—
(1) the Environmental Protection Agency (referred to in this section as the “EPA”) regularly fails to incorporate updated scientific understanding to protect human health and the environment from the harmful effects of pesticide products, as envisioned by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), resulting in the use of billions of pounds of pesticides every year that were approved based on outdated science;

(2) the United States lags behind the European Union and other developed nations in protecting its people and its environment from toxic chemicals, allowing the use of 72 pesticides that have been banned or are being phased out in the European Union alone;

(3) the EPA registers nearly 65 percent of pesticides through conditional registrations and frequently waives requirements to extend the use of conditional registrations prior to completion of comprehensive registration;

(4) the EPA permits the continued sale of potentially dangerous stocks of pesticides after registration has been canceled, suspended, or otherwise voided;
(5) the EPA uses emergency exemptions to keep pesticides on the market for years without undergoing a comprehensive registration process that would ensure the safe use of the pesticides;

(6) the EPA is prohibited from requiring the disclosure of inert ingredients, even though inert ingredients can account for 99 percent of a pesticide product and include carcinogenic and toxic chemicals;

(7) scientists have repeatedly linked exposure to organophosphate pesticides to neurodevelopmental damage in children;

(8) the United States Fish and Wildlife Service and the National Marine Fisheries Service have determined that organophosphate pesticides jeopardize the survival of 97 percent of endangered species;

(9) neonicotinoid pesticides are contributing to the rapid decline of pollinators and the deterioration of pollinator health, including impaired foraging behavior and increased susceptibility to viruses, diseases, and parasites;

(10) exposure to paraquat—

(A) causes heart failure, kidney failure, liver failure, lung scarring, and damage to brain cells; and
(B) greatly increases the risk of developing Parkinson’s disease;

(11) local communities have been blocked by States from enacting pesticide restrictions to protect people and environment from toxic chemicals; and

(12) farmworkers are—

(A) disproportionately exposed to and harmed by pesticide use; and

(B) afforded inadequate safeguards and far less protection than industrial workers.

SEC. 3. ENDING INDEFinite DELAYS ON REVIEW OF DANGEROUS PESTICIDES.

(a) Definitions.—

(1) In general.—Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136) is amended—

(A) by striking subsection (z) and inserting the following:

“(z) Registration.—The term ‘registration’ means the approval of an active ingredient or pesticide product under this Act—

“(1) that has not previously been registered under this Act; or
“(2) for a crop or use for which the active ingredient or pesticide has not previously been registered under this Act.”;

(B) by redesignating subsections (aa) through (oo) as subsections (bb) through (pp), respectively; and

(C) by inserting after subsection (z) the following:

“(aa) Registration Review Determination.—

“(1) In general.—The term ‘registration review determination’ means the final decision to renew the registration of a pesticide product or active ingredient to authorize the use of the pesticide product or active ingredient—

“(A) for an additional 15-year period from the date of the previous registration, reregistration, or registration review determination, as applicable; and

“(B) in compliance with all applicable laws and regulations.

“(2) Exclusion.—The term ‘registration review determination’ does not include any interim determination regarding the continued use of a pesticide product or active ingredient by the Administrator.”.
(2) CONFORMING AMENDMENTS.—

(A) Section 2(e)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(e)(1)) is amended by striking “subsection (ee)” and inserting “subsection (ff)”.

(B) Section 3(h)(3)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(h)(3)(E)) is amended by striking “section 2(mm)” and inserting “section 2(nn)”.

(C) Section 33(b)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(3)) is amended—

(i) by striking “§2(mm)” each place it appears and inserting “section 2(nn)”; and

(ii) by striking “Section 2(ll)(2)” and inserting “section 2(mm)(2)”.

(b) SUSPENSION OF DANGEROUS PESTICIDES ON FAILURE TO COMPLETE REGISTRATION REVIEW ON TIME.—Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1) is amended by adding at the end the following:

“(o) SUSPENSION OF DANGEROUS PESTICIDES ON FAILURE TO COMPLETE REGISTRATION REVIEW ON TIME.—
“(1) Definition of dangerous pesticide.—

In this subsection, the term ‘dangerous pesticide’ means an active ingredient or pesticide product that may—

“(A) be carcinogenic;

“(B) be acutely toxic;

“(C) be an endocrine disruptor;

“(D) cause harm to a pregnant woman or a fetus; or

“(E) cause neurological or developmental harm.

“(2) Petitions to designate dangerous pesticides.—

“(A) In general.—An interested person may submit a petition under section 553(e) of title 5, United States Code, to designate an active ingredient or pesticide product as a dangerous pesticide under this subsection.

“(B) Review.—On receipt of a petition under subparagraph (A), the Administrator shall review the petitions submitted by interested persons under that subparagraph relating to that active ingredient or pesticide product to determine if the active ingredient or pesticide
product may warrant designation as a dangerous pesticide.

“(3) Initial Findings.—

“(A) In General.—Not later than 90 days after the receipt of a petition described in paragraph (2)(A), the Administrator shall make a finding as to whether the petition presents substantial scientific information indicating that the designation of the petitioned active ingredient or pesticide product as a dangerous pesticide may be warranted.

“(B) Failure to Review Petition.—If the Administrator fails to make a finding on a petition by the date required under subparagraph (A), the active ingredient or pesticide product that is the subject of the petition shall be deemed to be a dangerous pesticide.

“(C) Full Consideration of All Science.—

“(i) In General.—In making a finding as to whether a petition provides substantial scientific information that an active ingredient or pesticide product may warrant designation as a dangerous pesticide under subparagraph (A), the Admin-
istrator shall fully consider all relevant evidence, including—

“(I) epidemiological studies or data;

“(II) peer-reviewed literature; and

“(III) data generated by—

“(aa) a Federal or State agency; or

“(bb) an agency of a foreign government.

“(ii) REQUIREMENT.—The Administrator shall not discount or ignore information provided in a petition described in paragraph (2)(A) based on any criteria under part 152 or 160 of title 40, Code of Federal Regulations (or successor regulations).

“(4) SUSPENSIONS OF PESTICIDE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, on a finding under paragraph (3)(A) that an active ingredient or pesticide product may warrant designation as a dangerous pesticide, or on operation of paragraph (3)(B), the Administrator shall imme-
diately suspend the registration of the active in-
gredient or pesticide product if a valid rereg-
istration eligibility decision or registration re-
view determination has not been made regard-
ing the active ingredient or pesticide product
during the 15-year period ending on the date of
that finding or operation.

“(B) Duration.—The registration of an
active ingredient or pesticide product suspended
under subparagraph (A) shall remain suspended
until such time as the Administrator makes a
registration review determination in accordance
with this section.

“(5) Existing Stocks.—In accordance with
section 6(a)(1), the Administrator shall not permit
the continued sale and use of existing stocks of an
active ingredient or pesticide product the registra-
tion of which has been suspended under paragraph
(4).

“(6) Cancellation.—Notwithstanding any
other provision of law, including section 6(b), if the
Administrator fails to suspend the registration of an
active ingredient or pesticide product that may war-
rant designation as a dangerous pesticide as re-
quired by this subsection by not later than 60 days after any deadline described in this subsection—

“(A) the registration of the active ingredient or pesticide product shall be immediately and permanently canceled by operation of law and without any further proceedings; and

“(B) in accordance with section 6(a)(1), the sale of existing stocks of the active ingredient or pesticide product shall be prohibited.

“(7) INAPPLICABILITY OF IREDS.—Notwithstanding any other provision of law, an interim registration review decision or any other interim determination with respect to an active ingredient or pesticide product shall have no force or effect regarding any requirement of this subsection.”.

SEC. 4. EMERGENCY REVIEW OF PESTICIDES BANNED IN OTHER NATIONS.

Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d) is amended by adding at the end the following:

“(i) SUSPENSION AND EXPEDITED REVIEW OF BANNED PESTICIDES.—

“(1) SUSPENSION OF BANNED PESTICIDES.—

The Administrator shall immediately suspend the
registration of any active ingredient or pesticide product that is—

“(A) banned or otherwise prohibited from entering the market by the European Union, 1 or more countries in the European Union, or Canada; and

“(B) registered for use within the United States.

“(2) EXPEDITED REVIEW.—The Administrator shall complete an expedited review of the justification and rationale for the ban of a pesticide by the European Union or a country described in paragraph (1)(A).

“(3) CANCELLATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, including section 6(b), unless the Administrator determines after a review under paragraph (2) that the decision to ban a pesticide by the European Union or a country described in paragraph (1)(A) was clearly erroneous, the registration that is suspended shall be canceled not later than 2 years after the date of completion of the review.

“(B) FULL CONSIDERATION OF ALL SCIENCE.—
“(i) In general.—In determining whether the ban of a pesticide by the European Union or a country described in paragraph (1)(A) was clearly erroneous under subparagraph (A), the Administrator shall fully consider all relevant evidence, including—

“(I) epidemiological studies or data;

“(II) peer-reviewed literature; and

“(III) data generated by—

“(aa) a State or Federal agency; or

“(bb) an agency of a foreign government.

“(ii) Treatment of Information.—Notwithstanding any requirements or criteria under parts 152 and 160 of title 40, Code of Federal Regulations (or successor regulations), the Administrator shall not discount, otherwise ignore, or give disproportionately more or less weight to evidence described in clause (i).
“(C) Consideration of economic cost prohibited.—In determining whether the ban of a pesticide by the European Union or a country described in paragraph (1)(A) was clearly erroneous under subparagraph (A), the Administrator shall not consider any economic analysis of the benefits or costs of continuing to register the pesticide.

“(D) Public comment.—Prior to making a final determination under subparagraph (A), the Administrator shall provide a draft determination for not less than 90 days of public comment.”.

SEC. 5. ENSURING ACCOUNTABILITY IN CONDITIONAL REGISTRATIONS.

(a) In General.—Section 3(c)(7) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(7)) is amended by striking subparagraph (C) and inserting the following:

“(C) Time limits on conditional registrations.—

“(i) In General.—Notwithstanding any other provision of this subsection or section 6(e), the Administrator shall provide not longer than 2 years for the terms
and requirements of any conditional registration under this paragraph to be met by the registrant.

“(ii) CANCELLATION.—The Administrator shall cancel a conditional registration under this paragraph unless the registrant fully complies with all conditions by the earlier of—

“(I) all deadlines established by the Administrator; and

“(II) 2 years after the effective date of the conditional registration.

“(iii) EXISTING CONDITIONAL REGISTRATIONS.—Notwithstanding any other provision of law, as of the date of enactment of this clause, each outstanding conditional registration under this paragraph for which the registrant has not fulfilled all conditions of the conditional registration shall be canceled.

“(iv) REPORTS.—

“(I) IN GENERAL.—Not later than December 31 of each calendar year, the Administrator shall submit to Congress an annual report describ-
ing the total number of conditional
registrations under this paragraph
that were registered during the imme-
diately preceding fiscal year.

“(II) CONTENTS.—A report
under subclause (I) shall include a de-
scription of—

“(aa) each conditionally reg-
istered pesticide and the condi-
tions imposed, including any
modification of those conditions;
and

“(bb) the quantity produced
of each pesticide described in
item (aa).”.

(b) CONFORMING AMENDMENT.—Section 6(e) of the
Federal Insecticide, Fungicide, and Rodenticide Act (7
U.S.C. 136d(e)) is amended—

(1) in paragraph (1), by striking the last sen-
tence and inserting “The Administrator shall not
permit the continued sale and use of existing stocks
of a pesticide the conditional registration of which
has been canceled.”; and

(2) in paragraph (2), in the third sentence, by
striking “, and whether the Administrator’s deter-
mination with respect to the disposition of existing stocks is consistent with this Act”.

SEC. 6. PROHIBITION ON THE SALE OR USE OF EXISTING STOCKS OF SUSPENDED OR CANCELED PESTICIDES.

Section 6(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(a)) is amended by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

“(a) PROHIBITION ON THE SALE OR USE OF EXISTING STOCKS; INFORMATION.—

“(1) EXISTING STOCKS.—The Administrator shall not permit the continued sale or use of existing stocks of a pesticide the registration of which is—

“(A) suspended or canceled under this section or section 3 or 4; or

“(B) vacated or set aside by judicial decree.”.

SEC. 7. ENDING ABUSE OF EMERGENCY EXEMPTIONS.

Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) is amended—

(1) in the first sentence, by striking “The Administrator” and inserting the following:

“(a) IN GENERAL.—The Administrator”;
(2) in subsection (a) (as so designated), in the second sentence, by striking “The Administrator” and inserting the following:

“(b) CONSULTATION.—The Administrator”; and

(3) by adding at the end the following:

“(c) LIMITATIONS ON EMERGENCY EXEMPTIONS.—Notwithstanding any other provision of law, the Administrator shall not grant an emergency exemption under subsection (a) for the same active ingredient or pesticide product in the same location for more than 2 years in any 10-year period.

“(d) RESTRICTIONS ON UNREGISTERED PESTICIDES.—The Administrator shall not grant an emergency exemption under subsection (a) to use an active ingredient or pesticide product that is not registered under section 3 for any use.

“(e) RESTRICTIONS ON CONDITIONAL PESTICIDES.—The Administrator shall not grant an emergency exemption under subsection (a) for any active ingredient or pesticide product that is registered conditionally under section 3(c)(7)(A).”.

SEC. 8. ADDING TRANSPARENCY FOR INERT INGREDIENTS.

(a) DEFINITION OF INGREDIENT STATEMENT.—Section 2(n) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(n)) is amended—
(1) by redesignating paragraph (2) as paragraph (4); and

(2) by striking paragraph (1) and inserting the following:

“(1) the name and percentage of each active ingredient in the pesticide product;

“(2) the name and percentage of each inert ingredient in the pesticide product;

“(3) if applicable, a statement that the pesticide product contains an inert ingredient determined by a State or Federal agency, or the Administrator based on epidemiological data or peer-reviewed literature, to be likely—

“(A) to be carcinogenic;

“(B) to be an endocrine disruptor;

“(C) to be acutely toxic;

“(D) to cause harm to pregnant women or fetuses; or

“(E) to cause neurological or developmental harm; and”.

(b) COMPLETE LIST OF INERT INGREDIENTS.—Section 3(c)(9) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(9)) is amended by adding at the end the following:
“(E) Complete list of inert ingredients.—Notwithstanding any other provision of law, the label or labeling required under this Act shall provide a complete list of inert ingredients.”.

(c) Conforming Amendment.—Section 10(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by adding “or” at the end;

(B) in subparagraph (B), by striking “or” at the end; and

(C) by striking subparagraph (C); and

(2) in paragraph (3), by striking “clause (A), (B), or (C)” each place it appears and inserting “subparagraph (A) or (B)”.

SEC. 9. CANCELLATION OF REGISTRATION OF ORGANOPHOSPHATES.

Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d) (as amended by section 4) is amended by adding at the end the following:

“(j) Cancellation of Registration of Organophosphate Pesticides.—

“(1) in general.—
“(A) CANCELLATION.—Effective on the date of enactment of this subsection—

“(i) all pesticides of the class organophosphate shall be deemed to generally cause unreasonable adverse effects to humans; and

“(ii) notwithstanding any other provision of law, including section 6(b), the registration of all uses of pesticides of the class organophosphate shall be immediately and permanently canceled by operation of law and without further proceedings.

“(B) REVOCATION OF TOLERANCES AND EXEMPTIONS.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall, in accordance with section 408(b)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), revoke any tolerance or exemption that allows the presence of an organophosphate, or any pesticide chemical residue that results from organophosphate use, in or on food.

“(2) SALE OF EXISTING STOCKS PROHIBITED.—In accordance with subsection (a)(1), effective on the date of enactment of this subsection, the
continued sale or use of existing stocks of pesticides
of the class organophosphate shall be prohibited.

“(3) No future organophosphate reg-
istrations.—Effective on the date of enactment of
this subsection, the Administrator may not register
any pesticide of the class organophosphate under
section 4.

“(4) Ineligibility for emergency use.—
Notwithstanding any other provision of law, a pes-
ticide canceled under this subsection shall not be eli-
gible for use under section 18.”.

SEC. 10. CANCELLATION OF REGISTRATION OF
NEONICOTINOIDS.

Section 6 of the Federal Insecticide, Fungicide, and
Rodenticide Act (7 U.S.C. 136d) (as amended by section
9) is amended by adding at the end the following:

“(k) Cancellation of registration of
neonicotinoid pesticides.—

“(1) In general.—

“(A) Cancellation.—Effective on the
date of enactment of this subsection—

“(i) all active ingredients and pes-
ticide products containing 1 or more of the
active ingredients imidaclorpid,
clothianidin, thiamethoxam, dinotefuran,
acetamiprid, sulfoxaflor, and flupyradifurone (referred to in this subsection as ‘neonicotinoid pesticides’) shall be deemed to generally cause unreasonable adverse effects to the environment; and

“(ii) notwithstanding any other provision of law, including section 6(b), the registration of all uses of neonicotinoid pesticides shall be immediately and permanently canceled by operation of law and without further proceedings.

“(B) Revocation of tolerances and exemptions.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall, in accordance with section 408(b)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), revoke any tolerance or exemption that allows the presence of a neonicotinoid pesticide, or any pesticide chemical residue that results from neonicotinoid pesticide use, in or on food.

“(2) Sale of existing stocks prohibited.—In accordance with subsection (a)(1), effective on the date of enactment of this subsection, the
continued sale or use of existing stocks of neonicotinoid pesticides shall be prohibited.

“(3) No Future Neonicotinoid Registrations.—Effective on the date of enactment of this subsection, the Administrator may not register any neonicotinoid pesticide under section 4.

“(4) Ineligibility for Emergency Use.—Notwithstanding any other provision of law, a pesticide canceled under this section shall not be eligible for use under section 18.”

SEC. 11. CANCELLATION OF REGISTRATION OF PARAQUAT.

Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d) (as amended by section 10) is amended by adding at the end the following:

“(l) Cancellation of Registration of Paraquat.—

“(1) In General.—

“(A) Cancellation.—Effective on the date of enactment of this subsection—

“(i) paraquat shall be deemed to generally cause unreasonable adverse effects to humans; and

“(ii) notwithstanding any other provision of law, including section 6(b), the registration of all uses of paraquat shall be
immediately and permanently canceled by
operation of law and without further pro-
ceedings.

“(B) Revocation of Tolerances and
Exemptions.—Not later than 6 months after
the date of enactment of this subsection, the
Administrator shall, in accordance with section
408(b)(1)(B) of the Federal Food, Drug, and
Cosmetic Act (21 U.S.C. 346a(b)(1)(B)), re-
voke any tolerance or exemption that allows the
presence of paraquat, or any pesticide chemical
residue that results from paraquat use, in or on
food.

“(2) Sale of Existing Stocks Prohibited.—In accordance with subsection (a)(1), effec-
tive on the date of enactment of this subsection, the
continued sale or use of existing stocks of paraquat
shall be prohibited.

“(3) No Future Paraquat Registrations.—
Effective on the date of enactment of this sub-
section, the Administrator may not register any
paraquat pesticide under section 4.

“(4) Ineligibility for Emergency Use.—
Notwithstanding any other provision of law, a pes-
ticide canceled under this section shall not be eligible for use under section 18.”.

SEC. 12. EMPOWERING COMMUNITIES TO PROTECT THEMSELVES FROM PESTICIDES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended—

(1) in subsection (a)—

(A) by inserting “, or any political subdivision of a State,” after “A State”; and

(B) by inserting “or political subdivision” after “the State”;

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) CONFORMING AMENDMENT.—Section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(5)) is amended, in the fourth sentence of the undesignated matter following subparagraph (D), by striking “24(c) of this Act” and inserting “24(b)”.

SEC. 13. PROTECTING FARMWORKERS FROM DANGEROUS PESTICIDES.

(a) LANGUAGE REQUIREMENTS FOR PESTICIDE PRODUCTS.—Section 3(c)(9) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(9)) (as
amended by section 8(b)) is amended by adding at the end the following:

“(F) LANGUAGE REQUIREMENTS FOR PESTICIDE PRODUCTS.—

“(i) IN GENERAL.—The label for any pesticide product shall be printed in both English and Spanish.

“(ii) OTHER LANGUAGES.—In a case in which information exists that a pesticide product is used in agriculture by more than 500 individual persons or applicators who speak the same language other than English or Spanish, the Administrator shall provide a translation of that label in the language used by those individuals on the website of the Environmental Protection Agency.

“(iii) EDUCATIONAL INFORMATION.—The Administrator shall provide educational information to ensure that all users of a pesticide product are aware that information is available in alternate languages.”.
(b) FARMWORKER SAFETY.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is amended by adding at the end the following:

"SEC. 36. FARMWORKER SAFETY.

“(a) DEFINITIONS.—In this section:

“(1) FARMWORKER.—The term ‘farmworker’ means an individual of any age that is employed in agriculture, including as a pesticide user or applicator, for any length of time, including migrant and seasonal employees, regardless of classification as a full-time, part-time, or contract employee.

“(2) FARMWORKER INCIDENT.—The term ‘farmworker incident’ means exposure of a farmworker to an active ingredient, a pesticide product, a tank mixture of multiple pesticides, a metabolite, or a degradate that results in—

“(A) an illness or injury—

“(i) requiring medical attention or hospitalization of the farmworker; or

“(ii) that requires the farmworker to stop working temporarily or permanently;

“(B) a permanent disability or loss in function of the farmworker; or

“(C) death of the farmworker.

“(b) MANDATORY DUTY TO REPORT.—
“(1) IN GENERAL.—Whenever a farmworker incident occurs, the employer of each affected farmworker shall report the incident to the Administrator.

“(2) ONLINE SYSTEM.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall implement and deploy an online system to facilitate the reporting of farmworker incidents.

“(B) REQUIREMENTS.—The online system under subparagraph (A) shall include, at a minimum, a description of, with respect to each farmworker incident—

“(i) the time and location;

“(ii) the name of each active ingredient and pesticide product involved;

“(iii) whether such a pesticide was applied in accordance with the label instructions;

“(iv) the harm that resulted to any affected farmworker;

“(v) the nature of any medical care that was sought by any affected farmworker; and
“(vi) any other pertinent information.

“(C) ANONYMOUS REPORTING.—The Administrator shall ensure that the online system under subparagraph (A) allows for anonymous reporting to protect farmworkers from retaliation.

“(c) PENALTIES FOR FAILURE TO REPORT.—

“(1) CIVIL PENALTIES.—An employer described in subsection (b)(1) that fails to report a farmworker incident shall be fined $1,000 per day beginning on the 8th day after the farmworker incident occurs.

“(2) CRIMINAL PENALTIES.—An employer described in subsection (b)(1) that knowingly fails to report a farmworker incident, or that otherwise pressures or coerces a farmworker to not report a farmworker incident, shall be liable for a criminal penalty of up to $100,000, 6 months in prison, or both.

“(3) REWARDS.—The Administrator shall implement a reward system that a provides monetary award of not less than $25,000 per person per farmworker incident that leads to the identification of 1 or more employers that have failed to report a farmworker incident.

“(4) RETALIATION.—
“(A) IN GENERAL.—Any person that takes punitive action against a farmworker or a person that reports a farmworker incident shall be liable for a criminal penalty of not more than $100,000, 6 months in prison, or both.

“(B) IMMIGRATION STATUS.—No Federal agency shall take any action regarding the immigration legal status within the United States of a farmworker, including initiating removal proceedings or any other prosecution of the farmworker, based solely on any information derived from the reporting or investigation of a farmworker incident.

“(d) PREVENTING FUTURE HARM TO FARMWORKERS.—

“(1) IN GENERAL.—Not later than 15 days after the receipt of a report of a farmworker incident, the Administrator shall transmit a report prepared by the Administrator of the farmworker incident to—

“(A) the manufacturer of each involved pesticide product; and

“(B) the manufacturer of each involved active ingredient or ingredients.
“(2) SUSPENSION.—Notwithstanding any other provision of law, if a farmworker incident results in the death of a farmworker, the pesticide product or active ingredient that caused the death shall be immediately suspended, pending the review required by this section.

“(3) ASSESSMENTS.—

“(A) PESTICIDE PRODUCT MANUFACTURER.—Not later than 60 days after the receipt of a report of a farmworker incident, the manufacturer of the pesticide product shall provide to the Administrator an assessment of the farmworker incident, including whether any changes to the label of the pesticide product or active ingredient are warranted at the time of the assessment to avoid future farmworker incidents.

“(B) ASSESSMENT BY ACTIVE INGREDIENT MANUFACTURER.—Not later than 60 days after the receipt of a report of a farmworker incident, the manufacturer of each involved pesticide active ingredient shall provide to the Administrator an assessment of the farmworker incident, including whether any changes to the pesticide product or active ingredient are war-
ranted at the time of the assessment to avoid
future farmworker incidents.

“(4) Determinations by Administrator.—

“(A) Draft determination.—

“(i) In general.—Not later than the
earlier of 90 days after the receipt of an
assessment required by paragraph (3) and
180 days after the occurrence of the farm-
worker incident, the Administrator shall
make a draft determination as to whether
a change in the label of an involved pes-
ticide product or active ingredient is war-
ranted.

“(ii) Publication.—The Adminis-
trator shall publish a determination under
clause (i) in the Federal Register for a pe-
period of 30 days for public notice and com-
ment.

“(B) Final determination.—Not later
than 30 days after the close of the public com-
ment described in subparagraph (A)(ii), the Ad-
ministrator shall—

“(i) make a final determination as to
whether the label of the pesticide product
should be changed; and
“(ii) publish that final determination in the Federal Register.

“(5) CANCELLATIONS.—

“(A) FAILURE TO CHANGE LABEL.—Notwithstanding any other provision of law, including section 6(b), if the manufacturer of a pesticide product or active ingredient does not change the label of the applicable product in accordance with a final determination of the Administrator under paragraph (4)(B), the pesticide product or active ingredient shall be immediately and permanently canceled by operation of law and without further proceedings.

“(B) CANCELLATION FOR FAILURE TO COMPLY.—Notwithstanding any other provision of law, including section 6(b), if the manufacturer of the pesticide product or active ingredient fails to comply with any applicable provision of this section, the active ingredient and all pesticide products containing the active ingredient shall be immediately and permanently canceled by operation of law and without further proceedings.

“(e) ACCOUNTING FOR FARMWORKER INCIDENTS DURING REGISTRATION REVIEW.—
“(1) IN GENERAL.—Notwithstanding any other provision of law, if a pesticide product or active ingredient is responsible for not fewer than 10 farmworker incidents of any type, or not fewer than 3 farmworker incidents resulting in death, and the pesticide product or active ingredient has not received a final determination regarding a registration review during the preceding 15-year period, the Administrator shall immediately suspend the pesticide product or active ingredient until a final determination is made regarding the registration review of the pesticide.

“(2) REPORTS.—The Administrator shall—

“(A) include in a final determination regarding the registration review of a pesticide the registration of which is suspended under paragraph (1) a full and complete report describing each farmworker incident that has occurred during the period covered by the report; and

“(B)(i) require label changes to prevent farmworker incidents from occurring in the future; or

“(ii) explain why no label changes under clause (i) are warranted.”.
SEC. 14. AUTHORITY TO BRING CIVIL ACTION.

Section 16 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136n) is amended by adding at the end the following:

“(e) AUTHORITY TO BRING CIVIL ACTION.—

“(1) IN GENERAL.—Any person may bring a civil action against the Administrator where there is an alleged failure of the Administrator to comply with any provision of this Act.

“(2) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over a civil action brought pursuant to paragraph (1).”.

SEC. 15. EMPLOYEE PROTECTION.

The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) (as amended by section 13(b)) is amended by adding at the end the following:

“SEC. 37. EMPLOYEE PROTECTION.

“(a) PROHIBITION.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee’s compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) has commenced, has caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;
“(2) has testified or is about to testify in any proceeding described in paragraph (1); or

“(3) has assisted or participated or is about to assist or participate in any manner in—

“(A) any proceeding described in paragraph (1); or

“(B) any other action to carry out the purposes of this Act.

“(b) Remedy.—

“(1) Filing of complaint.—Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 30 days after the date on which the alleged violation occurs, file (or have any person file on behalf of the employee) a complaint with the Secretary of Labor (referred to in this section as the ‘Secretary’) alleging that discharge or discrimination.

“(2) Notification.—On receipt of a complaint filed under paragraph (1), the Secretary shall notify the person named in the complaint of the filing of the complaint.

“(3) Investigations.—

“(A) In general.—On receipt of a complaint filed under paragraph (1), the Secretary
shall conduct an investigation of the violation alleged in the complaint.

“(B) RESULTS.—Not later than 30 days after the date on which the Secretary receives a complaint filed under paragraph (1), the Secretary shall—

“(i) complete the investigation under subparagraph (A); and

“(ii) notify in writing the complainant (and any person acting on behalf of the complainant) and the person alleged to have committed the applicable violation of the results of that investigation.

“(4) ORDERS.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a complaint filed under paragraph (1), unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed the applicable violation, the Secretary shall issue an order—

“(i) providing the relief described in paragraph (5); or

“(ii) denying the complaint.
“(B) NOTICE AND OPPORTUNITY FOR HEARING.—An order of the Secretary under subparagraph (A) shall be made on the record after notice and opportunity for agency hearing.

“(C) SETTLEMENTS.—The Secretary may not enter into a settlement terminating a proceeding on a complaint filed under paragraph (1) without the participation and consent of the complainant.

“(5) RELIEF.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall issue an order—

“(A) requiring the person who committed the violation—

“(i) to take affirmative action to abate the violation; and

“(ii) if the complainant was discharged by the person committing the violation, to reinstate the complainant to the complainant’s former position, with the compensation (including back pay), terms, conditions, and privileges of the complainant’s employment; and
“(B) assessing against the person who committed the violation—

“(i) compensatory damages;

“(ii) if appropriate, exemplary damages; and

“(iii) at the request of the complainant, a sum equal to the aggregate amount of all costs and expenses (including attorney’s fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint.

“(c) JUDICIAL REVIEW.—

“(1) IN GENERAL.—Any employee or employer adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the court of appeals of the United States for the judicial circuit in which the violation with respect to which the order is issued allegedly occurred.

“(2) PETITION.—A petition for review under paragraph (1) shall be filed not later than 60 days after the date on which the applicable order is issued under subsection (b).
“(3) APPLICABLE LAW.—Judicial review under paragraph (1) shall be in accordance with chapter 7 of title 5, United States Code.

“(4) EXCLUSIVE REVIEW.—An order of the Secretary with respect to which judicial review may be or may have been obtained under paragraph (1) shall not be subject to judicial review in—

“(A) a criminal proceeding; or

“(B) a civil proceeding under any other provision of law.

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—If a person fails to comply with an order issued under subsection (b), the Secretary shall bring a civil action in the district court of the United States for the judicial district in which the violation is determined to occur to enforce that order.

“(2) JURISDICTION.—In a civil action brought under paragraph (1), a district court of the United States shall have jurisdiction to grant all appropriate relief, including injunctive relief, compensatory damages, and exemplary damages.

“(e) EXCLUSION.—Subsection (a) shall not apply with respect to any employee who, acting without direction from the employee’s employer (or any agent of the em-
ployer), deliberately causes a violation of any requirement of this Act.”.