

Parents of Brain-Injured Child Sue Pesticide Maker for 'Selfish, Greedy, Malicious' Manipulation of Science

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Corteva (formerly Dow) hit with second lawsuit in less than 30 days over pesticide linked to brain damage in children.

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For the second time in under a month, parents of a brain-injured child have [sued](#) the maker of the pesticide chlorpyrifos, claiming the company not only caused their child's injuries, but did so despite knowing its product could cause brain damage in children, including unborn children whose mothers had come in contact with the chemical.

On Tuesday, Carmela Zamora Avila and Reymundo Arciniega Herrera sued Corteva, Inc. (formerly Dow) in California Superior Court. In the [complaint](#), the parents, both farmworkers, allege their daughter Britney, now 13, was exposed to chlorpyrifos in utero and that as a result, she now has autism, obesity and vision problems.

[Chlorpyrifos](#), an organophosphate linked to neurological damage in children and fetuses, is widely used on common fruits and vegetables.

Last year, California [banned](#) the chemical. In February 2020, Corteva said it would [no longer sell](#) the pesticide – citing financial, not safety reasons. Other manufacturers however, including [Gharda Chemicals](#), continue to make and sell chlorpyrifos-based pesticides.

According to the [lawsuit](#) filed by Avila and Herrera, six years before their daughter Britney was conceived, the U.S. Environmental Protection Agency (EPA) conducted a thorough review of data submitted by Dow and determined that chlorpyrifos is toxic to the developing nervous system and brain of mammals and children and that, “therefore, an additional safety factor was required for uses that might expose children to chlorpyrifos.”

The EPA subsequently banned chlorpyrifos for residential use, but continued to allow its use for commercial agriculture. That’s how Britney’s mother was exposed – she picked grapes and cleaned grapefruit fields as an agricultural field worker and as a packing house worker during her pregnancy, according to the lawsuit.

The lawsuit alleges that for decades, Dow knew that chlorpyrifos could harm children:

“Beginning in the 1980s and continuing into the 1990s and 2000s, Dow engaged in a pattern of conduct designed to hide the dangers of chlorpyrifos from its customers and the general public. At best, this conduct could be characterized as the negligent failure to test for certain specific harms or to appreciate and take appropriate measures to protect from those harms associated with chlorpyrifos. At worst, it amounted to selfish, greedy, malicious, and willful manipulation of the scientific data and the public’s perception of the harms of Lorsban—that is, chlorpyrifos and chlorpyrifos oxon.”

“For years, the EPA and state and federal lawmakers have chosen to protect Big Chemical’s profits over the health of

our children,” said Robert F. Kennedy, Jr., chairman of Children’s Health Defense. “This leaves parents no choice but to pursue justice through the legal system for children whose lives have been devastated by Dow’s chlorpyrifos, a known neurotoxin.”

In September, parents of another child, also in California, [sued](#) Corteva alleging their son suffered “severe neurological injuries ... as a result of his in utero, infant and ongoing exposure to the pesticide chlorpyrifos and its more toxic oxygen analog, chlorpyrifos oxon.”

Environmental activists have [for years fought](#) for a federal ban on chlorpyrifos. Near the end of the Obama administration, they won a legal battle that resulted in a decision forcing the EPA to ban the chemical. But in the first year of the Trump administration, newly appointed EPA Administrator Scott Pruitt revoked the ban, despite the lack of any new scientific assessment to justify his decision, according to an [article](#) in the National Law Review.

In 2019, EU countries [banned](#) chlorpyrifos. In the U.S., Hawaii passed a ban that will take effect in 2022. As the Washington Post [reported](#) earlier this year, New York lawmakers also approved legislation to ban the pesticide by late 2021. Gov. Andrew Cuomo vetoed that legislation late last year, but directed the state’s Department of Environmental Conservation to phase in a ban in coming months through a public rulemaking.