

November 1, 2022

Dear Governor Polis,

We are writing to bring to your immediate attention new research that finds disturbingly high levels of per- and polyfluoroalkyl substances (PFAS) in widely used pesticides and request that the state limit the use of these pesticides in Colorado.

Colorado is a leader in the country in protecting public health by controlling PFAS contamination in the state. With the lack of EPA regulation of PFAS, the Colorado Department of Health developed Narrative water quality Standards to use in permitting. Last year the legislature passed, and you signed, groundbreaking legislation intended to prevent PFAS from entering the waste stream. In 2019 and 2021 the legislature passed bills to limit the use of PFAS laden fire-fighting foam, one of the known major contaminants in the state. The state is spending vast amounts of money to test and filter water contaminated with PFAS.

After all of the movement forward on the issue, it is counter-intuitive to simultaneously allow for the use of pesticides containing PFAS.

Published September 2022, in the Journal of Hazardous Materials Letters, the study (“Targeted Analysis and Total Oxidizable Precursor Assay of Several Pesticides for PFAS”) <https://www.sciencedirect.com/science/article/pii/S266691102200020X> found—

- PFOS in 6 out of 10 tested insecticides at incredibly high levels, ranging from 3,920,000 to 19,200,000 parts-per-trillion (ppt). This June the U.S. Environmental Protection Agency (EPA) updated its Health Advisory for PFOS to 0.02 ppt;
- These PFAS are being taken up into the roots and shoots of plants, which means that they are entering our food supply through contaminated soils; and
- A non-targeted PFAS analysis indicates that there are far more additional unknown PFAS in 7 out of 10 tested insecticides.

These findings strongly suggest that EPA’s approach to preventing PFAS contamination of registered pesticides has been wholly inadequate. It is up to the states to protect public health.

Further, the level of PFAS absorption by plants detected in this study suggests that this exposure pathway poses a major threat to the safety of our food supply. For this reason, it is quite possible that PFAS in our food is a bigger PFAS exposure pathway than water. This threat is not merely to the safety of U.S. agriculture but of the world’s food supply, as these pesticides are widely applied in other countries.

EPA considers any level of PFAS to be potentially toxicologically significant. Thus, the presence of PFAS in pesticides at levels that are *hundreds of thousands of times higher* than EPA's Health Advisories for water should be cause for your immediate concern.

On behalf of my organization, Public Employees for Environmental Responsibility (PEER), and the following groups, Physicians for Social Responsibility- Colorado, Colorado Public Interest Network (CoPIRG), People and Pollinators Action Network, and the Colorado Chapter of the National Council of Jewish Women, we are writing to ask you to examine this study and take these three actions on an urgent basis:

1. The state of Colorado stop using and applying pesticides containing PFAS on public spaces;
2. The Colorado Department of Agriculture require that every pesticide manufacturer test every registered product and certify that they do not contain PFAS; and
3. Ban the use of any pesticide containing any form of PFAS.

Regarding this second request, the study's detection of unknown PFAS suggests that many of the PFAS being found in the pesticides tested fall outside the narrow definition of PFAS that EPA and the state of Colorado is developing for regulatory purposes. Once again, PEER urges that the State regulate all PFAS as a category, rather than on a chemical-by-chemical approach for the hundreds of PFAS that are now in use and the unknown number of these chemicals being developed.

Should you want any additional information on any aspect of this matter, we will be more than happy to provide it.

Sincerely,

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