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*Politics by Other Means: Law, Science, and Policy in EPA's Implementation of the Food Quality Protection Act*

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Abstract by Lisa Hodes

Thirty years ago an environmental wave swept the nation, forcing Congress to address issues such as the human and environmental dangers from pesticides. In a previous article, the author explored the science and policy issues that drove this first wave of pesticide litigation. In this article, the author maintains that the same issues are still alive in the second wave of pesticide litigation.

This article explores some of the science and policy issues underlying the second wave of pesticide litigation with specific attention paid to issues relating to fetuses, infants of children. The author begins by describing the details of the enactment of the Food Quality Protection Act (FQPA) and the protections it provides for fetuses, infants, and children. The analysis then moves to the science and policy issues that arise when the EPA attempts to regulate pesticides, and how the EPA has struggled to adhere to the FQPA's language at both the macro and micro levels of policymaking.

The author argues that the EPA has eroded the FQPA's policies aimed to protect children from exposure to dangerous pesticides. To remedy the erosion, the author offers several procedural changes to increase the transparency of the EPA's implementation efforts. Finally, the author concludes that while the EPA's implementation of the FQPA has not completely fallen victim to regulatory erosion, it is a possibility. To stop this, the author calls on the EPA to articulate clear policies that are subject to open debate, thereby increasing the transparency and the accountability of the agency.