

To: Senator Patrick Leahy

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Subject: Recommendation on Pesticide Export Language in the 1990 Farm Bill

1. Executive Summary

You are faced with a dilemma: deciding whether to ban exports of toxic pesticides known to cause disease and harm the environment through the 1990 Farm Bill legislation, or allow their sale for the benefit of the U.S. economy and business. Under the existing U.S. pesticide law (FIFRA), the exporting of pesticides, including those not registered, is not banned nor regulated. We recommend that you **retain your Circle of Poison language in the Farm Bill to ban the use and sale of pesticides as an export**, preventing unnecessary harm to both foreign workers and to American consumers who buy pesticide-contaminated products.

2. Problem Definition

Allowing the continued export of pesticides in the U.S. would protect domestic industry profits, American jobs, and ensure the smooth passage of the 1990 Farm Bill. Alternatively, enacting a pesticide ban would uphold the right to safety for foreign workers and domestic consumers but would face significant political and economic resistance.

Under the current Federal Insecticide, Fungicide, and Rodenticide Act, U.S. manufacturers may export pesticides that are banned or unregistered; around 25% of all pesticide exports fall into these categories. While domestic sales require rigorous EPA review, pesticide exports face only minimal labeling and notification requirements, creating a regulatory gap with substantial human consequences. For instance, many developing countries lack the infrastructure to manage these toxins responsibly, resulting in widespread poisonings and preventable deaths among agricultural workers. The issue also carries domestic consequences, as these chemicals return to the United States on imported produce, they expose American consumers to risks the EPA has already judged unacceptable.

The proposed ban faces resistance from the Senate Agriculture Committee. It is traditionally conservative and aligned with regional farming interests, making it unreceptive to environmental reforms. Industry opposition is also strong; the National Agricultural Chemicals Association exerts significant lobbying influence, and argues that the ban would cost the U.S. economy \$758 million and threaten 17,000 jobs. In the House and Conference Committee, key figures such as Representative de la Garza oppose adopting stricter language, and Senator Lugar has proposed to allow exports if a pesticide is registered in any OECD country, yet this provision is widely viewed as “cosmetic”.

At the heart of this dilemma is a competing ethical framework: a deontological view, which holds that exporting a substance known to be hazardous is inherently wrong and violates a basic duty to avoid causing harm, and a consequentialist view, which maintains that a ban would merely shift pesticide production to other countries, harming U.S. workers without meaningfully reducing global risk.

Analysis of Options

To evaluate Senator Leahy’s options, our analysis leverages two ethical frameworks that are relevant to the dilemma:

1. Deontological Approach (Duty to Prevent Harm)

This approach assesses whether the decision upholds the paramount duty of avoiding foreseeable harm, regardless of the outcome.

2. Consequentialist Approach (Net Consequences)

This approach assesses whether the option maximizes general welfare with consideration to foreign workers, American consumers, U.S farmers, etc.

Option 1: Continue with the Original Circle of Poison export ban

Advantages

- *Deontological*: This option strongly satisfies the duty to prevent harm. The U.S. would cease exporting chemicals it has already stated to be too dangerous for its own citizens, eliminating accusations of a moral “double standard” that would cause harm to foreign workers.
- *Consequentialist*: Will reduce global exposure to hazardous pesticides by removing a major supplier from the market and protecting U.S. consumers from contaminated imports. Would also serve as an example for international standards.

Disadvantages

- *Deontological*: There are no significant disadvantages when using a deontological paradigm for this option as it focuses on not facilitating harm.
- *Consequentialist*: Imposes economic losses on chemical manufacturers, risks job displacement, and could shift production to countries with weaker regulation. The impact of these changes might increase global harm.

Option 2: Accept the Lugar Amendment

Advantages

- *Consequentialist*: Minimizes economic disruption by allowing continued exports and may ease Farm Bill negotiations.
- *Deontological*: Provides the appearance of responsibility as exports would require approval somewhere, although it will not be from the U.S.

Disadvantages

- *Consequentialist*: Expected impact is largely superficial. The most hazardous pesticides would be withdrawn voluntarily meaning exports would likely continue with minimal reduction to global harm.
- *Deontological*: This option fails to prevent harm. It permits the exporting of pesticides the U.S. deems unsafe and therefore preserves the moral double standard.

3. Recommendation

Given the ethical considerations and the need for long-term U.S. environmental leadership globally, we recommend that you **retain and defend your original Circle of Poison language in the Farm Bill**, rather than accept the weakened Lugar amendment.

Under a deontological moral framework, lawmakers carry a duty not to facilitate foreseeable and preventable harm. Current U.S. pesticide export practices create exactly such harm: they allow the export of chemical products deemed too dangerous for American use. This practice entrenches a “double standard” in pesticide policy and undermines the principle that all human life holds equal value, regardless of national borders.

Alternatively, accepting the Lugar proposal would undermine both the moral and policy objectives of reform. As your staff correctly assessed, the amendment would have a largely cosmetic effect: because most hazardous pesticides are “voluntarily withdrawn” for economic reasons rather than formally banned, the proposal would permit the vast majority of unsafe exports to continue. Supporting such a measure would not meaningfully reduce exposures abroad or protect American consumers from residues returning on imported food, nor would it alleviate competitive disadvantages faced by U.S. farmers who are bound by stricter domestic safety standards.

Retaining the original language preserves the core moral purpose of the bill and avoids legitimizing a hollow compromise that offers symbolic action rather than substantive protection. It thus demonstrates ethical, principled leadership at a time when both the Senate and international community are watching U.S. actions closely. Although opposition from industry groups and committee members is significant, backing away now risks undermining your credibility for both international and domestic audiences and the environmental priorities embedded throughout the broader Farm Bill.

4. Implementation Plan

Key Stakeholders: Senators Daschle, Boren, Lugar; House Agriculture Leadership; Bush Administration (USDA, EPA, USTR); Chemical Industry (DuPont, Monsanto, Dow, CMA); Allied groups (NRDC, EDF, AFL-CIO, UFW); Vermont constituents

Problems:

The greatest challenge will be from the influence of anti-Farm Bill lobbyists over fellow Congressmen and the Bush Administration. These companies might orchestrate “Anti-American/Anti-business” smear campaigns to sour public opinion, fund proprietary studies to refute USDA claims, and argue that other entities will develop and sell the same pesticides, profiting from our lost business.

Plan (next 6 months)

- (24-48 hours) Brief congressional allies and staffers on your decision. Prepare talking points and encourage party wide unity. Release a statement individually regarding your position, and if possible have your allies co-sign.
- (1-3 months) Call Congress for an oversight hearing to bring public attention to the findings of the EPA and USDA on the effects of these toxic pesticides.
- (1-3 months) Call for an investigative hearing on the Chemical Industry, subpoenaing executives and interrogating the effects of the pesticides on both the producer abroad and the consumer at home.
- (1-3 months) Commission academic institutions and NGOs to conduct studies evaluating the economic damages incurred by banning the export of pesticides versus the effect of the re-imported externalities.
- (6 months) To ensure market efficiency and to avoid further hits, set up alternative supply chain paths for the chemical companies. Find these paths through commissioned studies.

Contingency Plans

These are mechanisms should the worst come:

- Propose a tax cut to the industry executives in exchange for their support of the Bill.
- Use the government budget to create a legislative path for a job creation for those left unemployed in the wake of the Bill's passage.
- Propose a phasing out of the pesticides rather than a hard stop of their sale in the language of the Bill.

5. Conclusion

This decision will shape American environmental leadership and establish Senator Leahy's legacy in advancing global health justice. Retaining the original Circle of Poison language rejects the unethical practice of exporting hazards considered too dangerous for domestic use.

Accepting the Lugar amendment would perpetuate the perception that foreign lives are less valuable than American lives, directly contradicting the principle that "the value of life in poorer countries is no less than the value of life in rich countries." The amendment's voluntary loophole permits the continued export of dangerous substances, rendering its acceptance tantamount to a public betrayal.

This stance establishes critical precedents by upholding non-negotiable principles, protecting broader Farm Bill environmental priorities, and positioning the United States as a leader in international pesticide governance. Rejecting the Lugar amendment preserves the moral foundation essential for authentic reform. This approach does not abandon reform; instead, it refuses to compromise it, thereby defining your legacy and reaffirming America's commitment to consistent standards of human dignity.

6. Appendix

Alua, Leila, Sofia, and Jonathan penned the executive summary.

Sofia penned the problem definition.

Jonathan penned the analysis of options.

Alua penned the recommendations section.

Leila wrote the implementation section.

Arnav penned the conclusion.