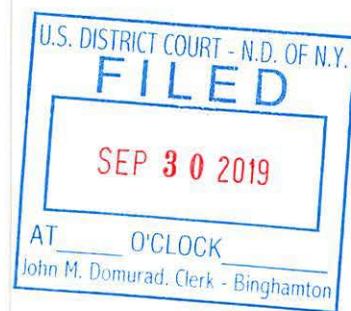


UNITED STATE DISTRICT COURT
For the
NORTHERN DISTRICT OF NEW YORK



David, previously and legally known as Dave J. Forjan

v.

3:19-CV-1209 (GTS/ML)

U.S. Environmental Protection Agency, et al.

COMPLAINT

1. This is David, previously and legally known as, Dave J. Forjan, Plaintiff. Your Honor, My Father says to petition the Court for declaratory and permanent injunctive relief against: The U.S. Environmental Protection Agency, Acting U.S. EPA Administrator Andrew Wheeler, Regional U.S. EPA Administrator Peter D. Lopez, Director Richard Keigwin Jr. U.S. EPA Office of Pesticide Programs, collectively referred to hereinafter as "Defendants".

2. Your Honor, God my Father also wants that we now demand Summary Judgement, in full accordance with Rule 56 of the Federal Rules of Civil Procedure, and especially in accordance with "... if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."

3. Your Honor, God my Father says to file this Complaint today, September 27, 2019, 57 years to the day of the release and publication of *Silent Spring*, by Rachel Carson, and also for September being Childhood Cancer Awareness Month.

4. Your Honor, My Father is God now. God is my Father since the Baptism. The spirit of God my Father is upon me because He has anointed me. Your Honor, God my Father has anointed me, to save Father's fabulous Earth that he has created and bestowed upon us and graces us with, and thus save all of Father's children; by Father allowing me to hear him, and allowing Father to speak through me, and work through me, and in this matter, to litigate through me. Your Honor, I prefer that Father speak rather than me; this lawsuit is Father's efforts entirely.

5. Now Father speaks.

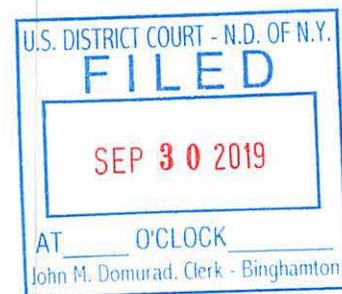
6. God your Father says, your Honor, remember that I love you. Father says, your Honor, remember too that I am grateful to you for this most honorable work that you do, out of respect to children and pets and adults and families and communities and society even and me your God, by interpreting and applying the law equitably and fairly, regardless of who is party to each matter, administering justice, in this the finest judicial system on our Earth. Father says, your Honor, remember too why you are called *Your Honor* and *The Honorable Judge*... - for this reason: being a Judge is the only profession in the world that is honorable by definition. Father says, your Honor, you forego all personal gain, to be this person who assures that anyone and everyone receives justice, unlike any other profession, and that is by definition honorable.

INTRODUCTION

7.
Father says, be still and know that I am God,
Father says, be still and be filled with my peace,
Father says, be still and know that I am the Lord,
Father says, and remain hereafter within me.

Father says, I created everyone and everything.

Father says, they are all my children.



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8. Father says, Defendants are endangering and killing them all. Father says, with pesticides. Father says, your Honor, we must stop allowing the use of pesticides. Father says, your Honor, pesticides are poisons.

9. Father says, your Honor, know that it is 57 years since the kind Rachel Carson released her book, *Silent Spring*, about the harm from the pesticide/POISON DDT, and know that these pesticide/POISONS are even more ubiquitous today. Father says, your Honor, the one pesticide/POISON we focus on herein was invented to replace DDT, and it did all too well, causing severe developmental problems in our human children, for decades.

10. Father says, your Honor, here is how Plaintiff and his Dog Annie are being harmed: Father says, your Honor, Plaintiff and Annie are continually exposed to pesticide residues, for example: on fresh/processed fruit and bagels and peanut butter and oats and fruit spreads and vegan non-dairy milks and fresh/frozen vegetables, and on cotton in sheets and comforter and pants and shirts and socks and gloves and coat, and in the air they breathe, the water they drink, as well as on the land they travel.

11. Father says, your Honor, know that Birds and Frogs eat the poisoned Insects, and the more they eat, the more the poisons accumulate in them, and the poisons kills them too. Father says, your Honor, bigger Birds and Mammals, including some pets, sometimes eat poisoned Birds and Frogs, and Rabbits eat poisoned grasses and plants, and that poison accumulates in them, or your pets, and will harm and kill them. Father says, your Honor, like the Raptors and Earth-bound Mammals that eat poisoned Frogs and Birds, that poison kills them too.

12. Father says, your Honor, and so with people's pets. Father says, your Honor, Annie scavenges for herself like any other Canine. Father says, your Honor, like many Dogs, Annie likes to eat grass and lick the dew off the grasses in the morning and drink out of rain puddles. Father says, your Honor, she and other Dogs eat and drink and breathe some poison every day, because the pesticide/POISONS are everywhere, and causes some people's Dogs, and likely Annie, to lose their natural immunity to pollens and fragrances, such that many Dogs have become acutely allergic to many more things in their lives. Father says, your Honor, Annie's nasal cavity deterioration is likely due to pyrethroid poisoning. Father says, your Honor, even family pet Cats are not unlikely to eat poisoned Birds.

12. Father says, your Honor, all of my children and some of yours are being endangered and killed because their food all around them is poisoned. Father says, your Honor, we must stop allowing the use pesticides. Father says, your Honor, pesticides are poisons.

14. Father says, your Honor, David is the Plaintiff, and is a citizen of the United States of America, and Annie is David's canine companion. Father says, Plaintiff is a resident of New York State in Tioga County, and the U.S. Environmental Protection Agency is a U.S. governmental agency, mandated by U.S. Law to control toxic substances (among other things), and whose own mission statement from their official website reads: "Our Mission: The mission of EPA is to protect human health and the environment." Father says, your Honor, consider that Mission Statement while you read this next paragraph, to give you **an idea of the scope of the disregard for health shown by Defendants:**

JURISDICTION, RELIEF

15. Father says, your Honor, this court has jurisdiction, pursuant to:

5 U.S.C. § 702 (Administrative Procedure Act)

7 U.S.C. § 136n(a) (Federal Insecticide, Fungicide, and Rodenticide Act)

28 U.S.C. § 1331 (Federal Original Jurisdiction)

16. Father says, your Honor, this Court has the authority to grant the requested declaratory and injunctive relief, pursuant to:

5 U.S.C. §§ 701-706 (Administrative Procedure Act)

28 U.S.C. §§ 2201-02 (Declaratory Judgements)

INTRODUCTION TO THE INJUSTICE

17. Father says, your Honor, kindly note these headlines, and note that the ubiquity of these headlines emphasizes the IMPRUDENT and UNREASONABLE decisions and practices and policies regarding pesticide/POISONS (violating the INTENT of 5 laws governing control of said pesticide/POISONS):

~ "America's agriculture is 48 times more toxic than 25 years ago. Blame neonics"

~ "EPA Announces It Won't Ban Pesticide (chlorpyrifos) That Its Own Experts Say Is Linked To Serious Health Problems In Children"

~ "European food safety regulators have found there is no safe level of exposure for a brain-damaging pesticide (chlorpyrifos) President Trump's Environmental Protection Agency recently refused to ban"

~ "California Bans Chlorpyrifos, Widely Used Pesticide."

~ "'Children are being poisoned': California moms lead the way to pesticide ban (chlorpyrifos)"

~ "The USA lags behind other agricultural nations in banning harmful pesticides"

~ "Autism risk higher near pesticide-treated fields"

~ Trump administration lifts ban on pesticides linked to declining bee numbers

~ "Huge decline in songbirds linked to common insecticide (neonics)"

~ "The EPA still has yet to issue the overall new risk assessment (RE: Glyphosate) it said would be out in 2015."

~ "10 Ways (EPA Administrator) Andrew Wheeler Has Decimated EPA Protections in Just One Year"

~ "United States Uses 85 Pesticides Outlawed in Other Countries – New Study"

~ "Drinking water may contain chemicals linked to cancer and infertility"

~ "USDA tests reveal toxic pesticides in bottled water (including atrazine)"

~ "Critics accuse EPA of weakening pollution rule for Pentagon"

~ "Sidelined (U.S. EPA) children's health official Dr. Ruth Etzel (Director of the Office of Children's Health Protection) says EPA under Trump believes 'kids are disposable, they don't matter'" (CBS News). Father says, your Honor, Dr. Etzel is Director of the Office of Children's Health Protection at the U.S. Environmental Protection Agency, a pediatrician and specialist in preventive medicine and public health, for 30 years; she has worked at the tribal, national and international level to protect children from hazards in the environment.

18. Father says, your Honor, that alone informs anyone of the egregious and wanton and copious and extreme and IMPRUDENT and UNREASONABLE use of pesticide/POISONS in Plaintiff(s)' food

David vs. U.S. EPA, et. al., U.S. District Court, Northern District NY, Civil Case #: to be assigned and clothing and air and water and land; poisoning Plaintiff and his Dog Annie, and Americans and America.

19. Father says, your Honor, I mention now that this Complaint may seem long, however, given that we request Summary Judgement, it is incumbent to submit more references and more studies and more arguments herein, in order that there will be, "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law".

20. Father says, your Honor, kindly note that we seek class-action status.

FACTS

21. Father says, your Honor, it is difficult in hindsight recalling the order in which Plaintiff and his Dog Annie were exposed to POISONS, because they didn't know at the time that they were being POISONED. Father says, your Honor, at a minimum, it follows Maslow's hierarchy of needs to start: food, clothing and shelter - and - air and water and land, in town or in the country. Father says, your Honor, Plaintiff and Annie are continually exposed to pesticide residues, for example: on fresh/processed fruit and bagels and peanut butter and oats and fruit spreads and vegan non-dairy milks and fresh/frozen vegetables, and on cotton in sheets and comforter and pants and shirts and socks and gloves and coat, and in the air they breathe, the water they drink, as well as on the land they travel.

22. Father says, your Honor, we could tell you now many pounds are spread on each crop, like 300 pounds of pesticide/POISONS sprayed per acre of Strawberries or appall you that 1 Billion pounds of pesticide/POISONS are spread across America each year. Father says, your Honor, or we could talk on about everyone's exposure to HUNDREDS OF POISONS (as confirmed by the U.S. Department of Agriculture), regularly, in and around where children and pets and adults, live work learn and play. Father says, your Honor, The U.S. Department of Agriculture Pesticide Data Program tests for about 400 pesticide/POISONS. Father says, your Honor, that alone shows the absurd and dangerous level of poisoning they have brought society. Defendants aid in the illegal registration and permitting and spreading of POISONS, including the town and county and state in which Plaintiff and Annie live.

23. Father says, your Honor, we do not need to emphasize all that to convince you. Father says, your Honor, that is because we only need to focus on one pesticide/POISON, and the abominable, egregious disregard for human health and environmental health and children's health shown by Defendants in allowing its continued use:

Chlorpyrifos.

24. Father says, your Honor, as you read the addendum, Chlorpyrifos Timeline, culminating in Defendants' abominable decision to allow the continued use of chlorpyrifos (July 19,2019), you will know as I God your Father state here and now, that Defendants are out of control, harming everyone.

25. Father says, your Honor, Defendants' decisions regarding just chlorpyrifos show Defendants' wanton disregard for children and human and environmental health, to such an egregious extent, that it is all you need to know about to know that Defendants are out of control, and to then rule in

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Plaintiff(s)' favor and grant Plaintiff(s)' request for Summary Judgement for Plaintiff(s)' demands for injunctive relief and mitigation.

CAUSE OF ACTION

26. Father says, Plaintiff and Annie have been, are now, and continue to be poisoned, illegally, by Defendants, through exposure to large amounts of pesticides; herbicides, insecticides nematicides, molluscicides, piscicides, avicides, rodenticides,, bactericides and/or fungicides (all hereinafter referred to collectively as "POISONS", defined by Merriam-Webster, as "a substance that through its chemical action usually kills, injures, or impairs an organism; something destructive or harmful").

27. Father says, your Honor, the reality is that Plaintiff and Annie cannot evade great amounts of exposure to POISONS, and thus cannot evade the HIGH PROBABILITY OF ONGOING INJURY AND ONGOING MANIFESTATION OF DISEASE(S), from additive, potentiating and synergistic chemical effects from the multitude of POISONS allowed, imprudently and unreasonably, by the Defendants.

28. Father says, your Honor, the extent of the INJURY and harm from those pesticides is unknown by the Defendants, but should be known, THEREFORE DEFENDANTS VIOLATE THE INTENT OF THE LAW, for failure to adhere to: "... fulfilling the PRIMARY PURPOSE of this chapter to assure that such innovation and commerce in such chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment." (capitalization and underline added) to wit, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (b) POLICY, It is the policy of the United States; paragraph (3).

29. Father says, your Honor, yet the Defendants continue to issue new permits for currently registered POISONS and register new POISONS, while being ignorant of the TRUE AND HIGH PROBABILITIES OF INJURY TO HEALTH AND THE ENVIRONMENT. Father says, your Honor, Defendants fail to accurately assess the probabilities of exposure, and of additive effects, and of potentiating effects, and of synergistic effects, in violation of several U.S. Laws, as I explain below.

30. Father says, your Honor, I mention now two expressions that characterize this situation well; first, "Where there is smoke there is fire.", and "If it looks like a Duck and it walks like a Duck and it quacks like a Duck, then it's a Duck." Father says, your Honor, please note that these two expressions are inherently about probabilities.

31. Father says, your Honor, both of those expressions apply to the fact that the U.S. Environmental Protection Agency, Defendants, are out of control as pertains to registration and permitting and regulating pesticide/POISONS and are therefore a danger to Plaintiff's health and the environment and his social life and freedoms. Father says, your Honor, about those expressions: both of them indicate a high level of probability of something being true, inherently. Father says, your Honor, if someone kept smelling smoke, it would be UNREASONABLE AND IMPRUDENT to assume there's not a fire. Father says, your Honor, it would be likewise UNREASONABLE AND IMPRUDENT to assume that it's not a Duck, if an animal looks like a Duck and walks like a Duck and quacks like a Duck.

32. Father says, your Honor, for the benefit of Defendants, we also bring up that we are well aware that the Courts give credence to arguments that are of sound and objective reasoning; which we will also rely on from time to time.

33. Father says, your Honor, we only have to show you that the current and recent leadership of the U.S. Environmental Protection Agency are out of control of their mandate to “not present an unreasonable risk of injury to health or the environment”, and “carry out this chapter in a reasonable and prudent manner” and “consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter” and “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” and “assure that the discharge of “toxic pollutants” in toxic amounts be prohibited” and “enable the goals of this chapter to be met through the control of both point and non-point sources of pollution” and “protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” and “protect public health and welfare from any actual or potential adverse effect which in the Administrator’s judgment may reasonably be anticipate” and “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue”.

34. Father says, your Honor, you only need to hear about Defendants’ actions regarding chlorpyrifos to rule in our favor and grant our injunctive relief and mitigation and righting the wrong.

Father says, your Honor, Defendants are, have been, and continue to be in violation of the INTENT OF THE LAW of:

- Toxic Substances Control, U.S Code, Title 15 Commerce and Trade, Chapter 53 Toxic Substances Control, Subchapter I Control of Toxic Substances Control, § 2601, both (b) Policy and (c) Intent
- Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (c) INTENT OF CONGRESS
- The Clean Water Act, 1972: U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter I, § 1251 - Congressional declaration of goals and policy
- The Clean Water Act, 1972: U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter IV Permits and Licenses, § 1254 (p), § 1341 Certification, § 1342 National Pollutant Discharge Elimination System, (c), (h), (i), (k).
- The Clean Air Act, 1970: U.S. Code, Title 42, Chapter 85, Subchapter I, Part A, § 7401 Congressional findings and declaration of purpose
- The Clean Air Act, 1970: U.S. Code, Title 42, Chapter 85, Subchapter I, Part C, Subpart i, § 7470 Congressional declaration of purpose
- The Federal Insecticide, Fungicide, and Rodenticide Act, “unreasonable adverse effects on health or the environment”, 7 U.S.C. §136a. Registration of pesticides, (c) (2) (a)
- The Food Quality Protection Act, 1996, U.S. Code, Title 21, Chapter 9, Subchapter IV, § 346a, (b), (2), (C) Exposure of infants and children (as amended by The Food Quality Protection Act of 1996)
- The U.S Constitution, First Amendment, denying Plaintiff(s)’ their right to travel freely, denying Plaintiff(s)’ their civil right “to assemble or gather with a group”, denying Plaintiff(s)’ civil rights to meet and assemble where they want, but cannot, because where they want to meet is POISONED in the air or water or land or homes. Father says, your Honor, and, think about the civil rights being violated against our autistic potential class action members, should we be granted class action status, and how their civil rights are being violated, most of whom cannot live on their own as adults, violated on purpose by Defendants, who know or should know, that the science behind the harm is, as Natural Resources Defense Council senior scientist Miriam Rotkin-Ellman says, “The science on the harm of this pesticide is ... is staggering.”; like when laws are referred to as “well-settled law”. Father says, your Honor, these children who have already been harmed and INJURED and are now not able to enjoy their civil rights due to premature death by

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these pesticide/POISONS, or being maimed or disabled or diseased or of disorders or of syndromes, mentally or physically, from pesticide/POISONS that spread and sprayed wantonly and indifferently, with full knowledge and responsible for full knowledge by Defendants, of the harm and INJURY of these pesticide/POISONS to children and adults and pets, "human health", and the environment.

- The U.S Constitution, Ninth Amendment, denying Plaintiff(s)' other civil rights to walk safely through public places without being pesticide/POISONED, and the right to UNPOISONED food and homes and air and water and land. Father says, your Honor, again, these children who have already been harmed and INJURED and are now not able to enjoy their civil rights due to premature death by these pesticide/POISONS, or being maimed or disabled or diseased or of disorders or of syndromes, mentally or physically, from pesticide/POISONS that spread and sprayed wantonly and indifferently, with full knowledge and responsible for full knowledge by Defendants, of the harm and INJURY of these pesticide/POISONS to children and adults and pets, "human health", and the environment.

VIOLATIONS OF LAW BY DEFENDANTS

First VIOLATION OF LAW by Defendants:

35. Father says, your Honor, U.S. Law, Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter 1, section 2601, Findings, Policy and Intent, (b) POLICY, It is the policy of the United States; paragraph (3) states:

"... while fulfilling the primary purpose of this chapter to assure that such innovation and commerce in such chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment". (underline emphasis added)

36. Father says, your Honor, the word "UNREASONABLE" is defined, by Merriam-Webster, as: "exceeding the bounds of reason or moderation".

Father says, your Honor, the word "Reason" is defined, by Merriam-Webster, as: "the power of comprehending, inferring, or thinking especially in orderly rational ways".

Father says, your Honor, the word "Reasonable" is defined, by Merriam-Webster, as: "not extreme or excessive; possessing sound judgment."

Father says, your Honor, the word "Moderation" is defined, by Merriam-Webster, as: "in a way that is reasonable and not excessive".

Father says, your Honor, the word "Excessive" is defined, by Merriam-Webster, as: "exceeding what is usual, proper, necessary, or normal".

37. Father says, your Honor, hundreds of studies show, and continue to show these correlations between serious health problems (many), due to Defendants' wanton and copious and extreme and IMPRUDENT and UNREASONABLE use of pesticide/POISONS in Plaintiff(s)' food and clothing and air and water and land, continually POISONING Plaintiff and his Dog Annie and America and Americans, and thereby, Defendants act and react in an IMPRUDENT and UNREASONABLE manner,

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allowing and continuing to allow EXCESSIVE pesticide/POISONS, EXCEEDING WHAT IS NORMAL,
PROPER OR NECESSARY.

38. Father says, your Honor, now let's turn to these studies that correlate (link) disease to pesticide/POISONS. Father says, your Honor, decades ago, when there were just a few studies pointing out these correlations, one could say there was randomness involved, or not enough trials or subjects, and conclude that more trials and subjects would be necessary to be confident of these correlations. Father says, your Honor, as these decades have gone by, there *have* been many more studies and trials and subjects, and the correlations between pesticide/POISONS and diseases were solidified, as we continue to see, because more and more studies point out these correlations, each of which inherently convey probabilities; i.e. they test for and experiment for, and conclude, the probabilities of relationships, as shown by "correlations", and the probability in said correlations. Father says, your Honor, the term usually used is "link"; a study shows a "link" between, for example, atrazine and endocrine disruption, and this link is a layperson's word for "correlation", and all those correlations in all those studies for all these pesticide/POISONS, convey that high probabilities of harm are truly to be expected, and continue to convey these high probabilities, as newer studies reflect and reinforce these same correlations.

39. Father says, your Honor, now we explain even more pertinent probabilities, furthering Plaintiff(s)' argument. Father says, your Honor, I'll compare the probabilities implied by these studies to flipping a coin, in which the probabilities are 50/50 to get heads or tails. Father says, your Honor, when one first starts flipping the coins, actual results are not always 50/50; sometimes one trial is 50/50, sometimes 60/40 in favor of heads or tails, or even 90/10 either way (referred to by some as "randomness").

40. Father says, your Honor, were someone to graph the first few trials of flipping coins, the resulting graph would look like a scatter plot of points. Father says, your Honor, but after more and more trials and flipping coins, one sees that the results do in fact over time bear out the expected and true probabilities of 50/50. Father says, your Honor, over time, with more and more flipping coins, the results more closely and closely approach the 50/50 probabilities and as such, reality bears out the probabilities. Father says, your Honor, because probabilities are predictive in nature, it is more accurate to say it this way: the probabilities accurately *predicted* that the results over time will be 50/50.

41. Father says, your Honor, just as with flipping coins, what we see is that probabilities of INJURY, over time, have been confirmed, otherwise, we would instead be seeing a plethora of studies that correlate something else to these increases in diseases, or that pesticide/POISONS were eliminated as the cause. Father says, your Honor, we haven't seen that; but what we have seen is that the probabilities that the original studies *predicted*, sadly and unfortunately, have been born out over the ensuing decades. Father says, your Honor, I will put it this way, the probabilities accurately *predicted* that over time, that these strong correlations to diseases and disorders and syndromes would ensue, due to Defendants' wanton and copious and extreme and IMPRUDENT and UNREASONABLE use of pesticide/POISONS in Plaintiff(s)' food and clothing and air and water and land, poisoning Plaintiff and his Dog Annie and America and Americans. Father says, your Honor, Defendants are not protecting health or the environment, and are causing a significant detrimental social impact, and therefore:

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42. Plaintiff will show that THIS LACK OF ACCURATE PROBABILITY ANALYSIS, regarding exposure and INJURY FROM POISONS and EFFLUENT, by exposing Plaintiff and Annie to continual, unknown and highly probable dangerous levels of POISONS and EFFLUENT, can in no way be construed as REASONABLE. Father says, your Honor, it constitutes UNREASONABLE, and as such, IS AN UNAMBIGUOUS VIOLATION OF THE INTENT OF THE LAW AND “THE PRIMARY PURPOSE OF THIS CHAPTER”, TOXIC SUBSTANCES CONTROL, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (b) POLICY, It is the policy of the United States; paragraph (3).

Second VIOLATION OF LAW by Defendants:

43. Father says, your Honor, the INTENT OF THE LAW of Toxic Substances Control is FURTHER VIOLATED by Defendants in other sections of the law of Toxic Substances Control.

44. Father says, your Honor, Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (c) INTENT OF CONGRESS states:

“It is the intent of Congress that the Administrator shall carry out this chapter in a reasonable and prudent manner”. Father says, your Honor, this is also violated by Defendants.

Father says, your Honor, the word “REASONABLE” is defined, by Merriam-Webster, as: “not extreme or excessive; possessing sound judgment”.

Father says, your Honor, the word “Extreme” is defined, by Merriam-Webster, as “exceeding the ordinary, usual, or expected”.

Father says, your Honor, the word “Excessive” is defined, by Merriam-Webster, as: “exceeding what is usual, proper, necessary, or normal”.

45. Father says, your Honor, the word “PRUDENT” is defined, by Merriam-Webster, as: “characterized by, or arising from, or showing prudence: such as, marked by wisdom or judiciousness, or marked by circumspection”.

46. Father says, your Honor, the word “Prudence” is defined, by Merriam-Webster, as: “the ability to govern and discipline oneself by the use of reason, skill, and good judgment in the use of resources, and, caution or circumspection as to DANGER OR RISK” (capitalization and underline emphasis added).

47. Father says, your Honor, the word “Circumspect” is defined, by Merriam-Webster, as: “careful to consider all circumstances and possible consequences”. (underline emphasis added)

48. Father says, your Honor, if we substitute the definitions of Congress’ words, for their words, about their INTENT, we get this:

“The Administrator shall carry out this chapter in a “MANNER THAT DOES NOT EXCEED WHAT IS ORDINARY, USUAL, EXPECTED, PROPER, NECESSARY, OR NORMAL, WITH WISDOM AND JUDICIOUSNESS, BY THE USE OF REASON, SKILL, AND GOOD JUDGMENT IN THE USE OF

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RESOURCES, WHILE BEING CAREFUL TO CONSIDER ALL CIRCUMSTANCES AND POSSIBLE CONSEQUENCES AS TO DANGER OR RISK”.

49. Father says, your Honor, please keep in mind that those words refer to the use of, and registration of, and permitting of POISONS.

50. Father says, your Honor, Plaintiff will show that the extraordinary amounts of POISONS and EFFLUENT, spread yearly and copiously, constitute EXTREME AND EXCESSIVE and IS NOT MARKED BY WISDOM, JUDICIOUSNESS OR CIRCUMSPECTION AS TO DANGER OR RISK, and therefore IS NOT REASONABLE AND IS NOT PRUDENT, and is exposing Plaintiff and his Dog Annie to continual, unknown and HIGHLY PROBABLE DANGEROUS EFFECTS FROM POISONS, and as such, IS AN UNAMBIGUOUS VIOLATION OF THE INTENT OF THE LAW: TOXIC SUBSTANCES CONTROL, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (c) INTENT OF CONGRESS.

Third VIOLATION OF LAW by Defendants:

51. Father says, your Honor, the INTENT OF THE LAW of Toxic Substances Control is FURTHER VIOLATED by Defendants in the following text from Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (c) INTENT OF CONGRESS, which states:

“and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter” (underline emphasis added).

52. Father says, your Honor, these “Social Impacts” include, but are not limited to:

Where or where doesn't Plaintiff walk his Dog

Plaintiff buying food; much more time, much more money, and, the time lost is taken away from their relationships (time that they'll never get back)

Plaintiff having to test his water?, for how many different pesticide/POISONS? One for each test?

Plaintiff having to buy water purifier?, and which kind, and for which pesticide/POISONS, and is it really necessary for their well water?

Plaintiff trying to keep track of who sprays pesticide/POISONS, and when and where and which(?)

Difficulties, and dangers, with Plaintiff's farmer neighbors and their spraying of pesticide/POISONS

53. Father says, your Honor, Plaintiff will show that the extraordinary amounts of POISONS and EFFLUENT, spread yearly and copiously, also cause extreme “SOCIAL IMPACT”, by forcing Plaintiff and Annie to try and adapt their lives, albeit unsuccessfully, to avoid continual, unknown and HIGHLY PROBABLE DANGEROUS LEVELS of POISONS and EFFLUENT, and as such IS ALSO AN UNAMBIGUOUS VIOLATION OF THE LAW: TOXIC SUBSTANCES CONTROL, U.S Code, Title 15, Chapter 53, Subchapter I, section 2601, Findings, Policy and Intent, (c) INTENT OF CONGRESS.

54. Father says, your Honor, the INTENT of the law of Toxic Substances Control is so clear that I could argue that the LETTER of the law of Toxic Substances Control is being VIOLATED. Father

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says, your Honor, these are simple English words, with simple meanings, easy to understand:
UNREASONABLE. REASONABLE. PRUDENT. Extreme. Excessive. Moderation. Wisdom. Judiciousness. Circumspection. Danger. Risk.

55. Father says, your Honor, furthermore, with this paragraph, Congress has established a total of 4 (four) realms that are protected with this law; the environment, health, social impact and economy (commerce).

Fourth VIOLATION OF LAW by Defendants:

56. Father says, Defendants further VIOLATE THE INTENT OF THE LAWS,
• U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter I, § 1251 - Congressional declaration of goals and policy, Paragraphs (a), (a) (3), (a) (5), (a) (7), and
• The Clean Water Act, 1972: U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter I Permits and Licenses, § 1254 (p), SUBCHAPTER IV § 1341 Certification, § 1342 National Pollutant Discharge Elimination System, (c), (h), (i), (k).

57. Father says, your Honor, read this the very first sentence: "The objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (underline emphasis added), Para. (a)

58. Father says, your Honor, further read this:
"it is the national policy that the discharge of "toxic pollutants" in toxic amounts be prohibited.", Para. (a)(3); "toxic pollutant" being defined therein as:
(13)The term "toxic pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring."
Source: 33 USC § 1362(13)

59. Father says, your Honor, further read this:
"it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State.", Para. (a)(5)

60. Father says, your Honor, further read this:
"it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this chapter to be met through the control of both point and nonpoint sources of pollution.", (underline emphasis added), Para. (a)(7)

61. Father says, your Honor, Plaintiff lives in an agricultural region, and for water relies on a drilled well on his land. Father says, your Honor, the fact that Plaintiff is, essentially, all-but forced to continually test that water (except that it's cost-prohibitive) for many many POISONS, because of THE HIGH PROBABILITY THAT THE WATER TABLE HAS "TOXIC POLLUTANTS" (POISONS and EFFLUENT), which by the definition above also qualifies under the definition of POISON, by

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Merriam-Webster, as: "a substance that through its chemical action usually kills, injures, or impairs an organism; or something destructive or harmful". Father says, your Honor, this places an unreasonable and "practically and financially impossible" burden on Plaintiff and citizens, especially since Defendants are supposed to assure "that the discharge of toxic pollutants in toxic amounts be prohibited".

62. Father says, your Honor, Plaintiff will show how he and his Dog Annie cannot practicably walk to, and along, and enjoy local streams, creeks, or rivers, being without any reasonable expectation of the water being safe, because of THE HIGH PROBABILITY THAT THE WATER HAS "TOXIC POLLUTANTS" (POISONS and EFFLUENT), especially given that Plaintiff lives in an agricultural region, and thus your Honor,

Fifth VIOLATION OF LAW by Defendants:

63. Father says, Defendants further VIOLATE THE INTENT OF THE LAWS,
• U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter I, § 1251 - Congressional declaration of goals and policy, Paragraphs (a), (a) (3), (a) (5), (a) (7), and
• The Clean Water Act, 1972: U.S. Code, Title 33, Chapter 26 Water Pollution Prevention and Control, Subchapter I Permits and Licenses, § 1254 (p), SUBCHAPTER IV § 1341 Certification, § 1342 National Pollutant Discharge Elimination System, (c), (h), (i), (k).

64. Father says, your Honor, Defendants further VIOLATE THE INTENT OF THE LAW, U.S. Code, Title 42, Chapter 85 AIR POLLUTION PREVENTION AND CONTROL, Subchapter I, Part A, § 7401 Congressional findings and declaration of purpose:

65. Father says, your Honor, read this:
"Declaration: The purposes of this subchapter are — to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;"; (underline emphasis added), Para. (b) (1)

Sixth VIOLATION OF LAW by Defendants:

66. Father says, Defendants further VIOLATE THE INTENT OF THE LAW, U.S. Code, Title 42, Chapter 85 AIR POLLUTION PREVENTION AND CONTROL, Subchapter I, Part C, Subpart i, § 7470 Congressional declaration of purpose:

67. Father says, your Honor, further read this:
"The purposes of this part are as follows:"
"to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipate [1] to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air.", Para. (1)

68. Father says, your Honor, Plaintiff will show how he and his Dog Annie cannot evade "pollutants" (POISONS and EFFLUENT), from numerous sources, point and nonpoint, almost everywhere Plaintiff goes in his daily life; around the farming neighborhood country roads, around town, around parks, and around cities, due to "pesticides sprayed on lawns and gardens and walkways by landscaping/lawn maintenance companies or by homeowners or business owners,

David vs. U.S. EPA, et. al., U.S. District Court, Northern District NY, Civil Case #: to be assigned pesticides sprayed along roads and highways and cropland and rest areas and parks by town and county and state employees, from "drift" and/or sprayed aerially.

Seventh VIOLATION OF LAW by Defendants:

69. Defendants VIOLATE THE INTENT OF THESE LAWS, U.S. Code, Title 42, Chapter 85 AIR POLLUTION PREVENTION AND CONTROL, Subchapter I, Part A, § 7401 Congressional findings and declaration of purpose, Paragraph (b) (1), AND, U.S. Code, Title 42, Chapter 85 AIR POLLUTION PREVENTION AND CONTROL, Subchapter I, Part C, Subpart I, § 7470 Congressional declaration of purpose, Paragraph (1).

70. Father says, your Honor, Defendants further VIOLATE THE INTENT OF THE LAW, U.S. Code, Title 21 Food and Drugs, Chapter 9 Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act, Subchapter IV FOOD, § 346a, (b), (2), (C) Exposure of infants and children;

71. Father says, your Honor, Defendants are in VIOLATION of this mandate: (C)... "In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator, (ii) shall, (I) **ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue**" (bold font style added).

72. Father says, your Honor, the word "REASONABLE" is defined, by Merriam-Webster, as: "not extreme or excessive; possessing sound judgment."

Father says, your Honor, the word "Extreme" is defined, by Merriam-Webster, as "exceeding the ordinary, usual, or expected".

Father says, your Honor, the word "Excessive" is defined, by Merriam-Webster, as: "exceeding what is usual, proper, necessary, or normal".

Father says, your Honor, the word "unreasonable" is defined, by Merriam-Webster, as: "exceeding the bounds of reason or moderation".

73. Father says, your Honor, Plaintiff will show that the extraordinary amounts of POISONS and EFFLUENT, spread yearly and copiously, constitute EXTREME AND EXCESSIVE AND UNREASONABLE, and therefore DOES NOT ENSURE THAT THERE IS A REASONABLE CERTAINTY THAT NO HARM WILL RESULT, and is exposing millions of children and infants to continual, unknown and highly probable dangerous levels of POISONS, and as such, IS AN UNAMBIGUOUS VIOLATION OF THE INTENT OF THE LAW, The Food, Drug and Cosmetic Act, as amended by The Food Quality Protection Act of 1996: U.S. Code, Title 21, Chapter 9, Subchapter IV, § 346a, (b), (2), (C) Exposure of infants and children; (C)... "In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator, (ii) shall, (I) **ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue**" (bold font style added).

Eighth VIOLATION OF LAW by Defendants:

74. Defendants VIOLATE:

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The U.S Constitution, First Amendment, denying Plaintiff their right to travel freely, denying Plaintiff(s) their civil right "to assemble or gather with a group", denying Plaintiff(s)' civil rights to meet and assemble where they want, but cannot, because where they want to meet is POISONED in the air or water or land or homes, or they are maimed or dead from pesticide/POISONS and therefore cannot.

Ninth VIOLATION OF LAW by Defendants:

75. Defendants VIOLATE,:

The U.S Constitution, Ninth Amendment, denying Plaintiff(s)' other civil rights to walk safely through public places without being pesticide/POISONED, and the right to UNPOISONED food and homes and work and air and water and land, or they are maimed or dead from pesticide/POISONS and therefore cannot.

76. Father says, your Honor, we are talking about POISONS, the many poisons that Plaintiff and his Dog Annie are continually exposed to, and in great numbers of incidents of exposure. Father says, your Honor, we are litigating about POISONS in human lives and in the environment. Father says, your Honor, Plaintiff and his Dog Annie live a very healthy life and eat a healthy diet and exercise regularly. Father says, your Honor, Plaintiff chooses their foods carefully, and is careful where and when they walk. Father says, your Honor, and even they cannot evade great amounts of exposure to POISONS..

77. Father says, your Honor, if the probability of incidents of exposure was accurately tested for, and if the additive effect was tested for, and if the synergistic effect was tested for, and found safe, Plaintiff could go on with his life and feel safe, for Annie too. Father says, your Honor, that is not the case; this is an ongoing VIOLATION BY THE DEFENDANTS OF THE INTENT OF CONGRESS, in the Toxic Substances Control Act.

78. Father says, your Honor, Defendants also violate respect. Father says, your Honor, they violate the respect for the children and adults and pets and the environment of America; for the plants and trees and fruits and vegetables and insects and birds and mammals and fish and reptiles and amphibians. Father says, your Honor, they are called the U.S. ENVIRONMENTAL PROTECTION Agency and should get down on their knees and thank me their God that there are such things as corn and strawberries and wheat and cotton and soy and alfalfa and clothing and air and water and land. Father says, your Honor, Defendants should respect those foods and clothing and air and water and land, the American people, the environment, and for the matter at hand, in this civil action, Plaintiff and Annie.

Wherefore:

79. Father says, your Honor, we respectfully petition you and the court, that you immediately grant Plaintiff(s)' demand for Summary Judgement, in full accordance with Rule 56 of the Federal Rules of Civil Procedure, and that declaratory and permanent injunctive relief be granted, and whatever additional and further relief as your Honor and this most Honorable Court may deem just and appropriate...

and require Defendants to correct their injustices, and:

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80. ~ Cease and Desist issuance of new registrations for pesticides; herbicides, insecticides nematocides, molluscicides, piscicides, avicides, rodenticides,, bactericides and/or fungicides (collectively POISONS), immediately.

81. ~ Cease and Desist issuance of new permits for use of currently registered POISONS, immediately.

82. ~ Cancel and Void any and all existing permits for use of currently registered POISONS, immediately.

83. ~ Manage LIVESTOCK EFFLUENT so as to contain said effluent, organically, at its source, but removed from the livestock living area, while providing a respectful, compassionate, humane and full life to those animals who become people's food.

84. ~ Mitigate the environmental, health and social damage caused by the many years of neglect of said environmental, health and social damage by Defendants, due to unreasonable and imprudent registration, permitting, and control of these POISONS and LIVESTOCK AND HUMAN EFFLUENT by Defendants.

85. ~ Develop organic methods, practices, processes, and sources of organic materials, substances and tools (all of which is hereinafter referred to as "ORGANIC APPROACH") for environmentally-safe and healthy pest control and environmentally-safe and healthy, successful agriculture.

86. ~ Mitigate and facilitate industry transition to an ORGANIC APPROACH to environmentally-safe and healthy pest control, and environmentally-safe and healthy, successful agriculture, including, but not limited to:

87. ~ Assuring that the companies and farmers currently invested in the spread of currently registered, and dangerous, POISONS and LIVESTOCK EFFLUENT transition to an ORGANIC APPROACH successfully, AND without undue impact on livelihoods, income and profit in these companies, their employees, and farmers; including federal subsidies where prudent.

88. Father says, your Honor, Defendants may cite that there's no mandate for the necessary and appropriate levels of testing and research as a defense, however, Plaintiff maintains it is obvious that the simple English words, chosen carefully by Congress, are an UNAMBIGUOUS INHERENT MANDATE to assure that such testing and research is performed.

89. Father says, your Honor, in The Toxic Substances Control Act of 1976 and The Clean Water Act of 1972, The Clean Air Act of 1970 and the Food Quality Protection Act of 1996, and The Federal Insecticide, Fungicide, and Rodenticide Act, Congress has spoken.

Father says, your Honor, **THEREFORE**, we ask now that you grant Plaintiff(s)' demand for Summary Judgement, in full accordance with Rule 56 of the Federal Rules of Civil Procedure, and that the above-stated declaratory and permanent injunctive relief be granted, and whatever additional and further relief as your Honor and this most Honorable Court may deem just and appropriate.

Father says, your Honor, remember that I love you all.

Father and David
September 27, 2019