

{Sent via electronic and certified mail}

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September 7, 2018

Subject: **60-day Notice of Intent to Sue**

Hello this is David. My Father says to write this note, to give you your rightful 60-day Notice of our Intent to Sue. My Father is God. God is my Father. God my Father speaks to me. God our Father speaks through me. Father speaks now.

God your Father says, Miss, Gentlemen, remember that I love you. Father says, remember too that I am grateful to you and your staff for the honorable work that you do, out of respect to children and adults and families and pets and society and all my non-human children in the "environment" (the Earth I created), and me your God, by helping to protect the environment, from time to time, and thus helping to protect our children at the same time. Father says, at those times you are being benevolent and kind.

Father says, Miss, Gentlemen, I am having David write this note to advise you of our intent to bring a civil action against the U.S. Environmental Protection Agency, and each of you individually also. Father says, we have enclosed that notice (Complaint), which explains the tragedy, and more importantly, explains how you all are IN VIOLATION OF THE LAW, and sadly, poisoning America with pesticides/POISONS.

Father says, Miss, Gentlemen, I know that you know, in your heart of hearts, that the wanton, irresponsible, imprudent and unreasonable registrations and permitting of pesticides/POISONS are poisoning children and adults and pets and the environment. Father says, Miss, Gentlemen, we bring this civil action to stop you from this insidious, incessant harm and INJURY.

Father says, Miss, Gentlemen, now that this man David allows me to speak through him, remember this: God your Father says, through this man David I will stop the use of all pesticides/POISONS.

Father says, Miss, Gentlemen, so let us now use this 60-day waiting period wisely, and together let us realize and understand the tragic extent of the danger and INJURY from these pesticides/POISONS. Father says, Miss, Gentlemen, did you know that almost none of autistic children are capable of living on their own when they are adults? Father says, isn't that so sad?

Father says, Miss, Gentlemen, let us face the reality of these POISON tragedies of autism, Attention Deficit Hyperactivity Disorder, other children's developmental disorders, learning disabilities, childhood leukemia, adult leukemia, bladder cancer, bone cancer, childhood brain cancer, adult brain cancer, breast cancer, colorectal cancer, eye cancer, gallbladder cancer, kidney/renal cancer, Parkinson's disease, Alzheimer's disease, fetal/birth harm, liver/hepatic tumors, lung cancer, Hodgkin's lymphoma, non-Hodgkin's lymphoma, melanoma, multiple myeloma, neuroblastoma, esophageal cancer, ovarian cancer, pancreatic cancer, prostate cancer, thyroid cancer, uterine cancer, asthma, diabetes and reproductive dysfunction(and probabilities tell us there are more).

Father says, Miss, Gentlemen, now, as we face the reality of these tragedies from said POISONS, heed my words borne of my love for everyone. Father says, Ladies, Gentlemen, then be a part of the great change in society that I bring now through David. Father says, Miss, Gentlemen, there will be a sea-change in society; a sea-change into the spirit of love, the spirit of me God your Father. Father says, Miss, Gentlemen, there will be a new era when decisions made by you and others are made out of love. Father says, Miss, Gentlemen, when we make decisions out of love, we are considerate of everyone's well-being; we make life better for everyone when we act out of love.

Father says, Miss, Gentlemen, when we act out of love, everyone is treated with respect and gratitude. Father says, Ladies, Gentlemen, when we act out of love, everything ends up being great for everyone involved.

Father says, Miss, Gentlemen, we welcome you to voluntarily embrace our stipulations, (permanent injunctive relief), and let us jointly embrace the only realistic approach, an organic approach, as we stipulate in the enclosed Complaint. Father says, Miss, Gentlemen, let us agree to a new way to live, and to protect; loving the lives of others, and caring for the lives of others, by an historic transition back to a true organic approach, the only healthy and sustainable way, as you see now.

Father says, Miss, Gentlemen, and remember your own website's Mission Statement:
"The mission of the EPA is to protect human health and the environment."

Father says, Miss, Gentlemen, below is our email address, home address and phone number; we implore you to call or write and let us take up a discussion, an epic discussion, the most important in all 4.5 billion years history of our Earth, and let us save the lives of others.

Father says, Miss, Gentlemen, but as for the matter at hand, you are poisoning David and his Dog Annie, and you will cease and desist issuance of new pesticides/POISONS, AND cease and desist issuance of new permits for use of currently registered POISONS, AND cancel and void any and all existing permits for use of currently registered POISONS, AND manage LIVESTOCK EFFLUENT so as to contain said effluent, organically, at its source, but removed from the livestock living area, AND mitigate the environmental, health and social damage caused by many years of neglect by the U.S. Environmental Protection Agency, AND develop organic methods, practices, processes, and sources of organic materials, substances and tools, AND mitigate and facilitate industries' successful transition to an ORGANIC APPROACH - AND without undue impact on livelihoods, income and profit in affected companies, their employees, and farmers.

Father says, Miss, Gentlemen, remember that I am grateful to you all, for the honorable work that you and your staff do, out of respect to children and adults and families and pets and society and the environment and me your God, by helping to save some of our children, from time to time. Father says, at those times you are being benevolent and kind; and together let us save even more lives - from POISONS.

Father says, remember that I love you all.

Father and Annie and David

Father and Annie and David

Enclosure: Complaint, David vs. U.S. EPA, et. al., U.S. District Court, Northern District NY
(Document No. 50717.1-51151.1-11/17/17)

P.S. Father says, this 60-Day Notice of Intent to Sue is offered pursuant to:

Section 304 of the Clean Air Act of 1970 (CAA);

Section 505(a)(2) of the Clean Water Act of 1972(CWA)

Section 20(a)(2) of the Toxic Substances Control Act of 1976 (TSCA);

COMPLAINT

This is David, previously and legally known as, Dave J. Forjan, Plaintiff. My Father says to petition the Court for declaratory and permanent injunctive relief against Defendants: The U.S. Environmental Protection Agency, Acting U.S. EPA Administrator Andrew Wheeler, Regional U.S. EPA Administrator Peter D. Lopez, Director Richard Keigwin U.S. EPA Office of Pesticide Programs, and The Association of American Pesticide Control Officials, President, Tony Cofer, AAPCO and President-Elect Rose Kachadoorian, AAPCO.

My Father is God. God is my Father. God my Father speaks to me. God our Father speaks through me. God your Father speaks now.

Father says, your Honor, remember that I love you. Father says, your Honor, I am grateful to you for this most honorable work that you do, out of respect to children and adults and families and communities and society 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 the person who assures that anyone and everyone receives justice, unlike any other profession, and that is by definition honorable.

INTRODUCTION

Father says, your Honor, David is the Plaintiff, and is a citizen of the United States of America, and Annie is David's retired service Dog 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, Plaintiff and Annie have been, are now, and continue to be poisoned, illegally, by Defendants, through exposure to large amounts of pesticides; insecticides, rodenticides, herbicides and/or fungicides (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"), the extent of the INJURY and harm from those pesticides is unknown by the Defendants, while Defendants are mandated by law to assure that: "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 added, 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))

Father says, your Honor, yet, the Defendants continue to issue new permits 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 U.S. Law, as I explain below.

JURISDICTION, RELIEF

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)

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)

FACTS

Father says, your Honor, it is difficult in hindsight recalling the order in which Plaintiff and his Dog Annie were exposed to poisons, without knowing beforehand that we 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 continuously 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 we breathe, the water we drink, as well as on the land we travel. Father says, the reality is that Plaintiff and Annie cannot evade great amounts of exposure to POISONS, and the high probability of injury from additive, potentiating and synergistic chemical effects from the multitude of POISONS allowed, imprudently and unreasonably, by the Defendants.

{See: "Additional pages of Facts for Notice of Complaint" attachment}

300 pounds of POISON per acre of Strawberries, 1 Billion pounds of POISON spread across America each year, exposure to hundreds of POISONS, regularly, in and around where children and adults live, work, learn and play.

Both the Acting Administrator and the Regional Administrator aid in the illegal registration and permitting and spreading of POISONS, and for the town and county and state in which Plaintiff and Annie live.

CAUSES OF ACTION

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, Chapter 53, Subchapter I, § 2601 Findings, Policy and Intent
- 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

First Cause of Action

Father says, the mathematical basis (specifically, the discipline of “probability analysis”), upon which all decisions are made about exposure, registrations and regulation of POISONS, is dangerously flawed.

Father says, keep in mind your Honor, that mathematics is one of the sciences that is purely objective; one plus one always equals two, always, no subjectivity.

Father says, current registration methods and regulations do not take into account the TRUE AND HIGH PROBABILITIES OF MANY INCIDENTS OF EXPOSURE and INJURY from all POISONS and EFFLUENT in Plaintiff's and Annie's daily life, or the HIGHLY PROBABLE INJURIOUS ADDITIVE EFFECTS of all POISONS and EFFLUENT in Plaintiff and Annie's daily life, or the probabilities of INJURIOUS EFFECTS FROM POTENTIATING CHEMICAL REACTIONS of all POISONS and EFFLUENT in Plaintiff and Annie's daily life, or the probabilities of INJURIOUS EFFECTS FROM SYNERGISTIC CHEMICAL REACTIONS of all POISONS and EFFLUENT in Plaintiff and Annie's daily life, due to the exponentially large number of permutations from multiple pesticide residues, and the interactions between any and all of those POISONS and EFFLUENT, that are everywhere, ubiquitous; on clothing, on food, in the water, in the air and on top of the soil and grass (all of which is hereinafter referred to as “PROBABILITY ANALYSIS”).

Father says, your Honor, as an example of the dangers of synergism, chlorine, while harmful, is not immediately deadly. Father says, your Honor, acids, while also harmful, are in small amounts also not immediately deadly. Father says, your Honor, adding chlorine to an acid creates a synergistic effect, yielding chlorine gas, which is so exponentially more injurious, that it can be deadly, quickly, even in short exposures. Father says, your Honor, chlorine gas is so deadly that it is globally acknowledged as a weapon of mass destruction. Father says, but I digress.

Father says, your Honor, U.S. Law, 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) 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)

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”.

Father says, your Honor, Plaintiff will show that THIS LACK OF ACCURATE PROBABILITY ANALYSIS, regarding exposure and INJURY FROM POISONS and EFFLUENT, by exposing Plaintiff and Annie to continuous, 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 Cause of Action

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

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”.

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”.

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).

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

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

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

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 Annie to continuous, unknown and highly probable dangerous levels of 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 Cause of Action

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”.

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 continuous, unknown and highly probable dangerous levels of POISONS and EFFLUENT, and therefore IT 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.

The INTENT of the law of Toxic Substances Control is so clear your Honor that I could argue that the LETTER of the law of Toxic Substances Control is being VIOLATED. We're talking about simple English words. With simple meanings. Easy to understand. “UNREASONABLE”. “REASONABLE”. “PRUDENT”. “Extreme”. “Excessive”. “Moderation”. “Wisdom”. “Judiciousness”. “Circumspection”. “Danger”. “Risk”.

Fourth Cause of Action

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).

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)

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)

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)

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)

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 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”.

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,

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).

Fifth Cause of Action

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:

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)

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:

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)

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, 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.

Defendants VIOLATE THE INTENT OF THE 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).

Sixth Cause of Action

Father says, your Honor, we’re talking about POISONS. Father says, your Honor, we’re not talking about commerce in golf balls; we are litigating about POISONS in food and clothing and in the environment; countless known and unknown sources, with high probabilities of INJURY from additive and potentiating and synergistic effects. (“POISON” being defined, by 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, we are talking about the many poisons that Plaintiff and Annie are continuously exposed to, and in great numbers of incidents of exposure. Father says, your Honor, Plaintiff and 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.

Seventh Cause of Action

Father says, your Honor, Defendants also violate respect. Father says, your Honor, they violate the respect for the children and adults 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 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:

Father says, your Honor, we respectfully petition you and the court, to grant our demand for declaratory and permanent injunctive relief, by requiring The U.S. Environmental Protection Agency, and all Defendants, to:

- Cease and Desist issuance of new registrations for pesticides, herbicides, insecticides, rodenticides, and fungicides (POISONS).
- Cease and Desist issuance of new permits for use of currently registered POISONS.
- Cancel and Void any and all existing permits for use of currently registered POISONS.
- Manage LIVESTOCK EFFLUENT so as to contain said effluent, organically, at its source, but removed from the livestock living area.
- 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.
- 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.
- 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:
- 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.

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.

Father says, your Honor, while Defendants may also cite the expense of performing cumulative testing and research now as a defense - that argument, as you know, is irrelevant to any decision. Father says, your Honor, the law does not recognize accumulated costs or efforts as a defense if Defendants have been in violation of the law. Father says, your Honor, in short, they should have been doing this testing and research all along, and so a backlog of testing and research is no defense. (Like Volkswagen and their ~\$20+B payout for cheating on emissions control testing.)

Father says, your Honor, in The Toxic Substances Control Act of 1976 and The Clean Water Act of 1972, and The Clean Air Act of 1970, Congress has spoken.

Father says, your Honor, **THEREFORE**, we respectfully request that the above-stated declaratory and permanent injunctive relief be granted, and whatever additional and further relief as this most Honorable Court may deem just and appropriate.

Facts

(Additional pages of Facts for Notice of Complaint)

Father says, your Honor, David is exposed to many many pesticide/POISONS; from POISONS sprayed on lawns and gardens and walkways, in neighborhoods or towns or cities, by landscaping/lawn maintenance companies, or by homeowners or business owners, or by pest-control companies, local and national; POISONS sprayed along roads and highways and cropland and rest areas and parks, by town and county and state employees, oftentimes aerially; rodenticide/POISONS in most parking lots and malls; POISONS in cotton products like clothing and bedding; and the most POISONED of all - our food.

Father says, your Honor, David is exposed to pesticide/POISONS continually, almost everywhere we go: eating food at home or out, in towns, in cities, in neighborhoods, around houses and yards, around businesses, around parking lots, on and along side walks, around gas stations, around grocery stores, around shopping malls, in public parks, in rest areas, along country roads by homes and pastures and crop land and creeks and streams and rivers, and from rainwater runoff into our well water? or being exposed to "Drift" (when the POISON spray is thicker, like onto crops by tractor or plane, the POISON gets airborne and travels a ways, by the wind) which is like fog, and a large dose.

Father says, your Honor, here is one example of the probability of danger to David just from eating:

Eating fresh **Strawberries**:

This data, from the USDA Pesticide Data Program report of this year (from the most recent data collection/testing, in 2016), showed:

From 530 Samples, 36 different POISON residues were found on Strawberries alone, fresh, of which are these 16 POISONS that are found on Strawberries more than 20% of the time:

| <u>POISON</u> | <u>Frequency</u> | <u># Samples present</u> |
|----------------|------------------|--------------------------|
| Acetamiprid | 29.8 | 158 |
| Bifenazate | 20.6 | 109 |
| Boscalid | 54.3 | 288 |
| Cyflumetofen | 23.0 | 122 |
| Cyprodinil | 50.2 | 266 |
| Fenhexamid | 22.6 | 120 |
| Flonicamid | 29.4 | 156 |
| Fludioxonil | 36.2 | 192 |
| Fluxapyroxad | 32.1 | 170 |
| Myclobutanil | 26.2 | 139 |
| Novaluron | 27.7 | 147 |
| Penthiopyrad | 27.7 | 147 |
| Pyraclostrobin | 48.9 | 259 |
| Pyrimethanil | 24.0 | 127 |

| | | |
|------------------------------|------|-----|
| Quinoxifen | 21.1 | 112 |
| Tetrahydrophthalimide (THPI) | 51.3 | 272 |

Father says, your Honor, now let's look at the probability just for synergistic reactions (when 2 (two) or more chemicals react together and the combined effect is more toxic than the sum of the toxic effects of each chemical individually).

Father says, your Honor, to determine that we need to calculate how many unique permutations of any group-size.

The formula for the number of permutations, in probability analysis, for "n" number of items, is:

$$(2 \text{ to the } n\text{th power})$$

Father says, your Honor, however, we then need to subtract out a few meaningless subsets. Father says, your Honor, first we need to subtract out the subset of the null set of 0 (zero) POISONS, and also the subsets of only one POISON (which precludes the possibility of synergy), of which there are "n" (there are "n" individual POISONS and thus those are the subsets of 1 POISON).

Father says, your Honor, we now know to subtract those from the first calculation; we subtract this:
minus (n+1)

Father says, your Honor, since we are using those 16 POISONS as our basis now, we calculate:

$$(2 \text{ to the } 16\text{th Power} = 65,536 \text{ permutations})$$

$$\begin{array}{r} \text{Minus} \\ (16 + 1 = 17) \\ \text{Equals} \end{array}$$

65,519 permutations, of 2 or more POISONS.

Father says, your Honor, this means that there are 65,519 possible combinations for synergistic chemical effects, and for potentiating effects.

Father says, your Honor, just using a conservative probability of 5% for synergistic chemical effects, (one study estimates there is a 7% chance of synergistic chemical effects when chemicals are mixed) we can say that:

Probabilities tell us that **there should be 3,276** (65,519 x 0.05) **synergistic chemical effects**, just from these 16 POISON residues on Strawberries, and there are 20 other POISONS found on them, albeit in lesser frequency.

Father says, your Honor, as we noted, synergistic chemical effects are greater than the summation of the individual POISONS, and therefore, and as such, are by definition more dangerous, and here just on Strawberries, we have a probability of 3,276 potentially dangerous synergistic chemical reactions.

Father says, your Honor, even if we only assign a 1% probability of synergistic chemical effects, that would still predict 655 instances of synergistic chemical effects; each and all being more injurious than the U.S. Environmental Protection Agency, et. al. is aware of; because they abdicate their responsibility to know such things, and as such, unambiguously violate the intent of the law of Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter I, section 260.

Father says, your Honor, and that is only for the POISONS on Strawberries; day after day after day; a “death by a thousand cuts”.

Father says, your Honor, and lest anyone speak of low doses somehow precluding such synergy, we need only to remember that it has been common knowledge (in this market/medical segment), for over 20 years now, that low doses of pesticide/POISONS disrupt the endocrine system; your hormones. (See: “Effect of Endocrine Disruptor Pesticides: A Review. Int J Environ Res Public Health. 2011 Jun; 8(6): 2265–2303. National Center for Biotechnology Information, U.S. National Library of Medicine”).

Father says, your Honor, “Endocrine disruptors have been linked to attention deficit hyperactivity disorder (ADHD), Parkinson’s and Alzheimer’s diseases, diabetes, cardiovascular disease, obesity, early puberty, infertility and other reproductive disorders, developmental disorders, and childhood and adult cancers” (see <https://www.beyondpesticides.org/resources/pesticide-induced-diseases-database/endocrine-disruption>, and, <https://www.beyondpesticides.org/resources/pesticide-induced-diseases-database/learningdevelopmental>).

Father says, your Honor, we also must realize that there is the added probability of “Potentiation” chemical effects, (whereby one POISON which may or may not be toxic, makes another POISON more toxic than before the potentiation).

Father says, your Honor, that said, we now present more POISON residue data on some other foods that David eats (also of the 20 tested in 2016), to make it more clear just how much POISON David eats every day. Father says, your Honor, this data is also from the USDA Pesticide Data Program report of this year, for data collected/tested for in 2016, the most recent year data was collected/tested for.

Apples, fresh:

Number of samples = 531

16 different POISON residues found on them

10 of them found more than 10% of the time

7 of them found more than 20% of the time

65,519 permutations of any size

At 5%, probabilities tell us that there should be 3,276 synergistic chemical reactions

Cherries, fresh:

Number of samples = 30

12 different POISON residues found on them
6 of them found more than 10% of the time
3 of them found more than 60% of the time
4,083 permutations of any size
At 5%, probabilities tell us that there should be 204 synergistic chemical reactions

Cucumbers, fresh:

Number of samples = 754
12 different POISON residues found on them
4 of them found more than 10% of the time
2 of them found more than 29% of the time
4,083 permutations of any size
At 5%, probabilities tell us that there should be 204 synergistic chemical reactions

Grapefruit, fresh:

Number of samples = 704
3 different POISON residues found on them
3 of them found more than 10% of the time
2 of them found more than 69% of the time
5 permutations of any size
At 5%, probabilities tell us that there should be 0.25 synergistic chemical reactions

Grapes, fresh:

Number of samples = 708
22 different POISON residues found on them
13 of them found more than 10% of the time
7 of them found more than 23% of the time
4,194,281 permutations of any size
At 5%, probabilities tell us that there should be 209,714 synergistic chemical reactions

Green Beans, fresh:

Number of samples = 567
12 different POISON residues found on them
4 of them found more than 10% of the time
1 of them found more than 29% of the time
4,083 permutations of any size
At 5%, probabilities tell us that there should be 204 synergistic chemical reactions

Pears, fresh:

Number of samples = 707
20 different POISON residues found on them
17 of them found more than 10% of the time
10 of them found more than 20% of the time
1,048,555 permutations of any size
At 5%, probabilities tell us that there should be 52,427 synergistic chemical reactions

Potatoes, fresh:

Number of samples = 708

20 different POISON residues found on them

17 of them found more than 10% of the time

10 of them found more than 20% of the time

1,048,555 permutations of any size

At 5%, probabilities tell us that there should be 52,427 synergistic chemical reactions

Tomatoes, fresh:

Number of samples = 528

22 different POISON residues found on them

12 of them found more than 10% of the time

7 of them found more than 20% of the time

4,194,281 permutations of any size

At 5%, probabilities tell us that there should be 209,714 synergistic chemical reactions

Father says, your Honor, know that there are many more foods that have these pesticide/POISONS on them in great numbers of residues, and that this is only a part of David's diet.

Father says, your Honor, know also that long-term pesticide exposure has been linked (many times) to the development of Parkinson's disease; asthma; depression and anxiety; cancer, including leukaemia and non-Hodgkin lymphoma; and attention deficit and hyperactivity disorder (ADHD), Autism, hyper and hypo thyroidism and thyroid tumors, and developmental disorders.

Father says, your Honor, there are so many foods with multiple POISON residues, and thus so many permutations for probable synergy and potentiation, that this plethora of POISONS in David and Annie's life results in a HIGH PROBABILITY OF INJURY FROM continual exposure to POISONS and in ever-increasing accumulations of POISONS.

Father says, your Honor, Defendants have fostered such wanton and ubiquitous use and exposure to POISONS by David and all citizens, and the degree of their disregard for human health and environment is so extreme, by virtue of probability analysis, that they violate, unambiguously, the intent of the law of Toxic Substances Control, U.S Code, Title 15, Chapter 53, Subchapter I, section 260.