



Endangered Species Act Consultations for Pesticides

The Issue

A requirement of the Endangered Species Act (ESA) is an assessment to ensure that any federal government action does not adversely affect any listed species. Existing agreements that the environmental risk assessment of pesticide products conducted by the U.S. Environmental Protection Agency's (EPA) Office of Pesticide Programs (OPP) met all requirements of the ESA were partially struck down under the legal challenge of activist groups suing the federal government. As a result, pesticide registration actions are now subject to a duplicative review of environmental risk to endangered species with a requirement for EPA to formally 'consult' with the U.S. Fish and Wildlife Service (FWS) and the National Marine and Fisheries Service (NMFS) (collectively, the Services). EPA and Services disagree on fundamental legal and science policy matters related to their respective obligations under the ESA and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The scientific disagreements, along with the lack of a sound and workable process for consultation under ESA, create a regulatory bottle-neck for pesticide registration actions. The additional review and legal wrangling place added burden on the government, industry and the economy without providing any benefit to endangered species.

CropLife America's (CLA) Outlook

1. Before any plant protection product is brought to market, it is thoroughly tested to characterize its environmental fate and the potential for effects on human health and the environment including endangered species. This study supports a rigorous EPA registration review.
2. CLA supports a streamlined consultation process that meets the requirements of FIFRA and ESA and is not duplicative. The registration decisions made must adequately protect public health and the environment including endangered species, while supporting the U.S.'s global competitiveness through the promotion of agricultural productivity.
3. Plant protection products are tools that can be effectively applied in the control of invasive species that can overtake native species and have an adverse impact on biodiversity.
4. The judicious use of crop protection products enables us to grow more food on less land. This directly benefits endangered and threatened species since it affords farmers and ranchers the opportunity to conserve more land while at the same time increasing food production, thereby expanding critical habitat essential for species recovery.

Talking Points

- CLA supports environmental policy that promotes the maximization for the potential of endangered and threatened species recovery without impacting the ability of farmers to produce food, fiber and fuel for a growing global population.
- ESA assessments and registration decisions must be based on the use of the best available science and information. The information considered should be well-documented and evaluated regarding its suitability in decision-making using well-defined, clearly communicated criteria for evaluation.
- A well-defined weight-of-evidence approach should be used in drawing conclusions from data and information deemed most suitable for use in assessment.
- The ESA consultation process for pesticide registration actions between EPA and the Services needs to include the opportunity for stakeholder input to ensure the best available information is used in assessment.
- The ESA consultation process should not include a duplicative ecological risk assessment conducted by each government body required to conduct a review.

Representing the Crop Protection Industry