



PESTICIDES AND THE ENDANGERED SPECIES ACT: MOVING FORWARD

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ABA Brown Bag Program

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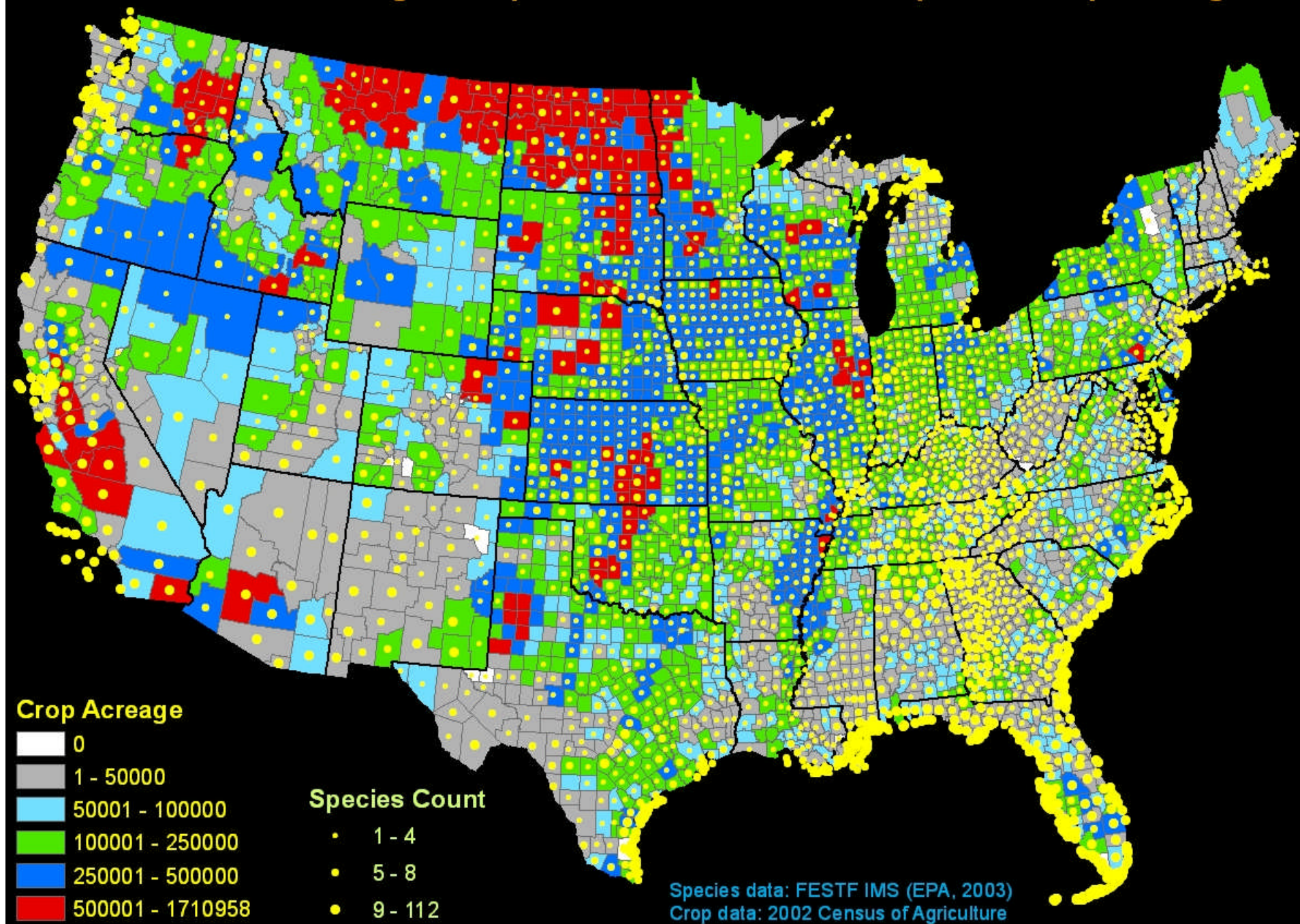
Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

- Federal statute that governs the sale, distribution, and use of pesticides in the U.S.
- EPA is responsible for registering pesticides and must ensure that pesticide use does not cause any unreasonable adverse effects on the environment.
- Environment is interpreted to include “all plants and man and other animals living therein.”

Endangered Species Act (ESA)

- Purpose
 - Protect and promote the recovery of endangered or threatened species and protect species critical habitat
- Federal agencies must insure their actions:
 - Are not likely to jeopardize the continued existence of any endangered or threatened species
 - Will not result in the destruction or adverse modification of habitat of such species
- Federal agency taking action that may affect listed species or habitat must consult with either the U.S. Fish & Wildlife Service (FWS) or National Marine Fisheries Service (NMFS), (collectively, the Services)
- Following consultation, Services produce BiOp

Threatened & Endangered Species Presence With Respect to Crop Acreage



Crop Acreage

- 0
- 1 - 50000
- 50001 - 100000
- 100001 - 250000
- 250001 - 500000
- 500001 - 1710958

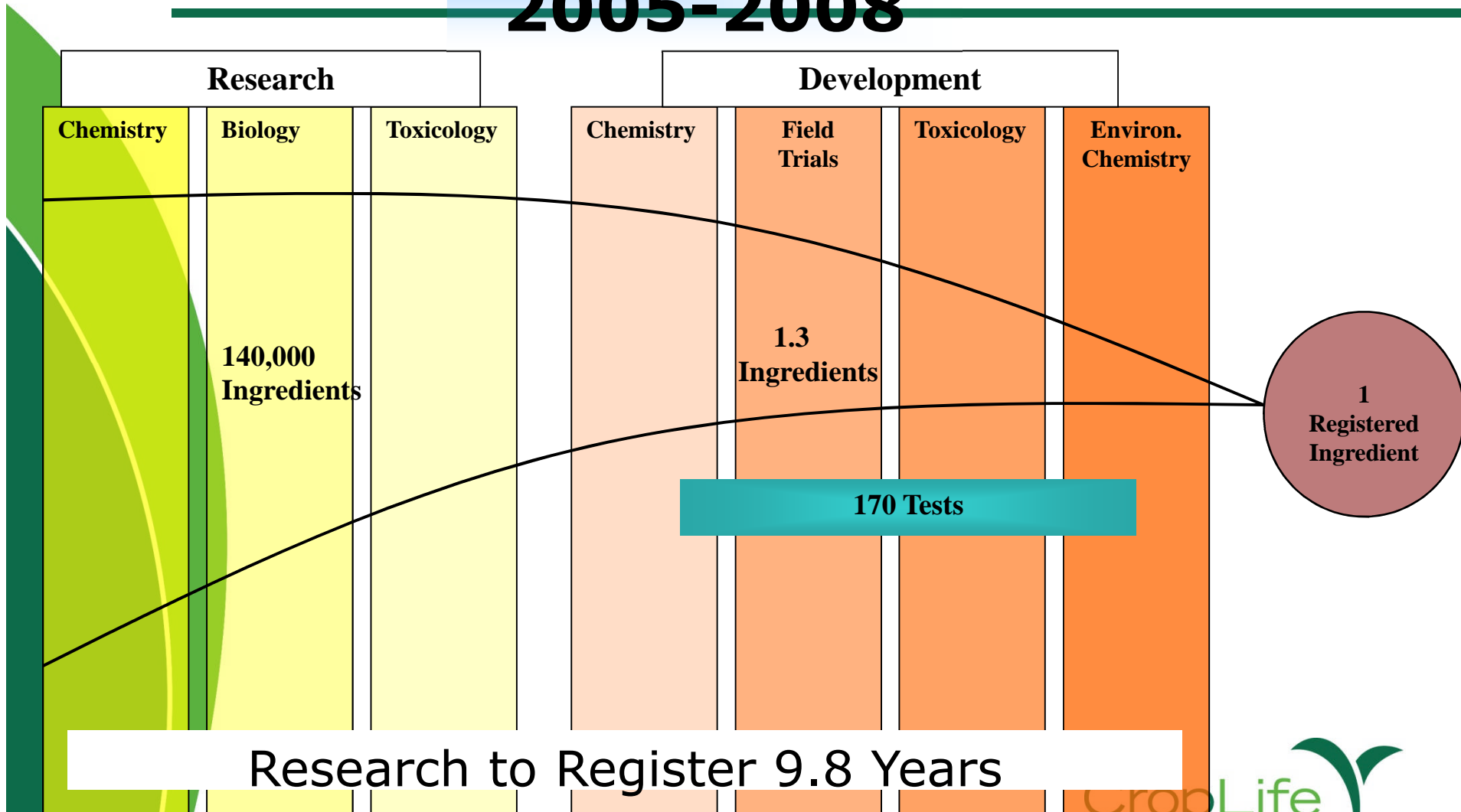
Species Count

- 1 - 4
- 5 - 8
- 9 - 112

Species data: FESTF IMS (EPA, 2003)
Crop data: 2002 Census of Agriculture

Active Ingredient R&D Process

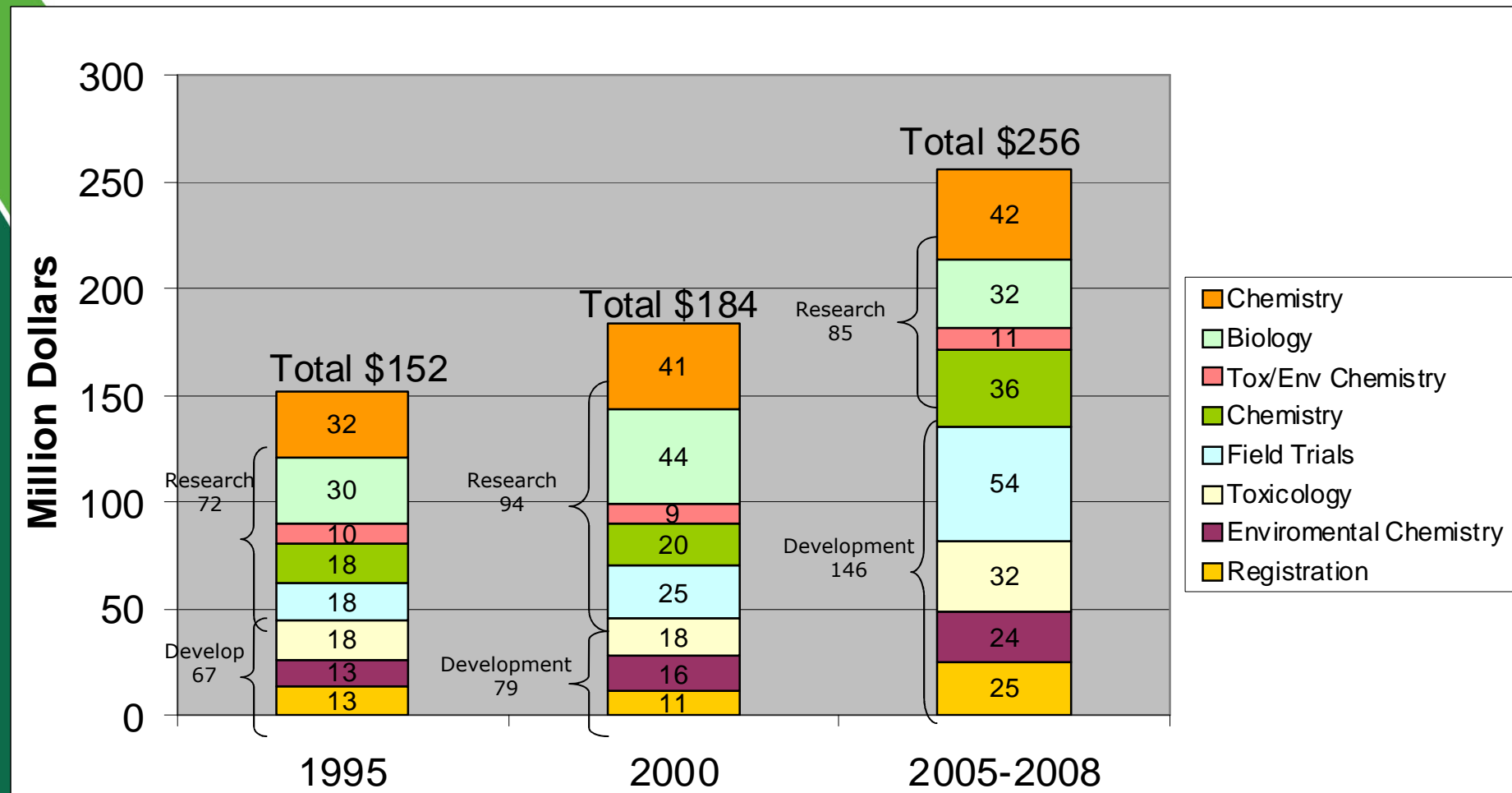
2005-2008



Source: Phillips McDougall 2010 Report



Discovery & Development Costs of One New Pesticide Active Ingredient



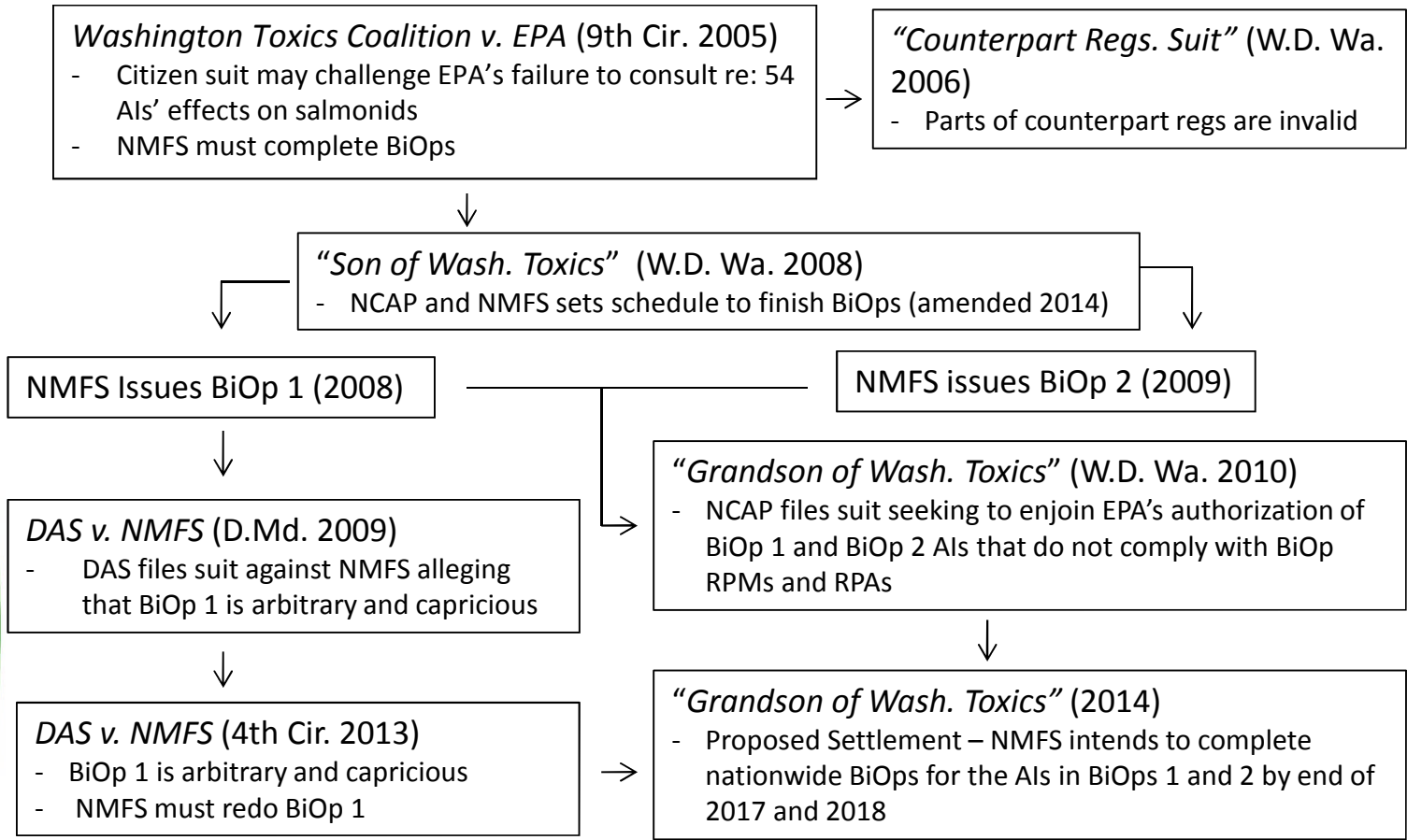
Source: Phillips McDougall 2010 Report

Modern Agriculture: A Success Story

- Feeds, clothes and provides energy for a population of 7 billion people
- Uses only 0.2 ha (0.5 acres) land per person
 - ❖ Each farmer feeds approximately 140 people
- Large production increases with flat or declining inputs



Highlights of Washington Toxics



EPA comments on the NMFS Draft Biological Opinion for OPs (“BiOp 1”)

- “...lacks a level of transparency necessary for EPA to understand NMFS’ rationale....”
- “...provides no basis from which to have meaningful discussion of RPAs....”
- Fails to acknowledge that “...use of these pesticides has been ongoing for decades and actually declined over the past several years.”
- “...fails to include certain studies and information provided by EPA ...much of the historical water quality monitoring data relied upon is outdated and inappropriate....”

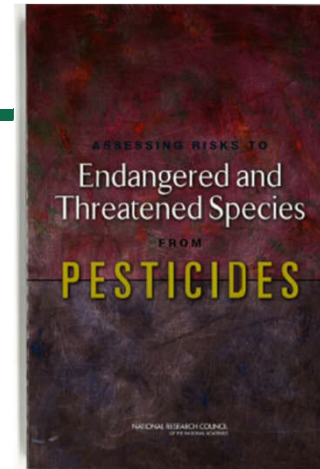
Debbie Edwards, Director U.S. EPA Office of Pesticide Programs,

Sept. 15, 2008



ESA Advancements

- **Spring 2013**
 - DAS Decision
 - EPA releases Proposed Stakeholder Guidance
 - NRC publishes NAS Report
- **Fall 2013**
 - EPA releases “Interim Approaches for National-Level Pesticide Endangered Species Act Assessments Based on the Recommendations of the National Academy of Sciences April 2013 Report”
- **Spring 2014**
 - 2014 Farm Bill
 - Earth Day Workshop
 - Washington Toxics Cases Proposed Settlements



2014 Farm Bill ESA Highlights

EPA, Services & USDA must submit two reports to Congress (8/3/14 & 2/4/15) on the integration of ESA and FIFRA.

- **August 2014 Report Requirements:**

- How the recommendations in the NAS Report are being addressed.
- How ESA requirements will be integrated into FIFRA deadlines.
- How public participation and transparency in the ESA/FIFRA integration process will be ensured.

- **February 2015 report requirements:**

- A schedule for completing outstanding items.
- Explanation of how the NAS Report (use of BAS, how RPAs are feasible, etc.) is being addressed.
- Update the study and report required by PL 100-478 sec. 1010.



Continuing Forward Momentum

- More Communication
 - Support increased communication between EPA, Services and USDA
 - Reach out to broader group of environmental/conservation stakeholders
- More Workshops
 - Weight of the Evidence
 - Uncertainty
 - Others
- Better Understanding
 - Guidance?
 - Rulemaking?
 - What's possible?

THANK YOU

