



## Newsletter about Pesticides

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### Legislative and regulatory news



#### **USA: EPA committed to better protect endangered species from pesticides**

On April 12, 2022, the U.S. Environmental Protection Agency (EPA) released its first-ever comprehensive [work plan](#) "to address the decades-old challenge of protecting endangered species from pesticides."

This [work plan](#) lays out four broad strategies and dozens of actions to adopt these protections without preventing farmers, public health authorities and others from accessing pesticides.

- One of the key strategies consisted in fulfilling its obligations required by the Endangered Species Act (ESA) for all Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) actions that invoke the ESA. Because EPA does not have the capacity or scientific processes in place to immediately address all of these obligations, it has identified FIFRA actions that are the highest priority for meeting its ESA obligations. These include actions that benefit from court-enforceable deadlines and new registrations of conventional pesticides.
- A second strategy is to improve ESA's methods of identifying and requesting protection, particularly for species most threatened by pesticides.
- The third one is to improve the efficiency and timeliness of ESA's pesticide consultation process, in coordination with other federal agencies.
- Finally, it wants to engage stakeholders more effectively to better understand their pest management practices and to implement species protection measures.

The work plan is a living document that EPA will revise periodically to incorporate lessons learned from implementation.

EPA believes it has an opportunity and obligation to improve the way it meets its obligations under the Endangered Species Act (ESA) when registering pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). For most of its history, EPA has met these obligations for less than five percent of its FIFRA decisions. This has resulted in more than 20 ESA lawsuits against the Agency, which have increased in frequency in recent years, creating uncertainty for farmers and other pesticide users, unnecessary expense and inefficiencies for EPA, and delays in how EPA protects endangered species.

In January 2022, EPA had already announced that before registering any new active substance found in pesticides, it would evaluate the potential effects on endangered species and their habitats. Mitigation measures may then be required to reduce potential effects.

According to the US NGO [Natural Resources Defense Council](#) (NRDC), this change represents an important step toward compliance with the ESA, which should result in better protection for endangered species and other wildlife. For decades, EPA has approved thousands of pesticide products containing hundreds of active ingredients without ever completing this process. As a result, pesticide products have been placed on the market without a full understanding of their impact on listed species, probably exposing threatened species to greater risk of extinction. The EPA's policy change partially addresses these concerns. Before approving any new active ingredient, the EPA states that it will conduct an

effects determination and implement use restrictions to limit risks to listed species.

Nevertheless, it is clear that in supporting "responsible pesticide use," EPA's protective ambition will be incomplete. Indeed, planning for the ban of all chemical pesticides is the only way to protect living things.

*If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?*

*Justice Pesticides needs you.*

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