FY 2018 PRESS CONFERENCE & HEARINGS
FACT SHEET
FIFRA & ENDANGERED SPECIES ACT

ISSUE/TOPIC: Resource and analytical challenges of meeting statutory requirements of both Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and Endangered Species Act (ESA).

BACKGROUND:

- Historically, EPA and the Services (Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS)), have been unable to reach consensus on a risk assessment approach, resulting in numerous lawsuits against EPA and the Services.
- In an April 2013 report, the National Academy of Sciences (NAS) provided recommendations to EPA, the Services, and USDA on a common, interagency approach for assessing the risks of pesticides to endangered species.
- EPA's biological evaluations (BEs) implementing these methods are the first step in the consultation process, not regulatory determinations. The Services may then adopt, modify, or reject EPA's conclusions when developing biological opinions (BiOps) to determine if species are jeopardized. Then, EPA may take regulatory action to address such risks.

- *Accomplishments.* In January 2017, EPA issued the first ever nation-wide draft BEs for chlorpyrifos, diazinon, and malathion. On April 13, 2017, registrants for these pesticides sent letters to the political leadership of EPA and the Services requesting EPA withdraw the BEs, the Services stop work on their BiOps, and modify the settlement agreements to allow more time to complete consultation. EPA is considering the request.

- *Congressional Inquiries.* The House Committees on Natural Resources and Agriculture and the Senate Committees on Agriculture and Environment and Public Works have previously expressed interest in EPA's progress towards implementing the NAS report recommendations and completion of the BiOps. Under court-ordered settlements, the Services are to issue BiOps for chlorpyrifos, diazinon, and malathion by December 2017, and for carbaryl and methomyl by December 2018. For the Services to meet these settlement dates, EPA initiated consultation in January 2017 by issuing BEs for the first three pesticides.

TALKING POINTS:

- Ex. 5 - Deliberative Process

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