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Sent: Wednesday, January 29, 2003 11:23 AM
Subject: Comments Sought on Endangered Species Consultation Process for Pesticides

Press release that follows courtesy of Audrey E. Moore, USEPA Region 2 Regional Ag Policy Specialist

Action: To comply with the Endangered Species Act (ESA), EPA necessarily has to work with the other agencies as a counterpart. This specifically includes the Department of the Interior and Department of Commerce. So, EPA has published a notice **requesting public input on ways that such counterpart regulations could improve the ESA consultation process with respect to pesticide registrations.** Comments on this advanced notice of proposed rulemaking are due on or before March 10, 2003. The press release below outlines the advanced notice.

Notice: [Federal Register: January 24, 2003 (Volume 68, Number 16)][Proposed Rules][Page 3785-3795]

For further information: See the EPA docket OPP-2002-0311 on this Notice at http://cascade.epa.gov/RightSite/dk_public_home.htm . See also prior NJinPAS posting on EPA's Field Implementation Plan @ <http://www.pestmanagement.rutgers.edu/NJinPAS/postings/epaESPP.pdf>.

For general background on the issues, see EPA's ESPP website @ <http://www.epa.gov/espp/aboutespp.htm> and Fish & Wildlife's summary @ <http://endangered.fws.gov/esasum.html> and <http://endangered.fws.gov/policies/index.html>.

Please contact me for the notice itself.

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FOR RELEASE: FRIDAY, JANUARY 24, 2003

**GOVERNMENT SEEKS TO IMPROVE THE ENDANGERED SPECIES
CONSULTATION PROCESS FOR PESTICIDES**

CONTACT INFORMATION:

1/29/2003

EPA: David Deegan 202-564-7839/deegan.dave@epa.gov
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The U.S. Environmental Protection Agency, the U.S. Department of the Interior's Fish and Wildlife Service and the U.S. Department of Commerce's National Marine Fisheries Service, in consultation with the U.S. Department of Agriculture, are seeking comments from the public and affected parties on how the Endangered Species Act consultation process can be made more effective and efficient with respect to pesticide registration actions.

Under the Endangered Species Act, EPA must ensure that registration of pesticides will not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat. Through an Advance Notice of Proposed Rulemaking published today in the Federal Register, the federal government is seeking comments on a variety of approaches to improve and enhance the consultation processes among agencies. Improving the consultation process will directly benefit listed species and their habitat by ensuring that the potential effects of pesticides are examined in a timely and comprehensive manner.

EPA routinely evaluates the potential effects of pesticides on wildlife. EPA also consults with the wildlife agencies about pesticide uses that may affect listed species. For many years the federal government has not systematically considered how to improve the efficiency of the consultation process. As a result of EPA's ongoing reexamination of previously registered pesticides, as well as recent litigation, the three agencies anticipate a significant increase in the number of future consultations. Thus, the three agencies have agreed to review and where necessary improve, the current consultation process so that timely regulatory decisions can be made that provide needed protections for species, without placing unnecessary burdens on farmers, homeowners and other pesticide users. These agencies are further coordinating this effort with the USDA to ensure that any modifications to the current processes or regulations take into account the need to consider the potential impacts on food and fiber producers. Similarly, the agencies are working to establish the most effective consultation process that will enhance stakeholder involvement and education around the endangered species protection efforts for pesticides.

Specifically, the agencies are soliciting comments on the following approaches, such as:

- ! Approaches to make the consultation process more efficient by eliminating redundant analyses and focusing on pesticide use patterns which appear most likely to raise concerns. For example, options are being presented where pesticides with similar characteristics could be evaluated together, thus adding efficiencies to the consultation and regulatory decision-making process.
- ! Consultation approaches that would involve the wildlife agencies only when EPA finds that a pesticide registration action is likely to adversely affect listed species. Otherwise, no further consultation would be required.
- ! Procedures that focus and prioritize the wildlife agencies' reviews once consultation is deemed necessary, and gives appropriate consideration to EPA's scientific findings and protection strategies. Specifically, when consultation is needed, the wildlife agencies would determine whether EPA had considered the most current and best available data in their assessment, other convincing information

warranting a different conclusion, and substantial evidence supporting EPA's determinations.

The agencies are seeking comments on these approaches to facilitate the decision making process and enhance the integrity of the decisions. Public comments on ways to improve and enhance that consultation process will be accepted for 45 days. The Federal Register notice announcing this is available at: <http://www.epa.gov/fedrgstr/index.htm>. More information on EPA's Endangered Species Protection Program is available at: <http://www.epa.gov/espp/>.

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