Patricia D. Hastings

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To: "NJinPAS Network" <NJinPASNetwork@AESOP.RUTGERS.EDU>
Sent: Wednesday, December 04, 2002 1:00 PM
Subject: Comments Sought on Endangered Species Protection Program Implementation

Courtesy of Audrey E. Moore, USEPA Region 2 Regional Ag Policy Specialist
Subject: **Federal Register Notice issued on the Endangered Species Protection Program Field Implementation**
Date: Tuesday, December 03, 2002 7:50 AM

Please pass on the following item to whomever might be interested.

> The EPA's Office of Pesticide Programs is requesting comments on the implementation of its Endangered Species Protection Program. This program may be of interest to pesticide users, and farmers. The comment period for this notice is 90 days. [C*omments must be received on or before March 3, 2003]*
>
> The Notice can be viewed at the following site:
> http://www.epa.gov/fedrgstr/EPA-SPECIES/2002/December/Day-02/e30463.htm
>
> As materials that will further explain the Federal Register Notice are developed, they will be passed on to the group.

Background: The Endangered Species Act (passed in 1973) is administered by the Fish and Wildlife Service in the Department of the Interior (DOI) and the National Marine Fisheries Service in the Department of Commerce (DOC). The purpose of the ESA is to conserve "the ecosystems upon which endangered and threatened species depend" and to conserve and recover listed species. The Endangered Species Act was due for reauthorization again in 1993, but legislation to reauthorize it has not yet been enacted. The US Fish & Wildlife reports that 'the Endangered Species program has continued to receive appropriations while Congress considers reauthorization, allowing conservation actions for threatened and endangered species to continue'.

All federal agencies are to protect species and preserve their habitats (Section 7 of the ESA). Under the Act, EPA must ensure that use of pesticides it registers will not result in harm to the species listed as endangered and threatened by the U.S. Fish and Wildlife Service, or to habitat critical to those species' survival. EPA Office of Pesticide Programs currently addresses endangered species considerations in its risk assessments.

EPA's Endangered Species Protection Program (ESPP), as an entity, started in 1988. It is largely voluntary at the present time and relies on cooperation between the U.S. Fish and Wildlife Service (FWS), EPA Regions, States, and pesticide users. EPA's stated goal of the ESPP is 'to carry out responsibilities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in compliance with the Endangered Species Act (ESA), while at the same time not placing unnecessary burden on agriculture and other pesticide users'. **This Federal Register Notice describes and requests comment upon EPA's Field Implementation Plan of the ESPP.**

To comply with the ESA, EPA necessarily has to work with the other agencies as a counterpart. So, EPA DOI, and DOC will be shortly issuing an another notice in the Federal Register that is called an 'Advance Notice of Proposed Rulemaking'. It will seek public input on ways that such counterpart regulations could improve the ESA consultation process with respect to pesticide registrations.

Sources: [Federal Register: December 2, 2002 (Volume 67, Number 231)][Notices][Page 71549-71561]; and EPA's ESPP website @ For further information, 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.

For further information: See the EPA docket OPP-2002-0311 on this Notice at http://cascade.epa.gov/RightSite/dk_public_home.htm . Documents in docket listed below:

- Process For Assessing Potential Risks To Endangered and Threatened Species and Consultation with the National Marine Fisheries Service and the U. S. Fish and Wildlife Service; 01-01-2002.

- Hazard Evaluation Division Standard Evaluation Procedure: Ecological Risk Assessment; 01-01-1986.
- Endangered Species Protection Program as it Relates to Pesticide Regulatory Activities: Report to Congress; 05-01-1991.

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