

Overview of the Endangered Species Process for Conventional Pesticides

EPA Office of Pesticide Programs Presentation to SFIREG

June 2021

Outline

- Background
- ESA Risk Assessment Methods
- Bulletins Live! Two
- Status and schedule of EPA's BEs

How the Endangered Species Act Applies to Pesticide Actions

- Under Section 7(a)(2) of the ESA, Federal agencies must ensure that the “actions” they authorize will not result in jeopardy or adversely modify designated critical habitat for species listed as endangered or threatened by the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) (jointly the Services)
- For the Office of Pesticide Programs, our “actions” are the registration and registration review decisions for pesticides through which EPA authorizes the sale, distribution, and use of pesticides according to the product labeling

Current ESA Consultation Process for Pesticides

- EPA conducts a risk assessment for ESA and initiates consultation by providing a final biological evaluation (BE) to FWS and NMFS (together, the Services), as needed
- The Services develop draft biological opinions (BiOp) for formal consultation
- EPA and applicants (pesticide registrants) implement mitigations

Biological Evaluation (BE)

- EPA's risk assessment for ESA
- Determines whether registered pesticides adversely affect one or more individuals of a listed species and their designated critical habitats
 - No Effect or May Affect Determinations
 - For May Affect, Additional Determinations made: Not Likely to Adversely Affect (NLAA) or Likely to Adversely Affect (LAA)
- Considers species that are federally listed as endangered or threatened, experimental populations and those species that are proposed or candidates for listing
- Considers designated critical habitats for listed species

Iterative Process for Developing BE Methods

- Overview Document released in 2004
- “Interim Method” released in 2015
- “Revised Method” released in March 2020 after taking public comment on draft
- EPA applied Revised Method to carbaryl, methomyl, atrazine, simazine, propazine, glyphosate

Biological Opinion

- Step 3 is the Biological Opinion completed by the Services (when warranted)
- Conducted for those species and critical habitats with Likely to Adversely Affect (LAA) determinations
- Determinations
 - Species: Jeopardy or No Jeopardy
 - Critical Habitat: Adverse Modification or No Adverse Modification
- The Services may develop reasonable and prudent alternatives and reasonable and prudent measures

Implementing Endangered Species Protections

- If limitations on pesticide use are necessary to protect listed species in a particular area, limitations are implemented through Endangered Species Protection Bulletins (Bulletins Live! Two, BLT)
- Bulletins are an extension of the label that allows for location-specific protections
- Information Bulletins provides includes
 - Location of use limitations
 - Products with limitations
 - Terms of the limitation
 - Does not include identification of species

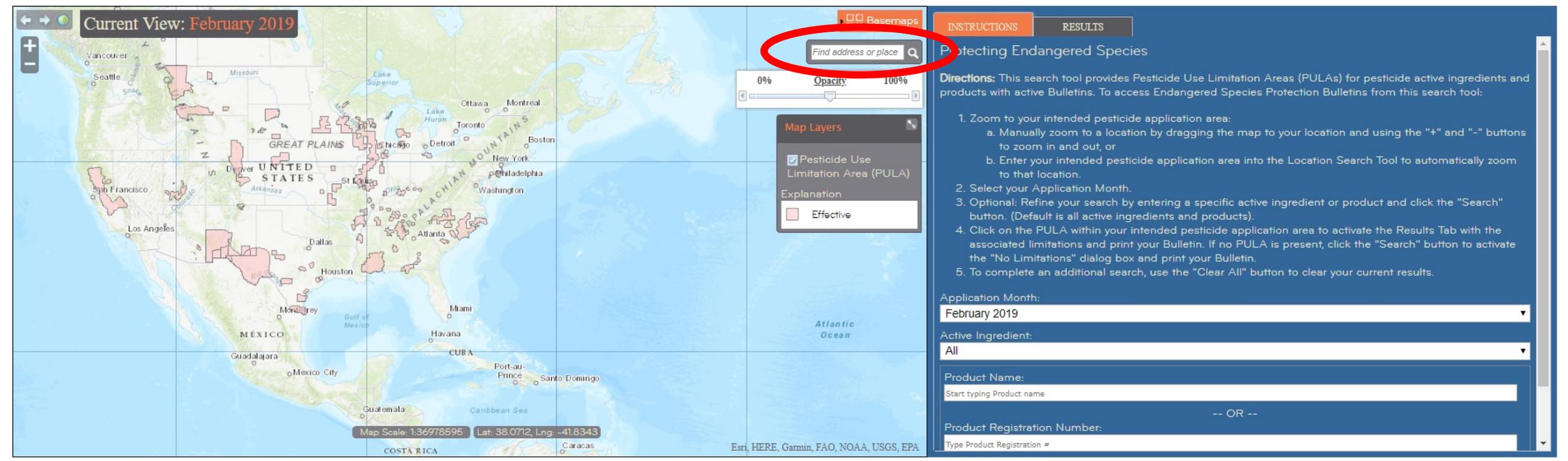
How Pesticide Use Limitation Areas (PULAs) are created

- Proximity analysis is conducted to determine if listed species are located within the labeled use sites
 - Proximity analysis is an overlay of species ranges with potential use sites and is informed by the risk assessment
 - Evaluates the potential for exposure on the field and from off-site transport
- Spatial Data
 - Species location information is obtained from the US Fish & Wildlife Service and/or National Marine Fisheries Service
 - The data used to generate use sites originates from the USDA Cropland Data Layer (CDL) or dataset deemed appropriate for the analysis

Endangered Species

Bulletins Live! Two -- View the Bulletins

For assistance in using Bulletins Live! Two, [view the tutorial](#). Also see [background, notes and a quick start guide for BLT](#).



Current View: February 2019

Basemaps

Find address or place

0% **Opacity** 100%

Map Layers

- Pesticide Use Limitation Area (PULA)

Explanation

- Effective

INSTRUCTIONS | **RESULTS**

Protecting Endangered Species

Directions: This search tool provides Pesticide Use Limitation Areas (PULAs) for pesticide active ingredients and products with active Bulletins. To access Endangered Species Protection Bulletins from this search tool:

- Zoom to your intended pesticide application area:
 - Manually zoom to a location by dragging the map to your location and using the "+" and "-" buttons to zoom in and out, or
 - Enter your intended pesticide application area into the Location Search Tool to automatically zoom to that location.
- Select your Application Month.
- Optional: Refine your search by entering a specific active ingredient or product and click the "Search" button. (Default is all active ingredients and products).
- Click on the PULA within your intended pesticide application area to activate the Results Tab with the associated limitations and print your Bulletin. If no PULA is present, click the "Search" button to activate the "No Limitations" dialog box and print your Bulletin.
- To complete an additional search, use the "Clear All" button to clear your current results.

Application Month: **February 2019**

Active Ingredient: **All**

Product Name: Start typing Product name

-- OR --

Product Registration Number: Type Product Registration #

Endangered Species Protection Bulletin



Valid For: May 2019

- 1 Areas where pesticide use must be limited are identified on the map. A legend is located below the map to help pinpoint these locations.



 Limitation Area

Currently, no pesticide use limitations exist within the printed map view for the month and year you selected, beyond the instructions specified on the pesticide label. Follow the use instructions on your label.

Ensure that your pesticide application area is within the printed map view. If it is not, follow the directions on the Instructions Tab to ensure that your pesticide application area is captured within the printed map view.

Please check back if you plan to apply your pesticide in an area outside the map view or in a month and year other than the one for which this Bulletin is valid.

Where to direct questions?

- Endangered Species Protection Program
 - Help desk inbox
 - espp@epa.gov
 - Hotline
 - 1-844-447-3813
 - Your label may have several phone numbers on it. Review it carefully to ensure you are calling the intended one.

Ongoing and Upcoming Consultations

- Chlorpyrifos, diazinon, malathion: final BEs issued Jan. 2017
 - NMFS to revise 2017 Biological Opinion by June 2022
- Methomyl and carbaryl final BEs: March 2021
- Atrazine, Simazine, Propazine, Glyphosate final BEs: Nov. 2021
- Clothianidin, imidacloprid, and thiamethoxam final BEs: June 2022
- Brodifacoum, bromadiolone, warfarin, zinc phosphide final BEs: Nov. 2024

Relevant Links

- EPA's Endangered Species Protection Program is available at:
 - <https://www.epa.gov/endangered-species/about-endangered-species-protection-program>
- Tips for Reducing Impact of Pesticides to Endangered Species for available at:
 - <https://www.epa.gov/endangered-species/tips-reducing-pesticide-impacts-threatened-and-endangered-species>
- Enhanced stakeholder process for ESA consultations is available at:
 - <https://www.regulations.gov/document?D=EPA-HQ-OPP-2012-0442-0038>
- Biological Evaluation Revised Method is available at:
 - <https://www.epa.gov/endangered-species/revised-method-national-level-listed-species-biological-evaluations-conventional>
- A response to public comments on the draft Revised Method is available at:
 - <https://www3.epa.gov/pesticides/nas/revised/response-to-public-comments.pdf>