



ESA FIFRA Consultation Process: USDA Perspective

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Outline

- What is the USDA Office of Pest Management Policy?
- OPMP's Role in ESA FIFRA Consultations
- OPMP Goals for ESA
- ESA Recent Successes
- ESA Mitigation Challenges
- Moving Forward

Office of Pest Management Policy (OPMP)

- OPMP is responsible for:
 - Developing USDA policy on pest management, pesticides, and agricultural biotechnology;
 - Consulting with stakeholders on pest management related actions taken by EPA and other agencies; and
 - Intra- and Interagency coordination with USDA, EPA, FDA, and other federal and state entities.
- Our stakeholders include:
 - Growers (especially specialty and minor crops)
 - Pesticide registrants, retailers, and applicators
 - International, federal, and state agencies
 - Cooperative extension agents

<https://www.usda.gov/oce/pest/about>



USDA's Role in ESA Consultations for FIFRA Actions

- USDA provides the grower perspective so that EPA and the Services understand
 1. how pesticides are typically used (*e.g.*, rates, timing, locations, application methods, target pests), and
 2. the implications of proposed mitigations (*e.g.*, feasibility, alternatives, potential unintended consequences).
- USDA provides data on typical usage that can inform refinements to exposure estimates.
 - General usage data (Kynetec, NASS)
 - USDA-specific usage data (Forest Service, APHIS, CRP enrollees)
 - Conservation practice adoption and typical agronomic mitigations (ARMS, CEAP)
 - Farm Bill-authorized pesticide use practice surveys

Agricultural Resource Management Survey

- ARMS is sponsored jointly by USDA's National Agricultural Statistics Service (NASS) and Economic Research Service (ERS)
- USDA's primary source of information on the production practices, resource use, and economic well-being of farms and ranches
- Annual survey
 - 1 to 3 target field crops are typically selected each year on a rotational basis
- Information includes:
 - Characterization of pesticide use on crops (used by EPA in BEs)
 - Adoption of conservation and other practices by growers (*e.g.*, no till, field borders, grassed waterways, riparian buffers, contour farming, drift-reducing nozzles)

Conservation Effects Assessment Program

- CEAP is run by USDA's Natural Resource Conservation Service (NRCS)
- CEAP uses a sampling and modeling approach to quantify the impacts of voluntary conservation practices on cultivated croplands
- 10-year survey, collects 3 years of data each time
- Information includes:
 - Pesticide usage data
 - Adoption of conservation practices by growers (*e.g.*, no till, field borders, grassed waterways, vegetative filter strips, contour farming, cover crop)

OPMP Goals for ESA

- Participate as a member of the FIFRA-ESA Interagency Working Group (IWG) created under the 2018 Farm Bill.
- Engage in mitigation discussions with EPA and the Services
 - Mitigations should reflect an understanding of the pesticides' use pattern
 - Encourage alternative options to reach protection goals and allow flexibility for growers
 - Ensure grower voices are heard
- Ensure processes that require public notice and comment are followed
- Communicate with stakeholders on ESA processes and outcomes

Recent ESA Successes

- Recent Organophosphate Biological Opinions
 - OPMP worked closely with EPA, FWS, and NMFS to develop meaningful mitigations while preserving critical needs for growers. The result was substantial label changes that better balanced critical uses with the protection of listed species and their critical habitats.
- Interagency focus on meaningful, practical mitigation and commitment to cooperation
- Serving as an ESA hub within USDA – connecting EPA-OPP with valuable USDA resources

ESA Mitigation Challenges

- Shifting landscape due to litigation risks and litigation outcomes
- Finding the right balance between broadly applicable measures and targeted mitigation
- Finding the right balance between flexibility and easy-to-follow labels
- Coordination with applicators and with State Lead Agencies responsible for enforcement
- Complexity of the intersection between multiple statutes and agencies
- Finding efficiencies in a traditionally lengthy process

Moving Forward

- EPA's Workplan: Need for durable decisions and meaningful, practical, mitigation in a shifting landscape
- Grower perspective at the table
- Federal Early Mitigation Pilot
 - USDA will bring in grower and other stakeholder perspectives on proposed mitigation strategies
 - Stakeholder outreach and engagement expected winter 2022
- Feedback on picklist approach and specific mitigation practices and requirements – How is it working? What can be improved?



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