



# Protecting Endangered Species from Pesticides: Why It Matters To Your Work?

**AAPCO**  
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It's déjà vu all over again. EPA comes before this court once more because of its failure to abide by the law....EPA cannot flout the will of Congress—and of the people—just because it thinks it is too busy or understaffed.

Sulfoxaflor decision. *Center for Food Safety v. Regan*  
(Dec. 2022), 9<sup>th</sup> Circuit

“Before registering a pesticide, EPA must consult with the statutorily specified agencies that have expertise on risks to species’ survival. But for decades EPA routinely skipped that step when it registered pesticides....”

4 new AIs. *Center for Biological Diversity v. EPA*  
(Dec. 2022), DC Circuit.

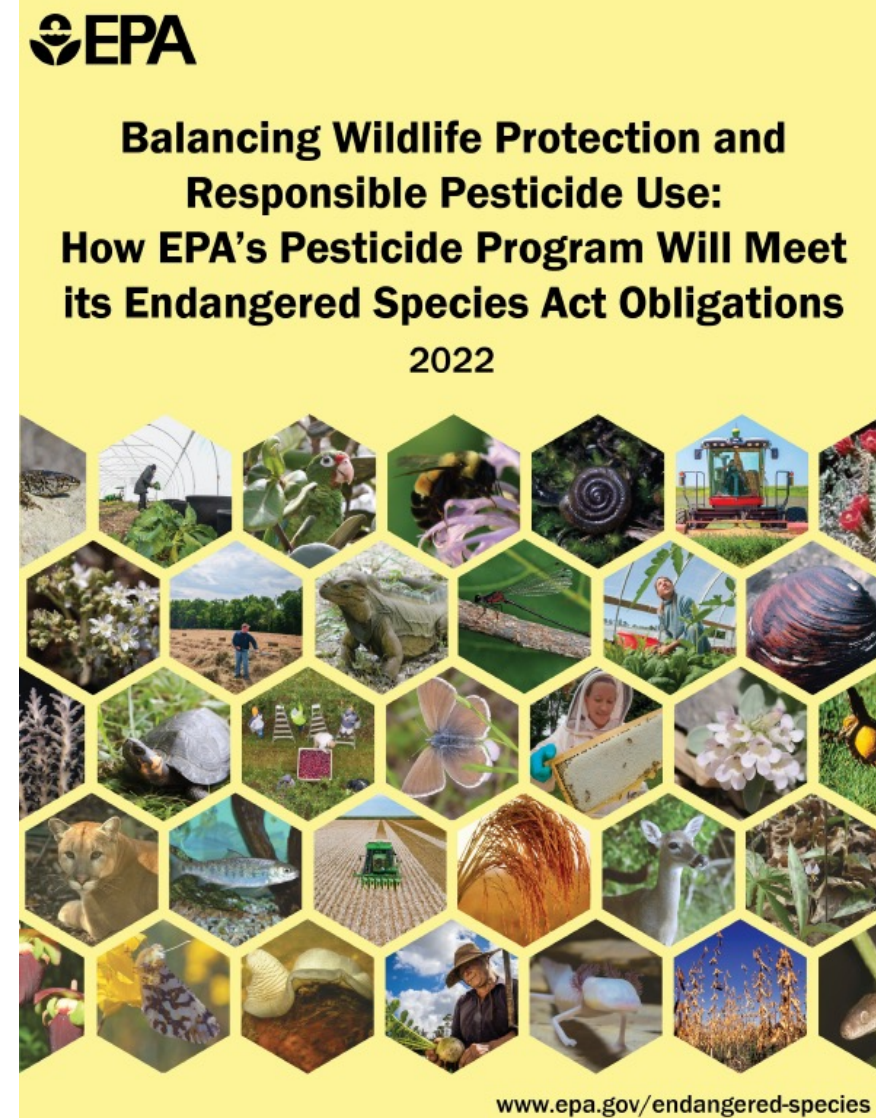
“EPA has long had a fraught relationship with the ESA. It has made a habit of registering pesticides without making the required [ESA] effects determination.”

Cyantraniliprole decision. *In re: Center for Biological Diversity and Center for Food Safety* (Nov. 2022), DC Circuit.

# April 2022 Workplan

- Prioritize FIFRA actions for ESA compliance
- Early mitigation
- More efficient approaches

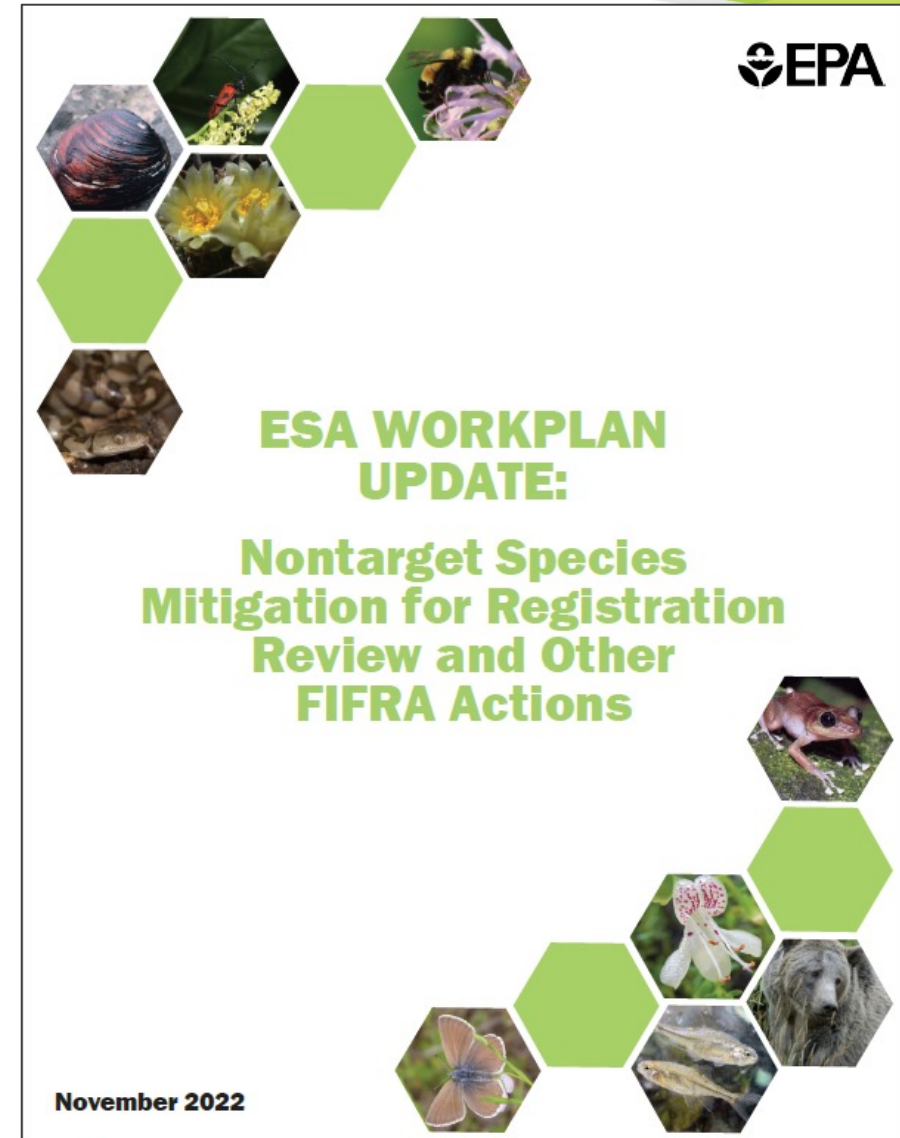
[https://www.epa.gov/system/files/documents/2022-04/balancing-wildlife-protection-and-responsible-pesticide-use\\_final.pdf](https://www.epa.gov/system/files/documents/2022-04/balancing-wildlife-protection-and-responsible-pesticide-use_final.pdf)



# November 2022 Update

- Focus on early mitigation
- Greater efficiency and address litigation risk

<https://www.epa.gov/system/files/documents/2022-11/esa-workplan-update.pdf>





# FIFRA Interim Ecological Mitigation

- Under FIFRA, EPA is placing greater emphasis on addressing ecological risks while considering benefits and impacts of mitigation
  - Reduce risks to all nontarget species identified in a FIFRA risk assessment
  - Reduce exposure to listed species





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# Examples of Mitigations to Reduce Runoff and Erosion

## Adjacent to the field mitigations

- Vegetative filter strip
- Riparian buffer strip

## On-field Mitigation

- Cover crop
- No or reduced tillage, residue tillage management, strip tillage
- Mulching or compost addition
- Contour farming
- Terrace farming/field terracing
- Strip or alley cropping

## Controlled Drainage

- Grassed waterways
- Retention pond/Constructed wetland





# Example Mitigations to Reduce Spray Drift

- Buffer distance between the application and sensitive area
- Coarser droplet size
- Lower release height
- Hooded sprayers
- Windbreak/hedgerow
- Others





# Thank You!

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