

## **Report to SFIREG (December 2025): Activities of the Endangered Species Strategy Implementation (ESI) Working Committee.**

- **Kevin Kern, Chair, Michigan Department of Agriculture & Rural Development**

Submitted December 3, 2025, by Kevin Kern, Chair, ESI Working Committee

The ESI Working Committee is focused on the implementation of EPA's strategies to support ESA compliance. The committee identifies issues affecting SLAs related to ESA strategy implementation which need further discussion and works with EPA to address these concerns.

The committee continues to emphasize the 4 previously identified priority areas, as well as discussing changes and updates to the EPA mitigation menu and Pesticide App for Label Mitigations (PALM), training and outreach activities conducted by states and industry, and compliance strategies for ESA requirements. Committee members contributed to identification and discussion of the effects of these issues within their states and regions. EPA participation was generally limited to information collection from discussion held between the ESI committee and requested speakers.

The Fall Joint Working Committee (JWC) meeting was held in hybrid format on September 15 & 16, 2025 in Grand Rapids, MI. The POM, EQI, and ESI committees met together and had breakout sessions to discuss issues in detail within each committee. ESI Committee members in attendance were Kevin Kern, Chair (MI) (2026), Beth Dittman (NC) (2027), Daniel Duer (PA) (2027), Stephanie Ende (MN) (2027), Ryan King (OH) (2027), Tom Gere (SD) (2027), Polo Moreno (CA) (2027), Kathryn Rifenburg (OR) (2027), Daleena Blair (WA) (2027), Craig Romary (NE) (2027) and Harris Walters (FL) (2027).

### **ESI Topics Discussed at the Fall 2025 JWC Meeting:**

Please refer to the meeting materials for the agenda, papers and presentations from the April JWC meeting on the [AAPCO website](#) compiled by Amy Sullivan, AAPCO Executive Secretary. A summary of the ESI breakout sessions is included below:

- 1. General ESA Strategy Update / Update on Developments from EPA** – EPA Information sharing within committee (Amy Blankenship / Brian Anderson, EPA, OPP, Kevin Kern, ESI Chair)
  - Fungicide Strategy update: Draft to be released in early spring 2026; challenge due to the wide variety of organisms potentially impacted.
  - USFWS plans to release draft biological opinion on atrazine & simazine in fall of 2025
  - Educational efforts continue for EPA developed tools; Mitigation Menu webinar to be provided on 9/16/25
  - Discussion was had regarding the possibility of standing monthly meetings between ESI and OPP to ensure that channels of communication remain open. ESI members commented on the need for more communication on suggested modifications to the Mitigation Menu, PALM, conservation program evaluation processes, accessing historical BLT information and other issues.
  - Discussion was had regarding the overall process of refining of PULAs. EPA described the core map development process and answered questions from ESI members and other state lead agency staff who were present in the meeting. Specifically, the status of an existing PULA for black-footed ferret in Wyoming was discussed and has since been revised.

- 2. Discussion on Improvements to Mobile-Friendly Runoff and Spray Drift Calculators** – Potential improvements that will increase functionality and usability of web-based tools: (Melanie Biscoe / Brian Anderson / Natalie Bray, EPA, OPP, Kevin Kern, ESI Chair)
- EPA would like suggested edits to be sent to the email address referred to on the PALM website
  - Any suggestions should be broken down into manageable pieces to ensure that EPA staff can prioritize
  - EPA would like suggestions on language adjustments to make the calculators more usable
  - ESI members shared that there are some breaks in logic that seem to not make sense when going through the calculators. Some of the issues were shared with EPA previously when we were asked to provide feedback prior to the rollout of the tools. Members will provide comments and suggestions of identified issues through the email address on the PALM website.
- 3. FESTF ESA Mitigation Tracker** – Demonstration of the mitigation tracker spreadsheet developed by the FIFRA Endangered Species Task Force (Cameron Douglass, Compliance Services International, Kevin Kern, ESI Chair)
- The mitigation tracker spreadsheet is designed to compile information contained in decision documents issued by EPA, FWS, and NMFS.
  - The data in the spreadsheet begins with Enlist.
  - Designed for general awareness purposes and not as a substitute for interpreting a product label.
  - Developed with OPPEL smart label vocabulary guide to try to standardize terms and definitions.
  - Beta version was released at the end of October. Planning an official release of version 1 on January 1, 2026.
  - Requesting review and feedback for suggested improvements between now and January 1<sup>st</sup>.
- 4. ESA Compliance Monitoring / Enforcement** – Discussion on how PIRT could be utilized to meet the needs of states regarding ESA compliance (Amy Sullivan, NASDA/AAPCO, Kevin Kern, ESI Chair)
- The goal of the PIRT workshop is to create draft inspector guidance
  - ESI would then work with EPA to finalize the draft guidance
  - PIRT workshop will be invitation only, with a date sometime in May 2026
  - Discussion from committee members on the type of guidance needed and how each state is unique in how it will handle compliance
- 5. Accessing Archived / Historical BLT Information** – Discussion with OPP on the process for accessing historical ESA bulletin information (Melanie Biscoe / Amy Adams / Stephen Muela, EPA OPP, Kevin Kern, ESI Chair)
- EPA currently has a process in place through BLT “Advanced Resources”.
  - EPA stated that they currently do not have the capability of producing a historical bulletin
  - Historical BLT bulletin data can be extracted in the form of expired records.
  - ESI members voiced concerns about the complexity of the process for obtaining the information, the lack of clarity of the data, and the potential lack of ability of states to issue enforcement action based on the information that could be extracted from the process.
  - EPA committed to providing guidance to SLAs on how to navigate the process of obtaining historical BLT data
  - UPDATE: EPA published guidance for accessing historical bulletin information on 12/1/25. That guidance is attached to this report and also can be found on the BLT map services webpage <https://www.epa.gov/endangered-species/map-services>. ESI is reviewing this guidance and will provide comments back to EPA.

**6. Industry ESA Update** – Feedback from industry representatives on challenges or lessons learned during the 2025 growing season and what to expect in 2026 (Dillon Gabbert, CLA/RISE, Janet Hou, BASF, Frank Wong, Bayer CropScience, Reuben Baris, Corteva Agriscience, Kevin Kern, ESI Chair)

- No specific challenges or issues that raised red flags in 2025
- Industry is supportive of the current process that EPA has in place for evaluation of products and label language and has a good working relationship with EPA
- The goal is to try to provide a uniform message and direction for applicators
- New 4-part video series focusing on ESA basics, spray drift mitigations, PALM and BLT will be released soon.
- Industry plans to continue to be active in being involved in educational opportunities related to ESA
- There have been questions about enforcement and how states will handle compliance with these new requirements
- Industry is looking forward to collaborating at the national ESA forum coming in 2026

**7. Update / Discussion on ESA Conservation Program Evaluation** – Discussion with EPA on the potential process to evaluate conservation programs to determine if they meet requirements for ESA point values. (Kelly Tindall, EPA/BEAD, Kevin Kern, ESI Chair)

- EPA currently drafting an information collection request to ask states what they want this process to look like
- EPA is interested in finding out how many states want to be involved with the approval process, and if so, how they would like to be involved
- ESI committee members stated that some states may not want to provide input or have the resources to do so. Discussion was had regarding the possibility of state notification vs. the involvement of the states in the screening process.
- ESI recommended that states be asked if they would like to be involved in the evaluation process during pre-SFIREG meetings.

**8. BLT Update Communications with SLAs** – Continued discussion with EPA regarding SLA needs for how updates to BLT are communicated (Brian Anderson, EPA/OPP, Kevin Kern, ESI Chair)

- EPA currently has been forwarding pesticide registration notices in an effort to communicate changes
- This is not effective, as it is difficult for states to decipher what will be added to BLT from the docket information
- SLAs have been blindsided due to unawareness of updated BLT requirements.
- EPA and ESI had previously discussed a listserv solution.
- ESI committee members discussed the need for better communication of BLT changes, and examples from Wisconsin, North Carolina and Oregon were discussed.
- EPA stated that recognized the need for improved communication and committed to working with ESI to figure it out.

**9. Update / Discussion on ESA National Forum** – Panel discussion on next steps and planning for the ESA National forum (Dillon Gabbert, CLA/RISE, Kim Brown, University of Tennessee Extension, Kelly Navinsky-Wenzl, KS Dept. of Agriculture, Kevin Kern, ESI Chair)

- The goal of the forum is to bring together representatives of key stakeholders to identify resources, define roles and ensure consistency of messaging and training resources for ESA requirements.
- The plan is to develop a national roadmap/framework for practical implementation, including mitigation evaluation, potential documentation strategies, and stakeholder roles.
- The steering committee has been working on developing an agenda and invitation list

- Invitations will be sent out soon.
- Forum will be held in Alexandria, VA on February 10-11, 2026.

**10. Mitigation Menu Improvements Discussion** – Discussion regarding suggested improvements in functionality and usability of materials found on this website resource. (Natalie Bray, Nicole Zinn, EPA/PRD, Kevin Kern, ESI Chair)

- ESI members have found inconsistencies and apparent errors in the Mitigation Menu website, leading to concerns about compliance and enforcement. ESI also has concerns regarding training for SLAs.
- EPA stated that any suggested edits should be communicated via the email address listed on the website.
- Discussion centered around how the inconsistencies in terms between the mitigation menu website and bulletins, product labels and other resources put together by EPA may lead to issues with compliance and enforcement as well.
- Some ESI members suggested that states be more involved in the resource development process to ensure states needs are met.
- ESI plans to discuss this more in future.

**11. Opportunity for ESI committee members to share topics and issues from their states and regions**

- Discussion should be started regarding ESA implications and non-agricultural uses, as these are starting to show up on pesticide labels. It might be time to start a work group to ensure the non-ag world knows what is coming. The AAPCO ESA Workgroup will reach out to non-ag groups to determine needs.
- Development of a recordkeeping checklist might be a good tool to assist SLAs. This will be looked at during the PIRT workshop.

**Other Comments:**

- The following items remain priorities for the ESI committee, and dialogue on the status of these issues are ongoing:

**1. Improvement to BLT-generated ESA bulletin language and format.**

Growers and SLAs need easier-reading text and format in order to be able to interpret requirements outlined in endangered species bulletins. In many cases, SLAs would have a difficult time discerning/verifying requirements in the current format. Suggested improvements included providing more concise, itemized and user-friendly formatting of requirements, as well as standardizing mitigation language so products with the same mitigation needs have the same bulletin language.

**2. Defined process for SLA contacts for technical questions.**

SLAs need access to technical assistance options for label and mitigation interpretation to address issues such as conflicting language between the pesticide product label and corresponding Bulletins, as well as specifics on who to contact to obtain timely guidance when these issues arise. Timeliness of this information exchange will be key as SLAs work through compliance issues and questions with applicators, educators, and industry in their states.

**3. USFWS / NMFS mitigation point scale and mitigation value discrepancies.**

Differing point scales and overlapping PULA boundaries lead to potentially unworkable PULA restrictions and subsequent enforcement of these requirements by SLAs. In

addition, point scales do not align with the value for mitigation measures described in each system. This results in confusion for both applicators and SLAs.

- ESI received a request from EQI related to seed tag enforcement language contained in the Insecticide Strategy. Specifically, they are looking for our thoughts on how ESA-related seed tag language would be enforced.

The [FIFRA Endangered Species Task Force - FESTF Presentations](#) FAQ, states the following:

Q: How is seed tag language enforced?

A: EPA has indicated that it would be pulled from FIFRA language requirement on active ingredient. If language is not on product, it doesn't need to be transferred to the seed tag. Under the Federal Seed Act USDA is technically responsible for regulation of seeds, but there is some uncertainty (practically and legally) as to how this plays out in the context of pesticide-related language on seed tags.

The following label language was included in the draft labels of A22725 ST / Equento 400FS and A22241 ST / Equento 100FS (isocycloseram) seed treatments, but was not included in the final labels approved on November 20, 2025:

*Section 2.6.3 -Endangered and Threatened Species Protection Requirements*

*Before planting seed treated with this product, you must obtain any applicable Endangered Species Protection Bulletins (Bulletins) within six months prior to or on the day of planting. To obtain Bulletins, go to Bulletins Live! Two (BLT) at <https://www.epa.gov/pesticides/bulletins>. When planting seed treated with this product, you must follow all label directions and restrictions contained in any applicable Bulletin(s) for the area where you are planting seed treated with this product, including any restrictions on planting timing if applicable*

ESI plans to engage with EPA Office of Enforcement and Compliance Assurance (OECA) to discuss guidance and expectations of how ESA-related seed tag language would be expected to be enforced.

## Accessing Historical Bulletins Quick Guide

- 1) Visit <https://www.epa.gov/endangered-species/map-services>. Troubleshooting tips and directions are available at this link if you need help using these resources. You can also look at <https://www.epa.gov/endangered-species/advanced-resources-bulletins-live-two> for other resources that may be helpful.
- 2) Click on the Geoplatform Content Item for the expired PULAs in BLT. This is located under item #2 on the [Map Service webpage](#).
- 3) Click the button on the right "Open in Map Viewer."
- 4) Zoom in to the area of interest on the interactive map, shaded polygons are expired PULAs.
- 5) On the right side of the map, click on the "Pop-ups" option and toggle the switch to "Enable pop-ups." Then, click on the PULA to identify it, including when it was effective and expired.
- 6) To see more details on the products and limitations that were associated with the PULA, left of the map under "Layers," click on the expand arrow on the "PesticideUseageLimitationAreasExpired" layer to see the table named "Expired Pulas."
- 7) Click on the "..." to the right of the "Expired Pulas" table – a drop-down will appear, click on "Show Table."
  - a. Each row in the "expired PULAs" table should correspond to a polygon on the map. Find the row that corresponds to your PULA by referring to your pop-up box.
  - b. Checkmark the box left of a row in the table to highlight the PULA on the map, confirming you have the correct one.
  - c. Scroll all the way to the right in the table to the final column named limitation\_expired\_view.
  - d. Click on the expand arrow next to where it says "Records." Note that you will see some number of records in parentheses.
  - e. Expanding the "Records" will give you details on what the products and limitation instructions were in the expired PULA.

Note: Expired PULAs are no longer applicable and are retained only as a record. Please refer to the field “expired\_time\_stamp” to determine when a PULA was expired from the Bulletins Live! Two system. We do not have the expired data in the normal BLT website alongside the active data because of the potential confusion that could cause BLT users. There is also no option to generate a PDF for the expired PULAs.