



# Endangered Species Protection

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Presentation on Current Program Status for the  
Pesticide Program Dialogue Committee  
November 9, 2006

# ESA Section 7(a)(2)

- Applies to all federal agencies
  - Insure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in the adverse modification of designated critical habitat

# EPA response to Congressional Intent

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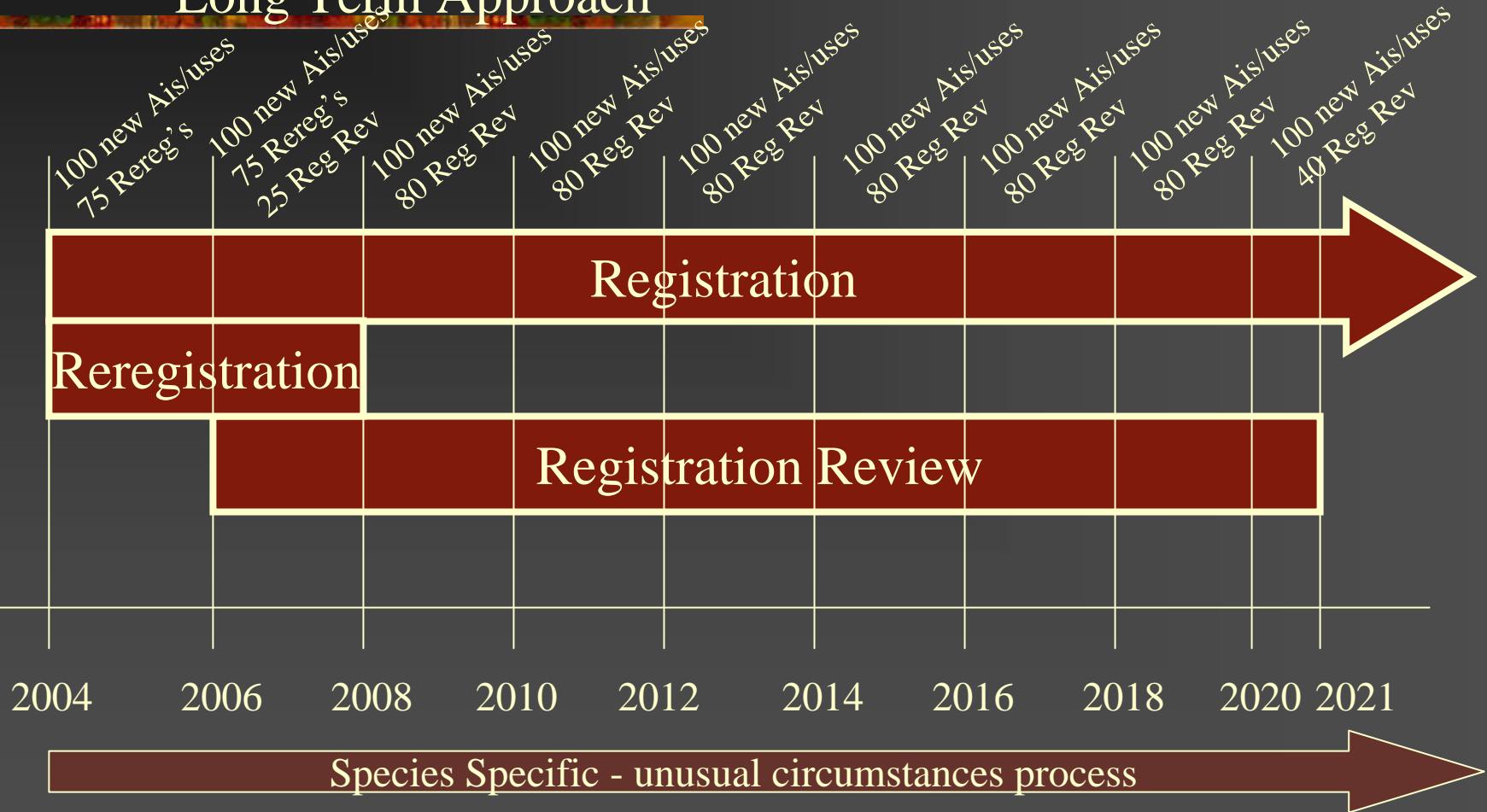
- Congress indicated EPA must comply with the ESA in the context of FIFRA while minimizing the impact on pesticide users
  - Characteristics of EPA's assessments and use limitations:
    - Best available data and science
    - Spatially explicit
    - Temporally explicit
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# Overall Implementation Approach

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- Address listed species issues in the course of standard regulatory decisions under FIFRA
  - Registration
  - Reregistration
  - Registration Review

# Long Term Approach



# Overview Document

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- Discussed at 3/2/04 risk assessment process, and 10/20/04 metolachlor case study public meetings
  - Assessments consistent with Overview Document result in determinations consistent with those that would be made by the Services
  - Outlines methodology for 2 levels of assessment
    - Baseline assessment
    - Species specific assessment
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# Baseline assessment

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- Identifies taxa of concern based on
  - Toxicity
  - Fate
  - Conservative estimates of environmental concentration
  - Coarse spatial analysis

# Species specific assessments

- Builds from baseline assessment
- Identifies individual species of concern based on:
  - Toxicity
  - Fate
  - Refined estimates of environmental concentration
  - Refined spatial and temporal analysis

# Assessment enhancements: baseline and species specific assessments

- Assess both direct and indirect effects
- Use best available data
  - Laboratory and field data supporting registration
  - Scientific literature - ECOTOX
    - On-line literature
    - Information not yet on-line
    - Explanation of rejection of literature

# Assessment enhancements: species specific assessments

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- Action area - includes areas where indirect effects could occur
  - Critical habitat - effects to principle constituent elements in addition to species effects
  - Uncertainties – more robust explanation
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# Application of Overview Document

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- Baseline risk assessments to support registration and reregistration
- Informal consultation for purposes of technical assistance
  - Aldicarb
  - Carbofuran
  - Nine active ingredients used in rodenticides
- Litigation driven assessments

# Litigation driven assessments

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- Atrazine relative to 21 species
  - Atrazine, metolachlor, simazine, carbaryl, diazinon, prometon relative to Barton springs salamander
  - 66 pesticides relative to the California red-legged frog
  - In consultation on assessments relative to Pacific northwest salmonids
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# Other enhancements

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- Geospatial data warehouse
- Data extraction tools – model ready format
- Automated watershed delineation
- Endangered species information repository
- Internal tracking systems

# Counterpart regulations

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- Services regulations
    - Optional alternative consultation processes
    - Use dependent upon:
      - Effect determinations being made by a risk assessor trained and certified by the Services
      - Risk assessments being conducted consistent with EPA Overview Document
    - Challenged and appealed
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# Consultation

## Under Department Secretarial Regulation

- “no effect” - consultation is not required
- “not likely to adversely affect” - ~~informal consultation~~ 50 CFR part 402, subpart D- no further consultation needed
- “likely to adversely affect” - formal consultation
- Section 18s viewed as ~~any other agency “action”~~ emergency for purposes of consultation under ESA sometimes

# Field implementation

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- Discussed at 2/22/06 public workshop

*Field implementation is the process of effecting any needed changes to pesticide use, among pesticide users.*

# Effecting change

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- Once the need for a limitation is determined
  - Education
  - Creation
  - Execution
  - Enforcement

# Education and training

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- Regulatory partners workshop 11/15/06
    - Educational and outreach materials
    - Section 18 guidance
    - Bulletin system
    - Enforcement
  - Regions, states, tribes and extension coordinators continue educating user community
  - OPP open to other opportunities to continue education process
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# Creation of Bulletins

- Standard entry screens
  - Minimize errors
  - Real time updates

The screenshot displays a web application interface for creating bulletins, divided into several sections:

- Top Section:** Includes dropdown menus for "State:" (Alabama) and "County:" (Autauga). Below these is a field for "Version (Effective Date || Creation Date):" with the value "JAN 2005 || 11/01/2005 05:00 PM".
- Left Section:** Contains dropdowns for "State:" (Alabama), "County:" (Autauga), and "Effective:" (January 1st, 2006). Below this is a "Species:" dropdown with the value "A'e - Zanthoxylum hawaiiense" and navigation arrows. Further down are "Map Base Credits:" (Base data modified from Environmental Procte...), "Map Data Credits:" (Species data obtained from the U.S. Fish & Wil...), and "Template:" (Default).
- Right Section:** Features a "New" dropdown menu with options "New", "Edit", and "View", and a "Go!" button.
- Bottom Section:** Includes fields for "Locator Map Image:", "Main Map Image:", and "Explanation Key Map Image:", each with a "Browse..." button. Below these are four "Inset" fields (Inset 1 through Inset 4), each with a "Browse..." button. At the very bottom are "<- Back" and "Continue ->" buttons.

# Creation of Bulletins

- Bulletins employ crisp cartography, graphics and text
- States review for clarity

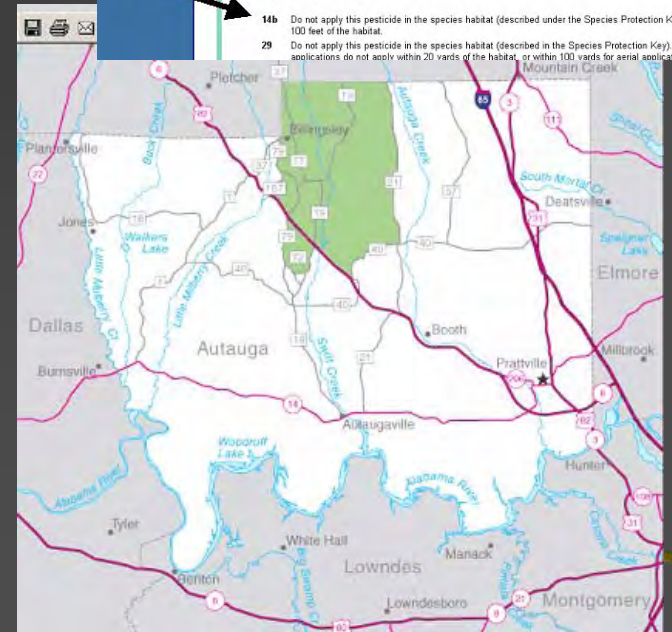
Pesticide Active Ingredients	Pesticide Limitation Codes
	<a href="#">pitcher-plant_Alabama_canebrake</a>
Amitrole	29
Ammonium Sulfamate	29
Atrazine	29
Cadodylic Acid	29
Dazomet	29
Dichlobenil	29
Dichlorprop (2, 4-DP)	29
EPTC	29
Enaik	29
Fosamine-Ammonium	29
Glyphosate	29
Hexazinone	29
Paraquat	29
Picloram (all forms)	29
Simazine	29

4 The limitations that apply to each code are described in Codes and Limitations. When using the pesticide, follow the limitations indicated by those codes. If you are applying a pesticide that contains more than one listed active ingredient, or applying a listed active ingredient in an area with more than one species (color and pattern overlap on the map), then multiple codes may apply. If so, follow the most restrictive limitation.

**Codes and Limitations**

**14b** Do not apply this pesticide in the species habitat (described under the Species Protection Key), nor within 100 feet of the habitat.

**29** Do not apply this pesticide in the species habitat (described in the Species Protection Key). For ground applications do not apply within 20 yards of the habitat, or within 100 yards for aerial applications.



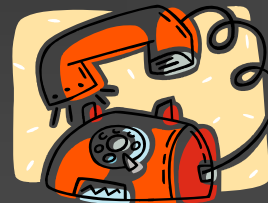
# Execution of Bulletins

- Label statement referring user to Bulletin

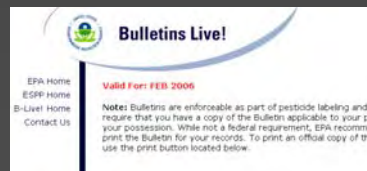
*Web site access:* [www.epa.gov/espp](http://www.epa.gov/espp)



*Toll-free telephone access:*



*On-line tutorial*



# Enforcement

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- Misuse provisions of FIFRA
- Access for state and tribal regulatory officials enforcing FIFRA to valid Bulletins
  - Password protected access
  - Historical bulletin retrieval

# What does success look like?

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- Come into full compliance while making timely regulatory decisions
- Work with stakeholders and regulatory partners to ensure use of best available data for characterizing potential risks to listed species
- Minimize scope of limitations while providing protection to listed species
- Make effective transition to bulletins within user community