

## ENDANGERED SPECIES ACT (ESA) IMPLEMENTATION UPDATE

PPDC Meeting Nov. 3, 2016 – Session 7b

- Based on recommendations from the 2013 National Academy of Sciences' report "Assessing Risks to Endangered and Threatened Species from Pesticides" EPA has been working closely with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the Services) to develop shared interim scientific methods for use in pesticide consultations.
- EPA released draft Biological Evaluations (BEs) for three pilot chemicals including chlorpyrifos, diazinon, and malathion in April 2016. Following a 60-day public comment, EPA received over 78,600 comments with about 120 substantive comments meriting detailed review.
- In June 2016, EPA and Services held a two-day meeting that provided a forum for stakeholder suggestions for refining some of the interim scientific methods used in the April 2016 draft BEs. The meeting included opening and closing plenary sessions and breakout sessions intended to address inter-agency developed charge questions related to potential refinements for aquatic modeling, spatial and non-spatial refinements to Step 2 (i.e., EPA's determination of "likely to adversely affect" or "not likely to adversely affect"), and refinements to the weight-of-evidence (WoE) approach for plants and animals. Meeting materials including the agenda, charge questions, the opening plenary presentations, and the closing plenary reports are available at: <https://www.epa.gov/endangered-species/5th-esa-workshop-joint-interim-approaches-nas-recommendations>. EPA and the Services have reviewed the recommendations and identified those that can be addressed in the short-, mid-, and long-term.
- Recommendations from the June 2016 stakeholder meeting and public comments on the draft BEs for the three pilot chemicals will be addressed in a phased approach, given consultation deadlines and existing resources.
- In September 2016, EPA and the Services held a 3-day workshop to continue work on interim methods and tools for use in Step 3 (i.e., the Services' determination of "jeopardy/adverse modification" or "no jeopardy/no adverse modification" in the BiOp).
- Final BEs for the three pilot chemicals are expected to be released in mid-January 2017.
  - Although this date is one month later than originally anticipated, the January 2017 release of the final BEs will not impact the Services draft Biological Opinion (BiOp) deadline, given that EPA will provide the Services with any additional data needs in sufficient time for integration into the draft BiOp.
  - Expected revisions to the final BEs based on stakeholder feedback will include refined aquatic modeling, error corrections, improved transparency specifically related to the Terrestrial Effects Determination (TED) tool and the WoE matrices, and additions/deletions to the list of endangered and threatened species.
  - Other comments being considered for future BEs include: reducing the size and complexity of the BEs, moving toward more probabilistic approaches, exploring ways to better screen species with little or no risk while still being protective, refining species range maps and potential use sites, exploring use of watershed-level aquatic models, and considering the timing of potential exposure (e.g., linkage with life-history variables) and potential durations of exposure.
- Draft BEs for carbaryl and methomyl are expected to be released for public comment in the spring of 2017.
- The Services expect to release draft BiOps for the three pilot chemicals for public comment in the spring of 2017 with final BiOps by December 2017. Final BiOps for methomyl and carbaryl will be released in December 2018.