



ILLEGAL CHEMICAL INDUSTRY ADVISORY COMMITTEE URGING EPA TO WEAKEN ENDANGERED SPECIES PROTECTIONS FROM PESTICIDES

Environmental Protection Agency is Proposing to Weaken Endangered Species Protections from Harmful Pesticides

Illegal Chemical Industry Advisory Committee on Endangered Species & Pesticides

An illegal chemical industry advisory committee is playing an inside role in weakening endangered species protections from harmful pesticides. The Environmental Protection Agency established the committee – called the FIFRA* Endangered Species Task Force – in 2000 to develop data disclosing the locations of endangered species. The task force, which is comprised of 14 agro-chemical companies, meets regularly with EPA officials in closed meetings, and excludes public interest representatives. Over the past year, the chemical industry task force has shifted its efforts away from generating data to advocating that EPA circumvent the Endangered Species Act for pesticide uses that harm federally protected species.

Good government laws prohibit the federal government from using and meeting in secret with such insider groups. The Federal Advisory Committee Act prohibits:

- Closed meetings
- Advisory Committees Comprised Solely of an Affected Industry
- Secret Records of Advisory Committee Proposals and Meetings
- Advisory Committees Deviating From their Assigned Tasks

Natural Resources Defense Council, the Center for Biological Diversity, Defenders of Wildlife, Washington Toxics Coalition, and Northwest Coalition for Alternatives to Pesticides, represented by Earthjustice, have sent a letter demanding that EPA stop using this illegal advisory committee. These conservation groups will pursue legal action if EPA does not commit to bring its actions into compliance with the law.

Changing the Rules to Weaken Species Protections

On January 24, 2003, EPA published an Advanced Notice of Proposed Rulemaking on Endangered Species and Pesticide Regulation (Federal Register Docket# OPP-2003-0010). The proposal announced EPA's intent to establish new Endangered Species Act rules that would circumvent the consultation process established under ESA to ensure that federal action will not wipe out endangered species.

At the chemical industry's behest, EPA is considering weakening endangered species protections by:

* FIFRA – Federal Insecticide Fungicide and Rodenticide Act – is the name of the federal law regulating pesticide use.

- Instituting self-consultations in which only EPA would assess the impacts of pesticides on endangered species. This would eliminate the expert fish and wildlife agency review of the scientific evidence that serves as an independent check and safeguard.
- Raising the bar for species protections by requiring a greater showing of harm to species before formal ESA consultations with federal experts are required.
- Establishing rigorous hurdles for the type of data that can be considered in assessing risks to species.
- Requiring deference to EPA's assessments of pesticides and conclusions even where EPA lacks species' expertise or the expert scientists disagree with EPA's views.
- Shifting the burden away from EPA (to justify its actions in the face of the expert agencies' findings of harm to species) to the expert fish and wildlife agencies (to justify their disagreements with EPA).
- Allowing outdated science to be the basis for determining whether and the extent to which endangered species must be protected from pesticides.

Endangered Species Need Greater, Not Weaker, Protections from Pesticides

EPA's Abysmal Track Record

- EPA continues to authorize use of pesticides that the Fish and Wildlife Service found will cause jeopardy to endangered species.
- EPA has no program for protecting endangered species despite proposing such a program 1989.
- EPA authorizes use of pesticides that it has found to be harmful to fish or wildlife without putting mitigation measures into place.
- EPA never even started the process of bringing its pesticide authorizations into compliance with the ESA until ordered to do so by a federal court in 2002, even though the first ESA listing of salmon occurred in 1989.

EPA Lacks Sufficient Scientific Expertise

- EPA lacks expertise on the status and habitat needs of endangered species. EPA's assessment of diazinon acknowledges that EPA lacked knowledge about young Chinook salmon life cycles and habitat needs.
- EPA bases its species assessments on doses that kill species without taking into account the peer reviewed scientific literature documenting serious impacts to species at levels below the lethal dose.
- EPA does not assess the cumulative effects of multiple pesticide uses on imperiled species.

EPA cannot excuse its embarrassing ESA compliance by eliminating its ESA obligations.

FESTF member companies – as of March 2003

FIFRA Endangered Species Task Force

- Albaugh, Inc.
- Aventis

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- BASF Corp
- Bayer CropScience
- Dow AgroSciences, LLC
- DuPont Ag Products
- FMC Corp
- ISK Biosciences Corporation
- Monsanto Co
- Nissan Chemical Industries Ltd
- Nufarm Inc.
- Syngenta
- Uniroyal Chemical Co.
- Valent USA Corp

*Prepared by: Northwest Coalition for Alternatives to Pesticides,
Washington Toxics Coalition and Earthjustice.*