



# **Update on EPA's Endangered Species and Pesticides Initiatives**

**August 2024**

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# Endangered Species Act

- Can't **jeopardize** species existence
- Can't destroy **critical habitat**
- Federal agencies must **consult**





# Court strikes down EPA approval of streptomycin as citrus pesticide

*Chris Dall, MA, December 19, 2023*

Topics: [\*Antimicrobial Stewardship\*](#)



A coalition of public interest, environmental health, and farmworker advocacy groups are hailing a decision by a federal appeals court that struck down the Environmental Protection Agency's (EPA's) approval of the medically important antibiotic streptomycin for use on citrus crops.

The **ruling** by the United States Court of Appeals for the Ninth Circuit vacated the EPA's amended registration of streptomycin for use as a pesticide against citrus diseases, saying that it did not satisfy the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Endangered Species Act (ESA). It also sent the amended registration back to the agency so that it could address the defects.

The EPA in 2018 authorized the spraying of streptomycin, which has been labeled as "critically important" to human medicine by



*nine\_far / iStock*

# Federal court denies EPA approval of controversial pesticide for Florida's citrus industry



**Karl Schneider**

Naples Daily News

Published 8:00 a.m. ET June 9, 2021 | Updated 7:27 a.m. ET June 10, 2021



A primer on Florida's citrus industry, with an emphasis on the five counties of Lee, Collier, Charlotte, Hendry and Glades.  
LAURA RUANE/THE NEWS-PRESS

A federal court on Monday rejected the U.S. Environmental Protection Agency's approval to use a pesticide on Florida's citrus groves citing the agency's failure to

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.

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**....”

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 effects determination.

In re: Center for Biological Diversity and Center for Food Safety, Nov. 2022, DC Circuit





# Select Ongoing and Upcoming ESA Activities

## Early 2024 (completed)

Final methomyl and carbaryl BiOps (NMFS)  
Hawaii workshop  
Mitigation workshop  
Outreach on refining pesticide use limitation areas (PULAs) and begin process of revising PULAs  
Updated Enlist mitigation requirements per BiOp  
Implement NMFS BiOp on 2 OP insecticides

## Late 2024

Final BEs for acetamiprid and dinotefuran  
Draft BEs on benzovindiflupyr and bicyclopyrone  
Determine if vulnerable species pilot should include additional species and provide additional information on the pilot  
FINAL rodenticide BE and mitigation strategy

Finalize herbicide strategy and begin to inform registration and registration review decisions

Release DRAFT insecticide strategy for public comment  
DRAFT online mitigation menu

## Summer 2024

Finalize insecticide strategy and begin to inform registration and registration review decisions

Begin to develop fungicide strategy  
Continue revising PULAs for ESA mitigations  
Continue rodenticide registration review  
Draft Hawaii Strategy for public comment  
may explore developing strategies specific to non-ag uses

## 2025 and beyond

# Herbicide and Insecticide Strategies

- Presents a framework to more efficiently determine whether, how much, and where mitigations may be needed to protect listed species
- Focus on reducing spray drift and runoff/erosion transport to the listed species most likely impacted (plants for herbicides, invertebrates for insecticides)
- Scope: Agricultural uses of conventional pesticides in Lower 48 States
- Incorporates public comments and input from draft herbicide strategy released last year (2023)



# 3 Step Framework Described in Strategies

## 1. Mitigations needed?

- Assess impacts to species (population level).
- Specific to chemical, use and rate

## 2. Identify Mitigations

- Runoff, erosion, and drift mitigations
- Identify mitigations, as needed, such that potential population-level impacts are unlikely

## 3. Implementation

- General vs spatially explicit
- Allows for emerging technologies and new science
- Programmatic

# Runoff/Erosion Mitigation Menu

## Subject of considerable discussion

- Menu is expected to continue to evolve
  - **Field Management**
    - Contour farming
    - Cover crop
    - Grassed waterway
    - In-field vegetative filter strip
    - Irrigation water management
    - Mulching with natural materials
    - Residue tillage management
    - Terrace farming
  - **Field Characteristics**
    - Application to sand, loamy sand, or sandy loam soil without a restrictive layer
    - Flat or nearly flat field (<3% slope)
    - Fields in western farmland
  - **Application Parameters**
    - Rate reduction
    - Soil incorporation
  - **Adjacent to the Field or In-between field and Habitat**
    - 30-ft vegetative filter strip
    - Riparian area
    - Vegetated ditch
  - **Other Mitigations**
    - Water retention system
    - Both on-field and adjacent to the field mitigation utilized
  - **Additional Points** for distance from habitats, conservation programs, and some runoff control practices


# Where Could Mitigations Apply?

- Mitigations may be described directly on labels and would apply anywhere labels allow
- Mitigations may also be geographically limited to protect particular species or types of species
- Strategies attempt to target mitigations in locations important for species conservation by:
  - If the strategy identifies impacts only to some types of plants (*e.g.*, grasses) then mitigations may only apply where those types of listed plants are located
  - Refining maps used to define relevant areas for mitigation for species protection/ conservation
- Spatially limited mitigations would be communicated using Bulletins Live! Two

**Endangered Species Protection Bulletin**

Application Month: November 2023  
Product: MALATHION 8E INSECTICIDE (34704-452); "CLEAN CROP MALATHION 8E INSECTICIDE"

1 Areas where pesticide use must be limited are identified on the map. A legend is located beside the map to help pinpoint these locations.



2 Look below at the Pesticide Use Limitation Summary Table. This table lists the user selected Active Ingredient(s) (ALs) or Product(s) with pesticide use limitations on the printed map. Locate the Active Ingredient (AI) or Product you intend to apply in this table and identify the code in the last column. This code indicates the specific limitation associated with that AI or Product. A limitation description for each code can be found below in the Codes and Limitations Table. If multiple Pesticide Use Limitation Areas (PULAs) are visible on the map, these tables provide information for the highlighted PULA.

If you are applying a pesticide that contains more than one Active Ingredient, or multiple Products, then multiple codes may apply. Follow the limitations for all codes when using this pesticide.

This document contains legal requirements for the use of certain pesticides. Do not modify any text, graphics or coloration or otherwise alter this document. ESPP Contact: ESPP@epa.gov Phone: 1-844-447-3813



# Schedule for Strategies

## Insecticide Strategy:

- Public webinar September 5, 2024 to inform comments
- Public comment period closes September 23, 2024
- Final strategy scheduled for March 2025

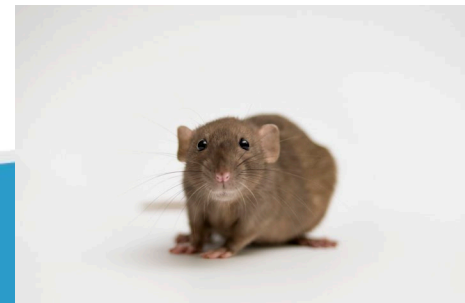
## Herbicide Strategy

- Finalized in August 2024



# Rodenticide Strategy and Biological Evaluation Upcoming Session

- Covers 11 rodenticides in one grouped biological evaluation (BE) and mitigation strategy
- Evaluated each rodenticide based on use pattern and properties
- Public comment period on draft BE mitigation strategy 12/23 to 2/24
  - Approximately 2000 comments (mostly from letter writing campaign)
  - Incorporating comments now into BE and mitigation strategy
  - Final strategy 11/2024
  - Registration review amended PIDs expected in 2025



Thank You!

