

NEW RULES ON PESTICIDES THREATEN FISH AND WILDLIFE

Fact Sheet

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New regulations are weakening endangered species protections

On Thursday July 29, 2004, the Bush administration adopted new regulations that circumvent the consultation process established under the Endangered Species Act (ESA) to ensure that federally permitted pesticide applications will not wipe out endangered species. The new rules, promulgated at the chemical industry's behest, will weaken endangered species protections by:

- Shutting wildlife agency experts out of endangered species protection by instituting self-consultations in which only the Environmental Protection Agency (EPA) assesses the impacts of pesticides on endangered species, thereby eliminating the expert wildlife agency review of the scientific evidence that serves as an independent check and safeguard.
- Making it more difficult to protect endangered species by requiring a greater showing of harm to the species before formal consultations with wildlife agency experts are required.
- Deferring to EPA's assessments of pesticides and views even where EPA lacks essential data and species expertise.
- Ignoring on-the-ground conditions in most reviews that determine whether pesticide use must be restricted to protect endangered species.
- Allowing outdated science to be the basis for determining whether and the extent to which endangered species must be protected from pesticides.
- Giving the chemical industry special participation rights that are not shared by the public.

The EPA is poorly equipped to take on consultations without oversight by the wildlife agency experts

The EPA has an abysmal track record when it comes to fulfilling its legal obligation to consult with the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NOAA Fisheries) on pesticides:

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

EPA lacks sufficient scientific expertise to assess wildlife risks

Wildlife agency experts have repeatedly called into question EPA's assessments of the impacts of pesticides on fish and wildlife.

- The Fish and Wildlife Service comments on EPA’s Atrazine risk assessment stated: “Risk assessments that fail to address [the pesticide mixing] issue are likely to underestimate the true potential for ecological impacts, and as such, **this represents a critical data gap that EPA needs to address.**”
- NOAA Fisheries stated in its biological opinion on pesticide use on public forests that “Rainbow trout behavior changed at chlordane (organo-chlorine insecticide) concentrations below U.S. Environmental Protection Agency’s (EPA) no-to-be-exceeded concentration, **illustrating the inadequacy of using current EPA application guidelines for avoidance of sublethal effects.**”
- EPA further lacks expertise on the status and habitat needs of endangered species. EPA’s assessment of the pesticide diazinon acknowledged 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. While evaluating just two pesticides, NOAA Fisheries scientists found over 700 pertinent peer reviewed documents not used by EPA in its assessment.
- EPA does not assess the cumulative effects of multiple pesticide uses on endangered species.
- EPA’s ability to assess the risks pesticides pose to salmon was called into question in a draft letter from NOAA Fisheries scientists. The overarching conclusion was that EPA’s pesticide assessments “**may be biased toward concluding that a pesticide does not pose an ecological risk to listed resources, when in fact it does.**”

Deadly pesticides poison our wildlife and threaten our health

Public consciousness about the dangers of pesticides to wildlife dates back to the 1960's when Rachel Carson first exposed the problem in *Silent Spring*, her legendary work about the link between declining bird populations and the pesticide DDT. But forty years later, the EPA proposed changes to pesticides regulations could spell disaster for wildlife from exposure to deadly chemical poisons.

- It is widely known that pesticides can kill or harm wildlife, including species on the brink of extinction.
- Because pesticides often travel from one level in the food chain up to the next, they can have damaging effects on many species that never came into direct contact with the pesticides.
- Fenthion, a particularly potent pesticide, has been linked to the deaths of endangered birds, and Brodifacoum, the active ingredient in the rat poison D-Con and **the main culprit in more than 16,000 accidental poisonings of children under six each year**, has contributed to the deaths of endangered San Joaquin kit foxes and golden eagles.

Center for Biological Diversity, Defenders of Wildlife, Institute for Fisheries Resources, National Wildlife Federation, Natural Resource Defense Council, Northwest Coalition for Alternatives to Pesticides, Pacific Coast Federation of Fishermen’s Associations, Washington Toxics Coalition, Helping our Peninsula’s Environment