

ACT NOW FOR ESA !

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The Federal Government Must Hear from Stakeholders

It is imperative that the federal government receives significant numbers of comments from those in agriculture and pest management supporting its forthcoming Endangered Species Act rulemaking. Notice will likely appear in the Federal Register in early 2004. During an earlier comment period when EPA solicited public input about certain aspects of an ESA-compliant process, anti-pesticide activists submitted more than 4,500 comments against EPA's plan, while pesticide users and stakeholders submitted 115 supportive comments. Let your association know that you would like to comment in support of the forthcoming rulemaking. They'll have all the tools you'll need, including a Web site feature and model language. Your input is essential to ensuring a science-based process that protects endangered species with minimum disruption to agricultural production and pest management. Go to www.croplifeamerica.org for more information about how you can comment in support of this rulemaking.

Enacted in 1973, ESA is intended to protect endangered and threatened species. The Act does not provide for risk-benefit considerations. All federal agencies have a statutory obligation to ensure that their actions take into account possible adverse effects to endangered species under ESA Section 7. However, Congress gave deference to FIFRA as a comprehensive regulatory statute when it set the goals of an ESA-compliant pesticide registration and re-registration program -- to comply with ESA in a manner that "would allow persons to continue production of agricultural food and fiber commodities" and be designed to "minimize the impacts to persons engaged in agricultural food and fiber commodity production and other affected pesticide users and applicators."

Activist Lawsuits Threaten Access to Essential Crop and Pest Management Tools

Since 2000, activist groups have filed a number of "cookie cutter" lawsuits against the Environmental Protection Agency, alleging its failure to put in place an Endangered Species Act-compliant process for registering and re-registering pesticides under the Federal Insecticide, Fungicide and Rodenticide Act. The lawsuits are about the absence of a formal administrative process for consultation between EPA and NOAA-Fisheries and Fish & Wildlife Services -- the agencies charged with implementing ESA. Activists have sought, and obtained, court-ordered injunctions that would severely restrict agricultural, professional applicator and consumer access to vital pest control products. Such injunctions have included arbitrary buffer zones and use restrictions.

Federal Government Must Finalize its Counterpart Regulations

These lawsuits, circumventing the FIFRA regulatory process, divert resources that might otherwise be spent protecting species. EPA, NOAA-Fisheries, FWS and the U.S. Department of Agriculture have been involved during the past year in a cooperative effort to develop counterpart regulations. Advance notice of the proposed rulemaking published in early 2003 allowed for stakeholder input to EPA's preliminary plan. Many agriculture, professional applicator, specialty, consumer and public health pesticide stakeholders commented in support of EPA's comprehensive and collaborative approach.

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What's our position?

The crop protection, specialty pesticide industries and production agriculture believe that by streamlining the FIFRA regulatory program and harmonizing it with the requirements of ESA, it will be possible to create a program that enhances protections afforded to endangered and threatened species and their habitats, make endangered species assessments consistent for products regulated under FIFRA, and develop a pesticide regulatory process that will ensure timely and continued access to safe and necessary pest management products.