



**NOAA  
FISHERIES**

# On-Going FIFRA-ESA Consultation Work

## Pesticide Program Dialogue Committee Spring Meeting 2021

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# Endangered Species Act



- The Endangered Species Act (ESA) focuses on protecting species in their natural environments
- Section 7(a)(2) – Interagency Consultation
  - Each Federal agency shall, in consultation with the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat
- Biological Opinions (BiOp) evaluate whether use of a pesticide(s) is likely to jeopardize federally threatened and endangered species or destroy or adversely modify their critical habitats

# EPA Revised Method Document



- *Revised Method for Conducting National Level Listed Species Biological Evaluations of Conventional Pesticides* (March 2020)
- Revised Method - Analytical methodology EPA uses to develop nationwide Biological Evaluations (BEs) for FIFRA registration review

# EPA Revised Method Document



- EPA Biological Evaluations
  - Carbaryl and Methomyl
  - Herbicides (Atrazine, Simazine, Propazine, Glyphosate)
- EPA Website - **Protecting Endangered Species from Pesticides**
  - <https://www.epa.gov/endangered-species>

# Biological Evaluation Schedule



a. Included in the Center for Biological Diversity et al. v. EPA et al. partial settlement agreement		

Note - The time between draft and final BEs allows for a public comment period to be held and sufficient time to incorporate public comments.

# US Fish and Wildlife Service Malathion Biological Opinion



- Malathion - Insecticide commonly used to control mosquitoes and a variety of insects that attack fruits, vegetables, landscaping plants, and shrubs
- Public Review and Comment –
  - April 2021 – June 19, 2021
  - EPA docket EPA-HQ-OPP-2021-0231 ([www.regulations.gov](http://www.regulations.gov))

# US Fish and Wildlife Service Malathion Biological Opinion



- Preliminary Findings - 78 ESA-listed species could be jeopardized; 23 critical habitats could be adversely modified
- The BiOp includes categories of potential reasonable and prudent alternatives
- The BiOp will also include reasonable and prudent measures (RPM) that minimize the potential harm that could result from the use of this pesticide to ESA-listed species

# National Marine Fisheries Service Metolachlor and 1,3-D; Bromoxynil and Prometryn Biological Opinions



- Metolachlor, Bromoxynil, Prometryn - Herbicides used to control grasses and broadleaf weeds
- 1,3-D – Pesticide used in pre-plant fumigation
- Draft BiOps analyzed impacts to 26 ESA-listed species - Pacific salmon and steelhead in Washington, Oregon, and California
- Public Review and Comment –
  - EPA docket EPA-HQ-OPP-2021-0150 ([www.regulations.gov](http://www.regulations.gov))
  - Comment period closed - April 20, 2021
  - BiOps to be completed - June 2021



# National Marine Fisheries Service Metolachlor and 1,3-D; Bromoxynil and Prometryn – Biological Opinions



- No Jeopardy Conclusion - Registered uses of these pesticides do not jeopardize analyzed ESA-listed salmon and steelhead populations or their critical habitats
- RPMs/Terms and Conditions - Growers can select risk reduction measured from a list of acceptable alternatives (e.g., vegetative filter strips, no-till/reduced tillage, drift reduction technology, reduced application rate, riparian buffers)

# National Marine Fisheries Service 2017 BiOp for Chlorpyrifos, Diazinon, and Malathion



- EPA reinitiated consultation (July 2019); BiOp revisions to be completed by June 2022
- EPA /Registrants provided additional data that is under review
- EPA Website - Resources for pesticide users/applicators interested in reducing exposure of non-target plants and animals to pesticides, with a focus on ESA-listed species  
(<https://www.epa.gov/endangered-species/tips-reducing-pesticide-impacts-threatened-and-endangered-species>)

# Additions to the FIFRA-ESA Section 7 Consultation Process



- NMFS is committed to working to improve the FIFRA-ESA consultation process
- Ideas being considered include:
  - Including protections for ESA-listed species earlier in the consultation process
  - Enhancing consideration of species that may be especially sensitive or vulnerable to pesticides in the consultation process