

BiOp Comments to EPA

Dear members:

This is a critically important time to submit comments to EPA. EPA is accepting public comments on the National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) Biological Opinion (BiOp) for **Chlorpyrifos, Malathion, and Diazinon**. The comment period **closes July 23, 2018**.

These products are critical tools for managing pesticide resistance in mosquito control, but the importance of this BiOp goes far beyond just these three insecticides. The approach used by NMFS in this initial BiOp is flawed and, if unchanged, will not only impact the future use of these three products but also will serve as the model for the regulation of all pesticides in the future.

By submitting a comment before the July 23 deadline, you can help EPA understand the importance of these tools and that we need a process for implementing the ESA that is scientifically-sound, fair and workable for pesticide applicators. **Scroll down for how to submit a comment**.

Background:

The BiOp concluded that about 50% of the listed species are in "jeopardy" of extinction, and about 75% of critical habitats are likely to be adversely affected if these pesticide registrations continue as they are today. These products have been used for decades and any risk is already part of the environmental baseline. There is no evidence of any new risk.

What is new is pesticides were found to affect listed species if there is any overlap between where the pesticide might be used and the species' potential range. The risks described in the BiOp and underlying biological evaluations do not match real-world experience. By helping EPA narrow down where and how the products are used, we are helping ourselves keep valuable control tools in our toolbox.

Points to make in comments:

- Describe your program. What do you spray? What months do you spray for adults? How many acres? How many times per year?
- Why are these products important to your operation?

- Can you limit adulticiding to only residential or developed areas?
- Can you limit spraying to days when there are no storms forecasted within 48 hours following the application?
- These products are important for managing pesticide resistance in mosquito control because we only have two classes of adulticides (organophosphates and pyrethroids).
- Malathion is the only organophosphate that can be used by ground, so programs that do not have aerial capabilities (with naled or chlorpyrifos) would have no options for spraying organophosphates.

The Reasonable and Prudent Alternatives (RPA) and Reasonable and Prudent Measures (RPM) will restrict how these products can be used. EPA and NMFS admit they were not developed with input from stakeholders. NMFS did not follow procedures for stakeholder engagement. As a result, the restrictions are not practical for mosquito control operations.

Possible new restrictions for these active ingredients include:

- Restrict applications to residential or developed areas
- Prohibit application of pesticide products when wind speeds are greater than or equal to 10 mph.
- Prohibit application of pesticide products when soil moisture is at field capacity, or when a storm event likely to produce runoff from the treated area is forecasted to occur within 48 hours following application.
- Report all incidents of mortality and adverse effects to non-target species that occur within the vicinity of the treatment area, including areas downstream and downwind, in the four days following application of and of these a.i.s to EPA's Office of Pesticide Programs.

How to submit a comment to the EPA docket:

- Prepare your comments as a Word doc or PDF file, then use the upload file option on the docket site. Do not include personal

information such as email addresses or phone numbers - the information you post on a docket site is publicly viewable.

- Go to www.Regulations.gov and search for EPA-HQ-OPP-2018-0141 or click [here](#).
- You will see: National Marine Fisheries Service Biological Opinion Issued under Endangered Species Act: Chlorpyrifos, Diazinon, and Malathion. Click on Comment Now! (to the right).
- Scroll down until you see Upload files (to the left). Click on "Choose files" to select your comment file.