

## Endangered Species Act Consultations for Pesticides - We need to hear from you!

In February, AMCA wrote a [letter](#) to the Environmental Protection Agency (EPA) expressing our concerns over the [National Marine Fisheries Service \(NMFS\) Biological Opinion \(BiOp\) on Malathion, Chlorpyrifos, and Diazinon](#). In May, AMCA received a [response from EPA](#).

I will break down this approximately 3,749-page BiOp for you on one condition, you keep reading. This is important. Confusing, sure. Important; absolutely.

### **Executive Summary:**

"...EPA's proposed registration of pesticides containing chlorpyrifos is likely to jeopardize the continued existence of 38 of the 77 listed species, and adversely modify 37 of the 50 designated critical habitats. We (NMFS) concluded that registration of pesticides containing malathion is likely to jeopardize 38 of the 77 listed species and adversely modify 37 of the 50 designated critical habitats. In sum, this Opinion reaches "jeopardy" and "adverse modification" conclusions regarding 38 different species and 37 critical habitat units."

### **To avoid jeopardy and adverse modification of designated critical habitat:**

As prescribed by the Endangered Species Act (ESA), our findings of jeopardy and adverse modification of designated critical habitat required the production of Recommended Prudent Alternatives (RPAs). In addition to avoiding jeopardy and adverse modification of critical habitat, the RPAs are intended to reduce loading of pesticide chemicals into aquatic habitats, incorporate landowners' current stewardship efforts, and protect vulnerable aquatic habitats from adverse effects of pesticide exposure.

### **Reasonable and Prudent Alternatives (RPAs):**

"Restrict mosquito applications to residential and developed areas within species' range."

### **Reasonable and Prudent Measures (RPMs):**

**EPA shall implement the following revisions on all chlorpyrifos, diazinon, and malathion labels:**

- 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.

**Please Note:** These recommendations were made by the National Marine Fisheries Service because the Service could not geographically narrow down where the chemicals are being used. Therefore, they assumed the chemicals are used everywhere in the U.S. Then, if there was potential overlap between the chemical use and habitat for threatened or endangered species, restrictions were recommended. This is NOT yet law. There have been no label changes implemented; a public comment period has been opened by EPA until July 23rd.

In order to preserve our use of pesticides, any and all pesticides, it is critical that we continue open communication with the regulatory agencies, industry representatives, and members of Congress.

In order to collect your feedback on the RPAs and RPMs in the most efficient manner possible, we will be sending out short surveys. Please respond.