

**Center for Biological Diversity ♦ Pesticide Action Network North America
and 131 More Organizations and Businesses**

June 16, 2011

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Environmental Protection Agency
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Ensure Pesticide Evaluations Protect Endangered Wildlife and Human Health

Dear Administrator Jackson:

The undersigned organizations, representing millions of members throughout the country, call on the Environmental Protection Agency to adequately safeguard endangered wildlife and human health in its oversight of dangerous pesticides.

Specifically, we ask the EPA to immediately initiate formal consultations under the Endangered Species Act with federal wildlife agencies regarding the impacts of pesticides known to be harmful to hundreds of federally threatened and endangered species.

Many of the EPA-approved pesticides of concern for harmful effects on endangered wildlife are also linked to serious health effects in humans, such as cancer, neurodevelopmental toxicity, reproductive harm, birth defects and a host of other, irreversible, endocrine system harms. Failure to evaluate the impacts of pesticides that threaten endangered species and are known to pollute significant areas of our air and water leads to improper approval and use of these pesticides. As a result the safety of our drinking water, the pollinators of our crops, and the health of farmers and farm workers who harvest our food are all unnecessarily jeopardized. Women of reproductive age, the elderly and children likewise face unacceptable levels of exposure to a mix of potent chemicals that are known to harm human health.

The Environmental Protection Agency is entrusted with protecting public health and the environment. Yet the agency has consistently attempted to downplay mounting evidence demonstrating that even low doses of pesticides in wildlife and humans can have dramatic and irreversible consequences. The Agency has failed to reform pesticide use in accordance with scientific findings and has refused to restrict or cancel registrations of pesticides shown to be harmful. By ignoring sound science, disregarding U.S. Fish and Wildlife Service requests to alter pesticide registrations because of adverse impacts to wildlife, and rushing pesticides to market without adequate safety data through the over-

use of conditional registrations, the EPA has abrogated its responsibilities under federal laws intended to protect imperiled wildlife and human health.

The pesticide industry has largely subverted and sidestepped the intended protections of the Federal Insecticide, Fungicide, and Rodenticide Act and the Food Quality Protection Act. If enforced, the Endangered Species Act offers strong protections for our most endangered wildlife, with significant ancillary benefits to human health, precisely because the provisions of this legislation addressing pesticides require a more rigorous scientific review process that is less susceptible to industry influence.

The EPA is required by the Endangered Species Act to engage in formal consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service regarding pesticides it registers that may jeopardize listed species or harm their critical habitat. These consultations are intended to ensure that the EPA avoids authorizing pesticide uses that harm imperiled species. After consultation, the federal wildlife agency issues a biological opinion that may specify reasonable and prudent restrictions on pesticide use and alternatives to avoid harm to species. Yet for decades the EPA has consistently and unlawfully failed to properly evaluate whether pesticides it registers are harmful to endangered species.

The consultation process under the Endangered Species Act is a necessary and workable tool for implementing common-sense restrictions on the use or method of application for certain pesticides in environmentally sensitive areas. For some of the most egregious toxins known to be extremely harmful to humans as well as wildlife, the EPA or the chemical registrant may elect to cancel the highly dangerous pesticide registrations. However, a more likely result for most pesticides is a flexible agency-to-agency consultation process that will identify viable alternatives.

Crucially, in almost every instance where the EPA has consulted with federal wildlife agencies on pesticide impacts the agency has acknowledged harm to endangered species, resulting in restrictions on pesticide use in protected species habitats. These include restrictions on the use of 38 pesticides near Pacific Northwest salmon streams in 2004; 18 pesticides in rare California plant habitats in 2000; six pesticides in the Texas habitat of the Barton Springs salamander in 2005; 66 pesticides in California red-legged frog habitat in 2006; and 74 pesticides in habitat for 11 San Francisco Bay Area endangered species in 2009.

A January 2011 lawsuit by the Center for Biological Diversity and Pesticide Action Network seeks to ensure that the EPA avoids authorizing pesticide uses that harm over 200 imperiled species. Rather than waiting for a court order, the EPA should comply with its statutory responsibility and revise its pesticide review program to incorporate input from federal wildlife agencies. Such a common sense, workable approach to protecting imperiled wildlife from pesticides is long overdue.

Nearly a billion pounds of pesticides are used each year in the United States. Pesticide contamination is pervasive in aquatic habitat for fish and wildlife throughout the country

and in our water supply, causing significant and unnecessary threats to both wildlife and to human health. Many of the pesticides at issue in the lawsuit have been shown to contribute to the loss of native fish and amphibian populations and cause significant bird kills. Scientists also believe that certain of these pesticides may play an underappreciated role in recent, rapid declines in honey bee and other agriculturally important pollinator populations.

Pesticides are a particular threat to wildlife species facing extinction. The U.S. Fish and Wildlife Service, EPA and expert scientists agree that hundreds of endangered species are threatened by pesticides, including some of the country's most cherished wildlife such as the Florida panther, killer whale, gray wolf, California condor, red-cockaded woodpecker, Atlantic salmon and bull trout.

Many EPA-approved pesticides are also linked to cancer, endocrine disruption and other serious health effects in humans, particularly children, the elderly, farm families and farmworkers. Endocrine disruptors interfere with hormones, causing developmental, neurological, reproductive and immune system problems in wildlife and humans alike. Endocrine-disrupting pesticides cause sexual deformities such as intersex fish, with male and female parts, that cannot reproduce. Emerging science further indicates that these chemicals have transgenerational effects, so low level exposures today may be transmitted via epigenetic modifications that harm subsequent generations.

A prime example of the EPA's failure to protect people and the environment is the re-registration of the endocrine-disrupting herbicide atrazine, a widespread pollutant of groundwater and drinking water so dangerous that it is banned by the European Union. Recent research links atrazine to cancer, birth defects and other reproductive harms in humans, as well as significant harm to wildlife. For example, studies have documented that atrazine chemically castrates male frogs at concentrations 30 times lower than levels allowed by the EPA and lower than levels detected in drinking water supplies around the country.

Under FIFRA, the EPA is subject to political lobbying and undue influence over the scientific review process by pesticide manufacturers that advocate for weakening regulatory protections that safeguard wildlife and human health. We all face unacceptable risks as a consequence. The scientific review process under the Endangered Species Act is stronger because it is more independent from industry influence. For example, environmentally relevant dimensions of toxicity such as synergistic and cumulative effects are considered under the ESA in ways not accommodated by FIFRA.

The stakes are high. Childhood cancers, birth defects, neurodevelopmental disorders and a host of other human health harms linked to environmental chemical exposures are all on the rise. Species are dying off at over 1,000 times the normal background rate, pollinators and other indicator species such as frogs, are suffering dramatic declines. Not since the dinosaurs disappeared has our planet seen this kind of species collapse. This historic loss of biodiversity and degradation of human health must be viewed as intimately

intertwined: species and biodiversity loss undermine the productivity and resilience of the natural resource base on which we all rely for health, livelihood and recreation.

We therefore ask that you act to enforce the EPA's statutory responsibility to protect human health and the natural world from toxic pesticides.

Sincerely,

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