

Bush EPA Rolls Back Endangered Species Act, Pesticide Protection

The Bush administration's Environmental Protection Agency (EPA) has found a subtle way to sidestep the Endangered Species Act.

New rules, announced in late July, allow EPA to approve new pesticides without consulting the Fish and Wildlife Service or the National Marine

Fisheries Service to determine possible harm to wildlife. [1]

The new rules greatly favor industries that produce pesticides. As reported by <<http://ga3.org/ct/Ypq-QPs16aDW/>>BushGreenwatch, a special chemical industry task force has used insider access to the EPA to achieve this rule change.

Federal officials claim the new regulations will "streamline" the pesticide approval process. Patti Goldman, managing attorney with the Seattle office of environmental group <<http://ga3.org/ct/T1q-QPs16aDI/>>Earthjustice, sees it differently. "EPA has a problem, and its problem is that it has not complied with the Endangered Species Act for pesticides for over a decade. So when it says streamlining, it's trying to streamline away the requirements, rather than find a streamlined way to come into compliance with them."

Goldman was lead attorney in Earthjustice's successful suit against EPA, demanding that the agency complete required consultations with the National Marine Fisheries Service (NMFS) on how pesticide uses would affect threatened and endangered Pacific coast salmon.

"EPA registers pesticides before they can be used throughout the United States, and it has never even taken the first steps to make sure the pesticide uses it authorizes won't harm salmon" listed under the ESA, Goldman told <<http://www.bushgreenwatch.org>> BushGreenwatch. "Our case focused on 54 pesticide cases where EPA had done those reviews and found there was a problem for fish or their habitat — and then done nothing."

Many other endangered and threatened species are further imperiled by EPA's failure to regulate pesticides. A new report from the <<http://ga3.org/ct/Ydq-QPs16aD6/>>Center for Biological Diversity notes dozens of cases — from California's red-legged frog, to the Barton Springs salamander of Texas, to wild Atlantic salmon in Maine — in which exposure to pesticides is a key factor in the species' decline. [2]

Although Earthjustice won its case in January, the new regulations may ultimately undercut its victory, because the standards for judging pesticide impacts are unclear. "EPA will be able to do it however they choose. The agencies have delegated that authority to EPA," Goldman says, "even though in the past they found EPA's assessments woefully inadequate."

The new system “is replacing the checks and balances that are in the consultation process,” she says. “There, you have an independent, outside agency that’s the expert on the species, weighing in and looking at the impacts. Now, you won’t have that any more.”

For Pacific salmon species, the impact from pesticide exposure could be subtle but severe. “There’s a lot of evidence that salmon lose their ability to smell. They swim backwards, can’t evade predators, the males turn into females all sorts of things happen, short of killing them, at really low doses,” says Goldman. “It’s just that you won’t see all the dead bodies lying in a pile.”