

CHEMICALS: Enviros sue EPA over failure to consider pesticide effects on species

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Two environmental groups today filed a sweeping lawsuit against U.S. EPA, accusing the agency of violating the Endangered Species Act by failing to consult with two wildlife agencies on 214 endangered and threatened species that may be imperiled by a litany of widely used pesticides.

The species law requires EPA and all other federal entities to seek input from the Fish and Wildlife Service or the National Marine Fisheries Service when pursuing actions that could affect listed species, a consultation that can involve biological opinions issued by either FWS or NMFS. In their lawsuit, the Center for Biological Diversity (CBD) and Pesticide Action Network North America (PANNA) charge EPA with shirking its coordination responsibility for a long list of pesticides and call for new and reopened consultations on whether the chemicals are harming the 214 species at issue.

“For decades, the EPA has turned a blind eye to the disastrous effects pesticides can have on some of America’s rarest species,” CBD conservation advocate Jeff Miller said in a statement on the challenge,

which was filed in a San Francisco federal court. Restricting pesticide use in the path of endangered and threatened species, he added, can also help protect humans, given the potential for federally approved pesticides to migrate into soil and public water supplies.

Among the pesticides targeted by the two groups’ lawsuit are several high-profile products linked to ongoing controversies over species damage.

Clothianidin is frequently cited by advocates and some scientists as a factor in the collapse of honeybee colonies (Greenwire, Aug. 19, 2008). Chlorpyrifos, a member of the organophosphate pesticide family now under review by EPA, has sparked a long-running battle with industry over its effects on endangered salmon populations (Greenwire, Oct. 13, 2010).

Another pesticide named in today’s lawsuit, atrazine, also remains under a health review at EPA as studies of its effects on the sexual development of frogs fuel a uniquely personal conflict with one key researcher (Greenwire, Aug. 26, 2010).

EPA has coordinated with FWS “on only a small fraction” of pesticides that pose potential harm to at-

risk wildlife, the lawsuit charges. “And even for these pesticides, the consultations do not consider all of the endangered and threatened species, or all of the geographic regions, potentially impacted by these pesticides.”

The groups’ court filing also noted that FWS already has detected adverse impacts of pesticides on some endangered and threatened species covered by the suit, such as the vermilion darter fish and the callippe silverspot butterfly.

However, the nonpartisan Government Accountability Office has questioned FWS’s ability to keep track of the multitude of at-risk species on which it consults. In a 2009 report, GAO pointed to a “lack of systematic means” for tracking the cumulative harm posed to endangered and threatened animals. “[T]he resulting gap in knowledge of the species’ status, exposes the Service to vulnerabilities, including the threat of litigation and unobserved declines in species,” GAO auditors wrote.