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Environment & Energy Report

Pesticide Deal Sets Timetables for Endangered Species Reviews

By Adam Allington

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Partial settlement sets timelines for eight common pesticides

Environmental groups had sued EPA over Endangered Species Act concerns

The EPA must assess the risk for eight common pesticides under a settlement with environmental groups.

The settlement, formalized Oct. 21, deals with a lawsuit that pitted the Center for Biological Diversity and Pesticide Action Network of North America against the Environmental Protection Agency and CropLife America, a trade group representing pesticide companies. The draft settlement was first announced in the Federal Register on Aug. 23.

Under the agreement in District Court for the Northern District of California, the EPA would commit to a timetable to conduct biological evaluations with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the effects that eight pesticides have on endangered species.

“This victory requires the Trump EPA to finally protect some of our most endangered plants and animals from harmful pesticides,” said Stephanie Parent, an attorney at the Center for Biological Diversity.

“This important step is only the start. We still have work to do to make sure the EPA addresses the harms of all pesticides, as the law requires,” she said.

Speaking for the defendants, Chris Novak, the president and CEO at CropLife America, said the legal challenges for review of pesticides under the Endangered Species Act has continued for too long.

“The settlement represents a positive outcome in the interest of all parties and creates an opportunity over the next few years to focus on long-term solutions to these challenges, rather than litigation,” Novak said.

Additional deadlines include Aug. 14, 2021, for atrazine and simazine, and Aug. 14, 2024, for brodifacoum, bromadiolone, warfarin, and zinc phosphide.

After glyphosate, atrazine is the second most used herbicide in the U.S. It has been banned in the European Union since 2003 over concerns that it contaminates groundwater and may disrupt hormones.

The partial settlement also includes a deadline of Aug. 30, 2021, for all parties to discuss possible resolution of disputes involving 35 other pesticide active ingredients.

The case is *Ctr. for Biological Diversity v. Wheeler*, N.D. Cal., No. 3:11-CV-293-JCS, 10/21/19.

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