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# EPA Floats New Pesticide Risk Metric For Endangered Species

By [Juan Carlos Rodriguez](#)

Law360 (May 13, 2019, 7:06 PM EDT) -- The [U.S. Environmental Protection Agency](#) on Friday proposed revisions to its method for evaluating appropriate pesticide use around endangered species, drawing immediate criticism about its impact on bees, butterflies and pollinator-dependent plants.

The EPA has developed a method for how to assess the risk level to endangered species when it weighs whether to approve the use of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, and the new draft proposes some changes. For example, the new method would alter how the agency studies the connection between species that actually come into contact with the pesticide and the connection with other species that may depend on the first.

Alexandra Dapolito Dunn, assistant administrator of the EPA Office of Chemical Safety and Pollution Prevention, said the new method would allow the agency to use scientific information that would better show where pesticides are used and which species could be affected.

"Making these revisions to the framework will follow through on EPA's commitments under the 2018 Farm Bill and will help EPA target environmental protections where they are needed, and ensure that pesticides can continue to be used safely without impacting endangered species," Dunn said in a statement Friday.

But the [Center for Biological Diversity](#) immediately pounced on the new draft and said it falls short. The Center pointed out the new proposal differs from a 2015 version that was produced by the EPA, the U.S. [Fish and Wildlife Service](#), the [National Marine Fisheries Service](#) and the [U.S. Department of Agriculture](#) in that it seems to focus on directly

impacted species and not tangentially impacted ones.

Brett Hartl, the Center's government affairs director, said Monday that is an incorrect approach. He said that under the EPA's new plan, a bee or butterfly that flies into an area that's been treated with a pesticide could die, and that would be a factor in the EPA's analysis of whether to approve the use of the pesticide. But the agency would not also look at the impact of the creature's death on other endangered species it also may be pollinating.

Lori Ann Burd, the Center's environmental health director, said the new plan is clearly intended to result in fewer instances of pesticide use being denied.

"The pesticide industry asked Trump to kill protections from harmful pesticides, and Interior chief [David] Bernhardt and the EPA's pesticide office are quickly pulling the trigger," she said in a Friday statement.

The [U.S. Department of the Interior](#)'s Office of Inspector General has opened an investigation into Bernhardt based on several ethics complaints lodged against him, including one by Sen. Ron Wyden, D-Ore., who said Bernhardt blocked an FWS assessment of the effect of toxic pesticides on several endangered species.

Hartl also pointed out that the new draft does not have the imprimatur of the FWS, NMFS or USDA.

The EPA noted in its draft that its proposed risk assessment methods "are not a regulation and, therefore, do not add, eliminate or change any existing regulatory requirements."

It also said that it will continue to evaluate pesticide applications on a case-by-case basis

"As such, every aspect of the proposal may not always be applicable in a biological evaluation," the agency said.

The EPA and Interior Department did not respond to requests for comment Monday.

--Editing by Connor Relyea.