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## **NEW RULES ON PESTICIDES THREATEN FISH AND WILDLIFE**

### **Fact Sheet**

January 2004

### **Proposed regulations would weaken endangered species protections**

On Wednesday, January 28, 2004, the Bush administration proposed new Endangered Species Act (ESA) regulations that would circumvent the consultation process established under the ESA to ensure that federally permitted pesticide applications will not wipe out endangered species. The new rules, promulgated at the chemical industry's behest, would weaken endangered species protections by:

- Shutting wildlife agency experts out of endangered species protection by instituting self-consultations in which only the Environmental Protection Agency (EPA) would assess the impacts of pesticides on endangered species, thereby eliminating the expert wildlife agency review of the scientific evidence that serves as an independent check and safeguard.
- Making it more difficult to protect endangered species by requiring a greater showing of harm to the species before formal consultations with wildlife agency experts are required.
- Establishing rigorous hurdles for the type of data that can be considered in assessing risks to species.
- Requiring deference to EPA's assessments of pesticides and views even where EPA lacks species' expertise or the expert scientists disagree with EPA's views.
- Allowing outdated science to be the basis for determining whether and the extent to which endangered species must be protected from pesticides.
- Giving the chemical industry special participation rights that are not shared by the public.

### **The EPA already ignores its obligation to consult with wildlife agency experts**

The EPA has an abysmal track record when it comes to fulfilling its legal obligation to consult with the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) on pesticides:

- EPA continues to authorize use of pesticides that FWS has found will cause jeopardy to endangered species.
- EPA has no program for protecting endangered species despite proposing such a program in 1989.

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- EPA never started the process of bringing its pesticide authorizations into compliance with the ESA protections for salmon until ordered to do so by a federal court in 2002, even though the first ESA listing of salmon occurred in 1989, triggering the ESA duties.
- EPA authorizes use of pesticides that it has found to be harmful to fish or wildlife without putting mitigation measures into place.

### **EPA lacks sufficient scientific expertise to assess wildlife risks**

Wildlife agency experts have repeatedly called into question the guidelines and assessments that EPA has prepared and conducted.

- The National Marine Fisheries Service stated in its biological opinion on pesticide use on public forests that “Rainbow trout behavior changed at chlordane (organo-chlorine insecticide) concentrations below U.S. Environmental Protection Agency’s (EPA) no-to-be-exceeded concentration, **illustrating the inadequacy of using current EPA application guidelines for avoidance of sublethal effects.**”
- The Fish and Wildlife Service comments on EPA’s Atrazine risk assessment stated: “Risk assessments that fail to address [the pesticide mixing] issue are likely to underestimate the true potential for ecological impacts, and as such, **this represents a critical data gap that EPA needs to address.**”
- EPA further lacks expertise on the status and habitat needs of endangered species. EPA’s assessment of the pesticide diazinon acknowledged that EPA lacked knowledge about young Chinook salmon life cycles and habitat needs.
- EPA bases its species assessments on doses that kill species without taking into account the peer reviewed scientific literature documenting serious impacts to species at levels below the lethal dose.
- EPA does not assess the cumulative effects of multiple pesticide uses on endangered species.

### **Deadly pesticides poison our wildlife and threaten our health**

Public consciousness about the dangers of pesticides to wildlife dates back to the 1960's when Rachel Carson first exposed the problem in *Silent Spring*, her legendary work about the link between declining bird populations and the pesticide DDT. But forty years later, the EPA proposed changes to pesticides regulations could spell disaster for wildlife from exposure to deadly chemical poisons.

- It is widely known that pesticides can kill or harm wildlife, including species on the brink of extinction.
- Because pesticides often travel from one level in the food chain up to the next, they can have damaging effects on many species that never came into direct contact with the pesticides.
- Fenthion, a particularly potent pesticide, has been linked to the deaths of endangered birds, and Brodifacoum, the active ingredient in the rat poison D-Con and **the culprit in most of the 48,000 recent rodenticide poisonings of children under six**, has contributed to the deaths of endangered San Joaquin kit foxes and golden eagles.