

Product Use Restrictions Would Be Imposed Without Finding Of Harm To Endangered Species

CropLife America (CLA) and RISE (Responsible Industry for a Sound Environment) are objecting to a proposed settlement in a lawsuit brought against the U.S. Environmental Protection Agency (EPA) alleging the agency's violation of the Endangered Species Act (ESA).

The proposed settlement, would impose interim restrictions on the use of crop protection and specialty pesticide products in and adjacent to endangered species habitat in the San Francisco Bay Area. These restrictions would be imposed prior to EPA effects determinations, even though no evidence of harm has been found from the use of these products to any of the species at issue.

“We fully support EPA fulfilling its statutory obligations under ESA,” said Jay Vroom, CEO and president of CropLife America. “However, we disagree with imposing product use restrictions on valuable and necessary crop protection products and specialty pesticides with no evidence of actual harm to any of the species in question.”

As part of the proposed settlement, over the next five years EPA would agree to determine the effects of various pesticides on endangered species within eight Bay Area counties. The underlying lawsuit was filed in 2007 against EPA for failing to consult with the Fish & Wildlife Service (FWS) in the registration certain pesticides. EPA is required under ESA to consult with the FWS in the registration and approval of pesticides that may affect listed species or their habitats.

“We continue to support efforts to require the EPA to subject pesticides to all required scientific reviews,” said Allen James, president of RISE. “But imposing restrictions before the formal consultation is completed, leaves homeowners living on or near the species habitat with fewer options for battling termites, weeds and other pests. This hardly seems an equitable solution.”

EPA published the proposed settlement July 1 beginning a public comment period ending August 17. CLA & RISE are preparing comments to be filed with the government through the Federal Register process to be followed, if need be, by a formal objection filed at a later date.