



# Update of EPA's Endangered Species Efforts for Pesticides

---

Kelly Tindall

Environmental Protection Agency

Office of Pesticide Programs

January 2026





# Objectives

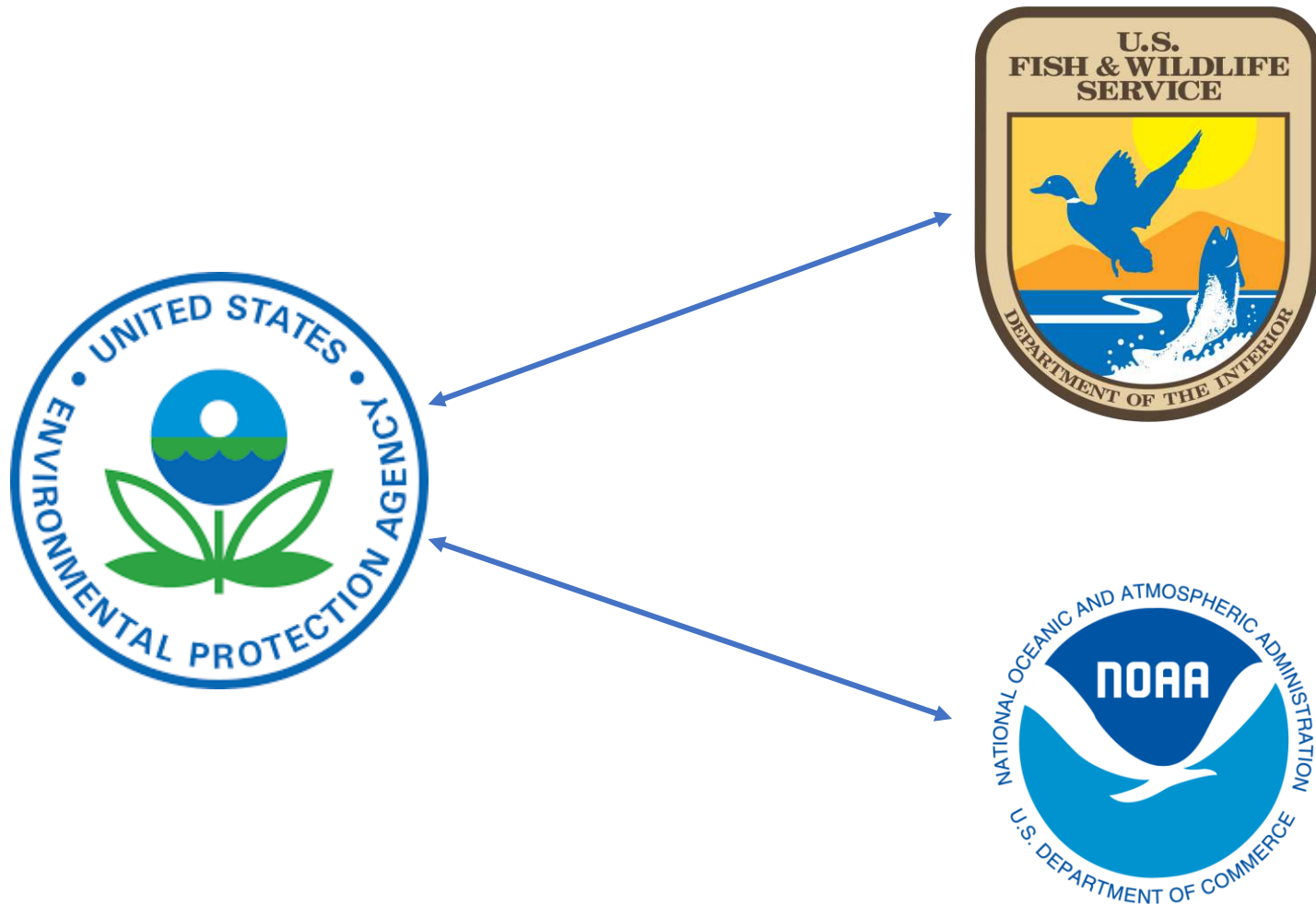
- Background on Endangered Species
- Overview of EPA's Workplan & Strategies
- Mitigation
- Conservation Programs
- Public Comment Process
- How to Stay Informed

# Endangered Species Act (ESA)

- All Federal Agencies must ensure that their actions do not:
  - Jeopardize **species** existence; or
  - Destroy or adversely modify designated **critical habitat**
- Federal agencies must **consult** if an action may affect a listed species or its designated critical habitat



# EPA has obligations under the ESA when considering registration actions



# Historical Challenges with Implementing ESA for Pesticides

- A large and growing number of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) actions that trigger ESA obligations coupled with reduced staffing
- FIFRA registrations are often geographically broad, cover many uses, and could potentially affect federally listed species
- The current ESA-FIFRA process is time and resource intensive
- This process considers protections for listed species identified to be necessary, while also being practical for pesticide users to implement
- A need for the ESA-FIFRA process to be more efficient
- A series of challenges related to data and scientific methods
- An effective ESA-FIFRA process requires strong working relationships among EPA, Fish & Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and US Department of Agriculture (USDA). All four agencies are working toward this goal
- Numerous litigation challenges claiming failure to meet ESA obligations



## ESA WORKPLAN UPDATE:

### Nontarget Species Mitigation for Registration Review and Other FIFRA Actions



November 2022

### Herbicide Strategy

## to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Herbicides

August 2024

Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, DC



## Action Plan to Reduce Exposure of Vulnerable Federally Listed Endangered and Threatened Species from the Use of Conventional Pesticides



September 2024

Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, DC

### Insecticide Strategy (Final)

## to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Insecticides

April 29, 2025



Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, DC



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION  
WASHINGTON, D.C. 20460

November 21, 2024

PC Codes: 067701, 067705,  
067707, 076901, 086002, 086003,  
086601, 112001, 112701, 112802,  
19901, 128967, 202901

### MEMORANDUM

**SUBJECT:** **Rodenticides:** Final Biological Evaluation, Effects Determinations, and Mitigation Strategy for Federally Listed and Proposed Endangered and Threatened Species and Designated and Proposed Critical Habitats

# EPA's Workplan & Strategies



**Balancing Wildlife Protection and  
Responsible Pesticide Use:  
How EPA's Pesticide Program Will Meet  
its Endangered Species Act Obligations**

2022



[www.epa.gov/endangered-species](http://www.epa.gov/endangered-species)

## April 2022 Workplan and November 2022 Update

---

- Prioritize FIFRA actions for meeting ESA obligations
- Early mitigation
  - Runoff/Erosion
  - Spray Drift
- More efficient approaches

# Bulletins Live! Two (BLT) Label Language

- **“ENDANGERED AND THREATENED SPECIES PROTECTION REQUIREMENTS:** Before using this product, you must obtain any applicable Endangered Species Protection Bulletins (‘Bulletins’) within six months prior to or on the day of application. To obtain Bulletins, go to Bulletins Live! Two (BLT) at <https://www.epa.gov/pesticides/bulletins>. When using this product, you must follow all directions and restrictions contained in any applicable Bulletin(s) for the area where you are applying the product, including any restrictions on application timing if applicable. It is a violation of Federal law to use this product in a manner inconsistent with its labeling, including this labeling instruction to follow all directions and restrictions contained in any applicable Bulletin(s). For general questions or technical help, call 1-844-447-3813, or email [ESPP@epa.gov](mailto:ESPP@epa.gov).”

# Bulletins Live! Two (BLT)

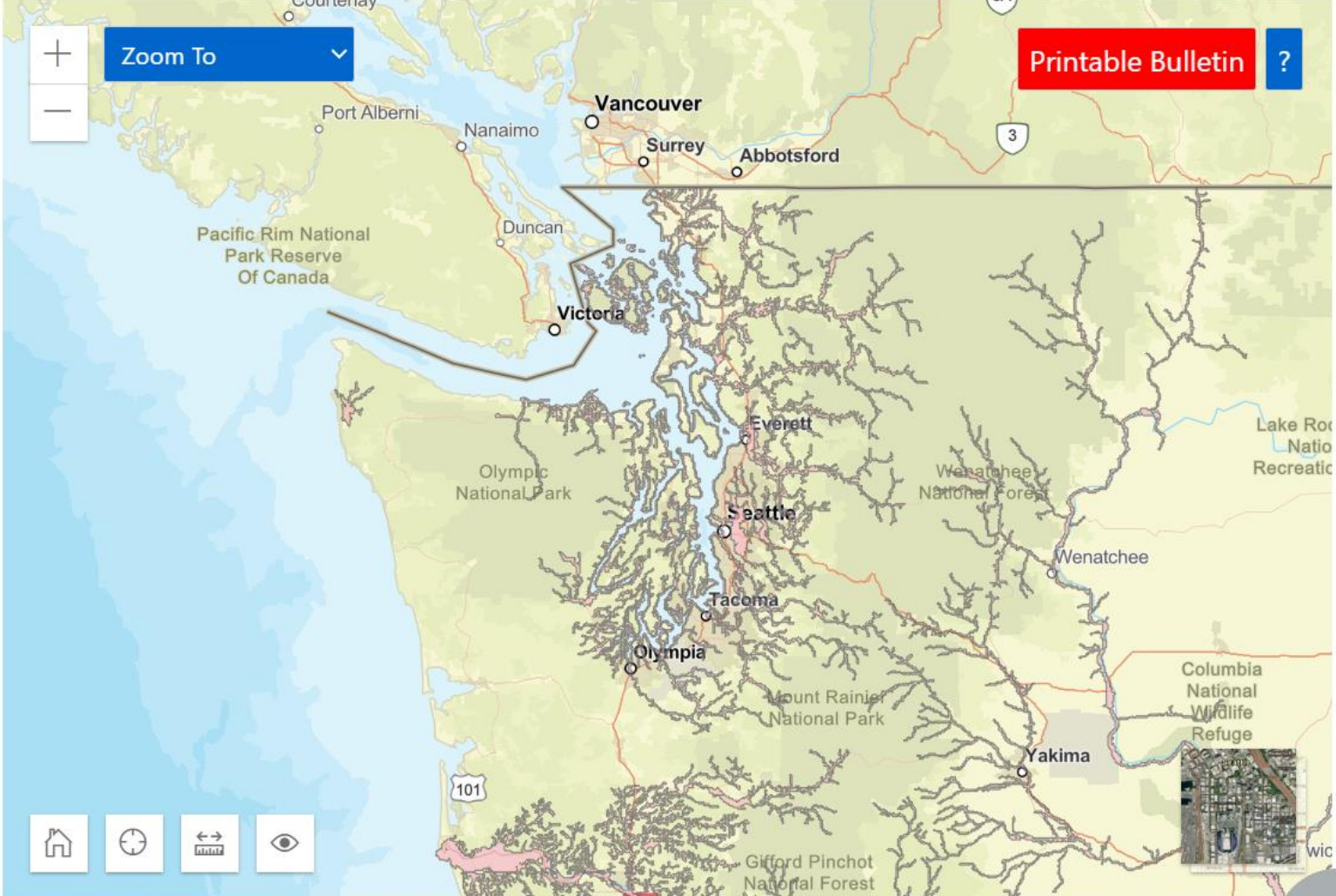
**Location Search:**  
Find Place

**Application Month:**  
April 2026

**EPA Registration Number:**

**Product**  
TRIANGLE HERBICIDE (66222-131)

1 Pula(s) Filtered




Island County, WA State Parks GIS, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA,... Powered by

# Final Herbicide Strategy (August 2024)

- Framework for **conventional herbicides used in agriculture**
  - Lower 48 states
  - Considering potential impacts to 400 listed plants and 500 listed animals that depend on plants
  - Minimize offsite exposure occurring via spray drift, runoff, or erosion
  - Species covered by the FWS
- Type and level of mitigation would be identified specific to the chemical, crop, and application method based on the potential impacts to listed species
- The final Strategy does not itself impose any requirements or restrictions on pesticide use.





# Final Insecticide Strategy (April 2025)

- Broad approach to reduce potential population-level impacts for over 850 FWS listed species from **conventional insecticides** applied for pest control in **agricultural fields** in the contiguous United States
- Considers exposure to on-field species and off-field spray drift and runoff/erosion exposure routes
- Listed terrestrial and aquatic invertebrates
- Listed generalist or obligate species that depend on invertebrates (as part of their diet or for pollination)
- **Introduced 1<sup>st</sup> EPA-Qualified 9-point conservation program and committed to a process to approve more programs, as well as technical experts**

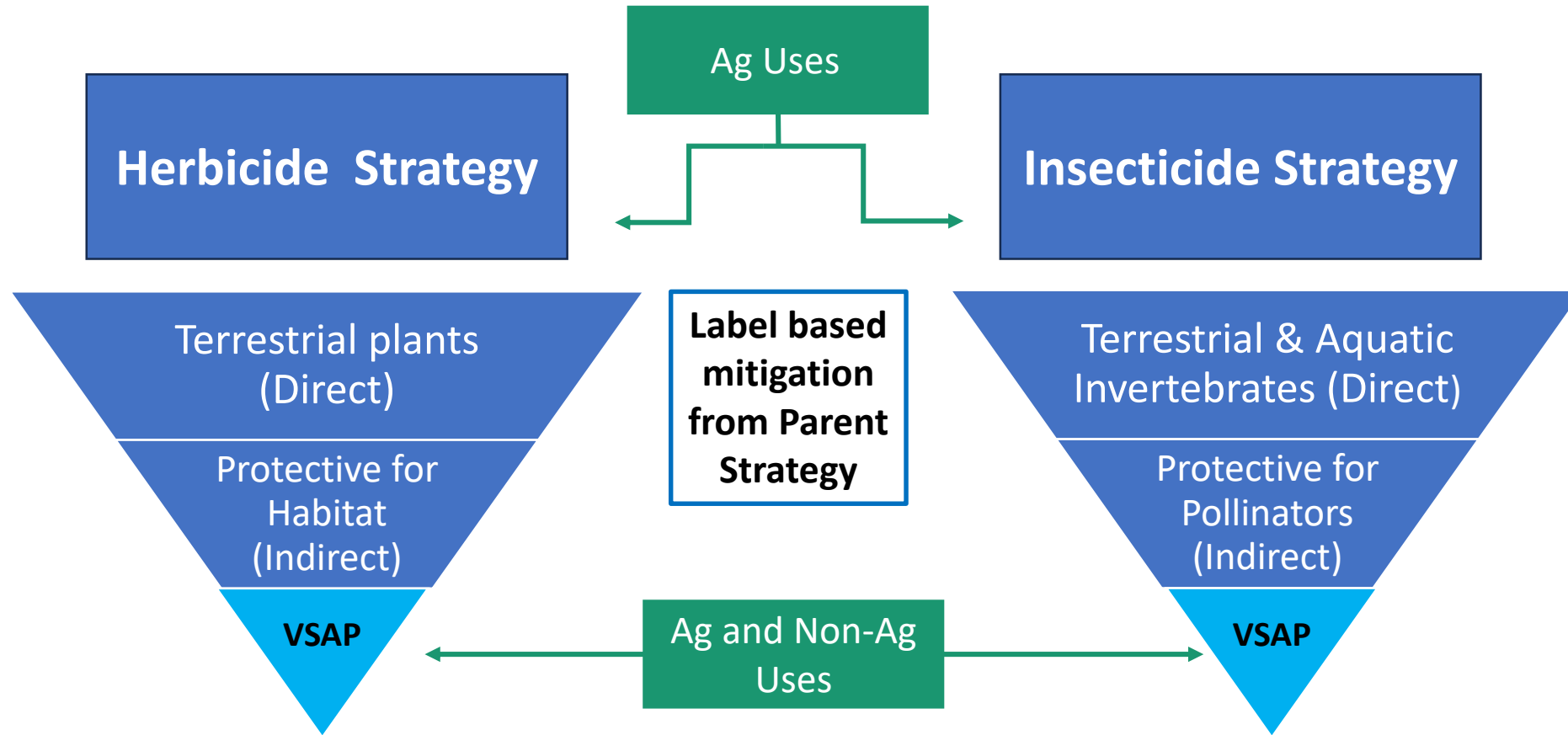
# Vulnerable Species Action Plan (Sept 2024)

---

- Identifies 27 spp. in the lower 48 states
- Applies to **conventional pesticides**
- Covers **agricultural uses** as well as “**non-ag**” uses
- 3-step framework building off other Strategy Efforts
  - Step 1 potential for impacts to species
  - Step 2 type and level of mitigation
  - Step 3 where mitigation is needed (geographic specific areas, or Pesticide Use Limitation Areas [PULA])
- Species maps have been refined
- Is being implemented through FIFRA actions
- May expand the species included in VSAP through consultation and coordination with FWS



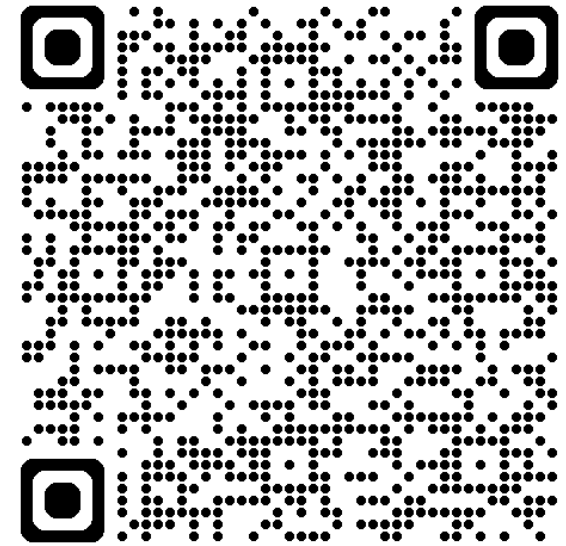
# Vulnerable Species Action Plan



The VSAP considers taxa not directly covered in the strategies (*i.e.*, birds, mammals, reptiles, amphibians, and fish); species that the vulnerable species rely on for food, shelter, or reproduction not covered with the strategy mitigation (e.g., mussels relying on fish for reproduction); exposure pathways not covered by the strategy mitigation (e.g. volatilization).

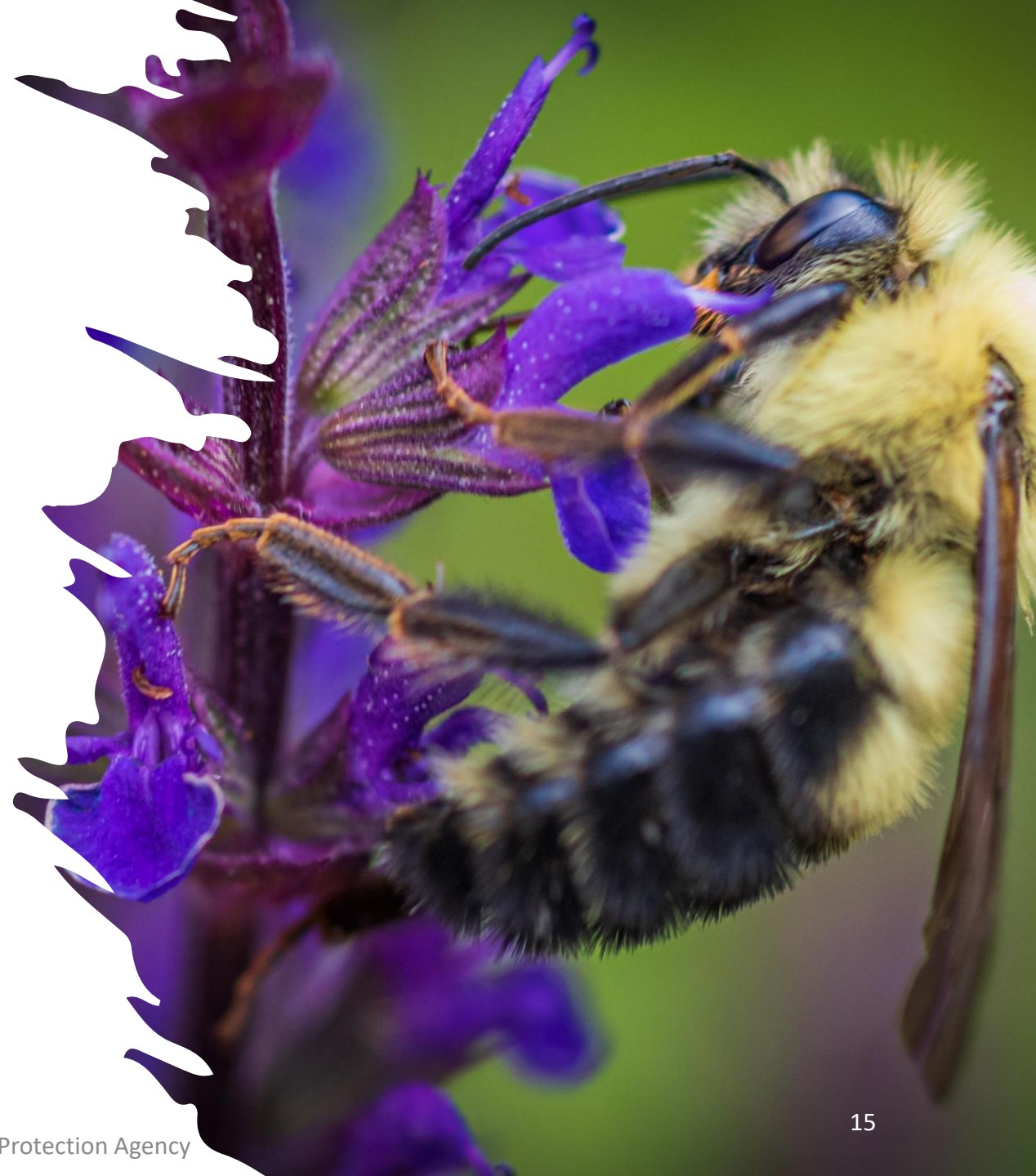
# Rodenticide Strategy & Final Biological Evaluation

- Covers 11 rodenticides in one grouped Biological Evaluation (BE) and mitigation strategy
- Evaluated each rodenticide based on use pattern and properties
- Considers on- and off-field exposures for agricultural and non-agricultural use sites.
- The final Rodenticide Strategy and BE was released in November 2024 and can be found in docket on [EPA-HQ-OPP-2023-0567](https://www.regulations.gov) on [www.regulations.gov](https://www.regulations.gov)
- The final BE describes several scenarios intended to illustrate how EPA may implement mitigations from the Rodenticide Strategy as each rodenticide goes through registration review and for registrations of new active ingredients and new uses
- The final Rodenticide Strategy does not itself impose any requirements or restrictions on pesticide use



# Other Strategy Efforts

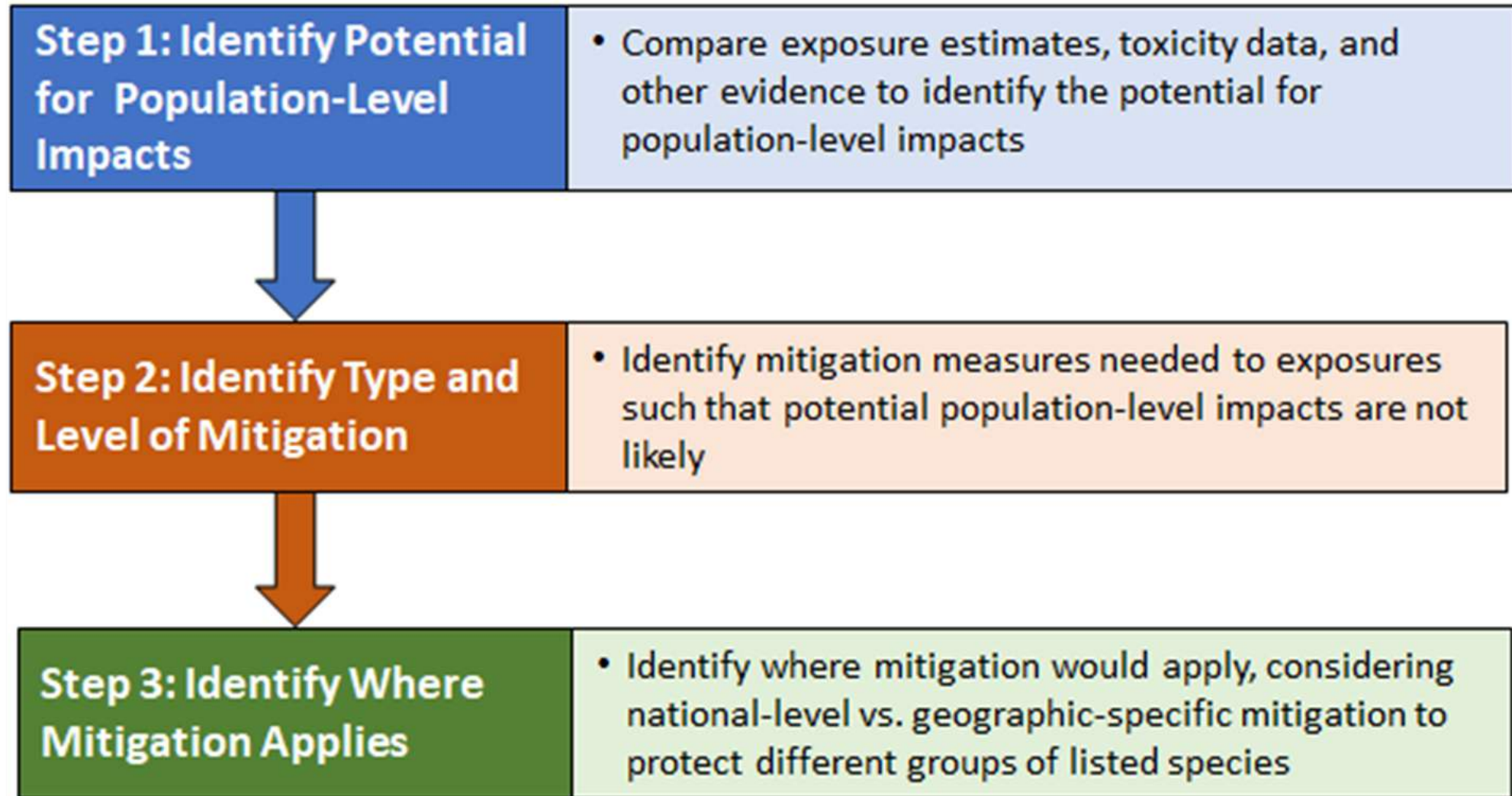
- **Fungicide Strategy** – conventional fungicides in CONUS
  - Draft date: April 2026
  - Final date: November 2026
- **Hawaii Strategy** – Covers many pesticide uses in HI
  - ~40% of all listed species are in HI
  - March 2024 workshop





# Mitigation: When, Where, & How Much

# 3 Step Process for Final HS and IS



# Spray Drift Buffers Based on Potential for Population-Level Impacts

Potential for Population- Level Impacts (Step 1)	Distance from edge of treated area (in feet)*		
	Aerial <sup>1</sup> Spray	Ground <sup>2</sup> Spray	Airblast
Not Likely	None	None	None
Low	50	10	25
Medium	Calculated for specific chemical		
High	300	100	85

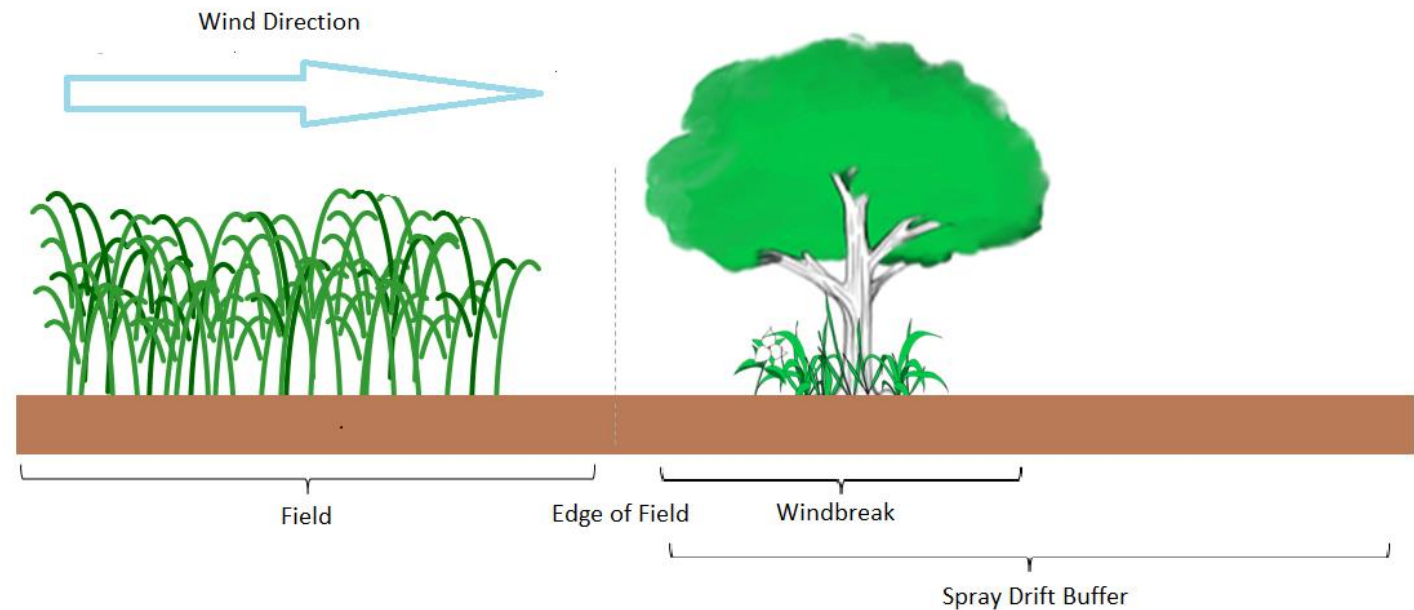
<sup>1</sup>Based on medium droplet size distribution

<sup>2</sup>Based on high boom and very fine to fine droplet size distributions

\* Options available to reduce buffers; retroactively applies to Herbicide Strategy

# Identified Measures to Reduce Pesticide Spray Drift

- Buffers for aquatic and conservation areas
- Spray restrictions based on windspeed
- Limits on height of sprayers
- Larger droplet sizes
- Wind-directional buffers

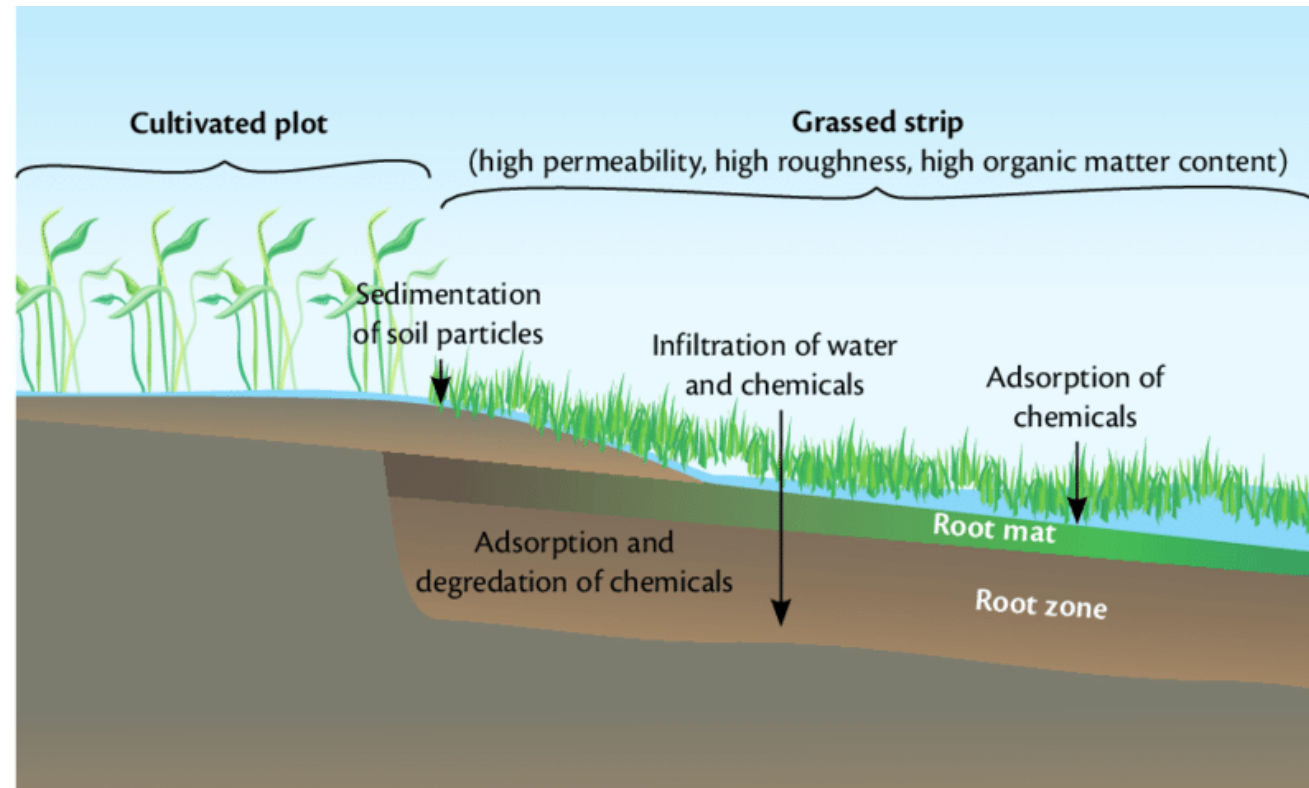


# Runoff/Erosion Mitigations Based on Potential for Population-Level Impacts

Potential for Population-Level Impacts	Mitigation Points Identified	
	Erosion-Prone Chemicals	Runoff-Prone Chemicals
Not Likely	None	None
Low	2 points	3 points
Medium	4 points	6 points
High	6 points	9 points

# Mitigation to Reduce Pesticide Runoff

- When runoff mitigation is identified to be necessary, EPA expects to propose the number of mitigation points needed to address the level of population-level impacts – up to 9 points.
- To date, EPA has identified over 40 different mitigation and mitigation relief measures to reduce run-off/erosion exposure.



Source: Long et. al (2010).

# Moving Forward Labels Will Have Links Requiring Users to Access Online Mitigation Menu

## 11.0 MANDATORY RUNOFF MITIGATION:

- **DO NOT** apply when soils are saturated or above field capacity.
- **DO NOT** apply during rain.

You must achieve a minimum of three points for the crop uses listed on this label unless otherwise stipulated below. Applicators must access and search Bulletins Live! Two (BLT) at <https://www.epa.gov/pesticides/bulletins> within six months of the application to determine whether the application site falls within a Pesticide Use Limitation Area (PULA) that has a Bulletin in BLT. If you are located inside a PULA, follow the instructions in the bulletin.

If the application site is located outside a PULA, runoff/erosion mitigation is required for this product unless certain field/application parameters are present at the time of application (i.e., subsurface or tile drains with controlled outlet, perimeter berm systems, irrigation tailwater return systems, spot treatment, etc). Access EPA's Mitigation Menu Website at [www.epa.gov/pesticides/mitigation-menu](http://www.epa.gov/pesticides/mitigation-menu) for a full list of field/application parameters to evaluate whether your field is subject to runoff/erosion mitigation.

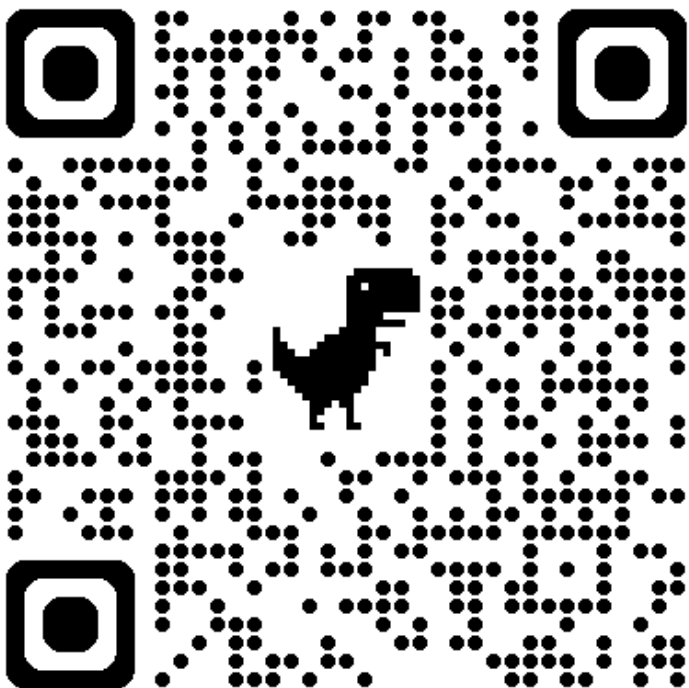
If the application does not meet the specified field/application parameters, a minimum of three points for the crop uses listed on this label must be achieved. The applicator must choose among the mitigation and/or mitigation relief measures on EPA's Mitigation Menu Website to meet or exceed these points before applying this product. The website includes the full menu of runoff/erosion mitigation and mitigation relief measures. The following are examples:



## Pesticides

[Antimicrobial Pesticides](#)

[Biopesticides](#)



# Mitigation Menu

Date of last update: April 30, 2025

### On this page:

- [How do I know if Runoff/Erosion Mitigation is Required?](#)
- [Runoff/Erosion Mitigation Options](#)
- [How do I know if Ecological Spray Drift Buffers Are Required?](#)
- [Ecological Spray Drift Buffer Reduction Options](#)

## How do I know if Runoff/Erosion Mitigation is Required?

Pesticide users will need to plan their pesticide applications in advance to determine whether they are subject to runoff/erosion mitigation. These mitigation requirements will appear on product labels and/or Bulletins for the product in the [Bulletins Live! Two](#) System. If a label directs users to check Bulletins, they must do so to determine if

### Helpful Links

- [Purpose and Background of Mitigation Menu](#)
- [Bulletins Live! Two](#)
- [USDA's Web Soil Survey tool to determine soil texture](#) [↗](#)
- [EPA's ESA Workplan Update](#) [↗](#)
- [Herbicide Strategy Docket](#) [↗](#)
- [Insecticide Strategy Docket](#) [↗](#)
- [Vulnerable Species Action Plan Docket](#) [↗](#)
- [Mitigation Menu Website Archives](#)

# Ecological Mitigation Menu


---

- EPA anticipates updating the menu:
  - With additional mitigation options, once identified, to effectively reduce exposure
  - To continuously improve clarity and usability
  - At times of year that facilitate grower planning (i.e., autumn) or when needed for major actions
- Resources Available:
  - Calculators (Runoff/Erosion: [excel](#), [PDF](#), [user guide](#); Spray Drift: [excel](#), [PDF](#), [user guide](#))
  - [Crosswalk of EPA Mitigation with NRCS Conservation Practice Standards](#) Mitigation Menu Updates.
  - [Pesticide and Endangered Species Educational Resources Toolbox](#)
  - [Pesticide App for Label Mitigation](#) – EPA’s online app to help calculate mitigation needs


# Where Could Mitigation Apply?

- Mitigation may appear as label restrictions and can apply anywhere the product can be used.
- Mitigation may also be geographically limited to protect particular species or types of species.
- Strategies attempt to target mitigation in locations important for species conservation by:
  - If the strategy identifies impacts only to some types of plants (*e.g.*, grasses) then mitigation may only apply where those types of listed plants are located.
  - Refining maps used to define relevant areas for mitigation for species protection/ conservation.
- Spatially limited mitigation may be communicated in Bulletins accessed using Bulletins Live! Two and/or labels.

**Endangered Species Protection Bulletin**

 **Application Month:** November 2023  
**Product:** MALATHION 8E INSECTICIDE (34704-452) ; "CLEAN CROP MALATHION 8E INSECTICIDE"

**1** Areas where pesticide use must be limited are identified on the map. A legend is located beside the map to help pinpoint these locations.



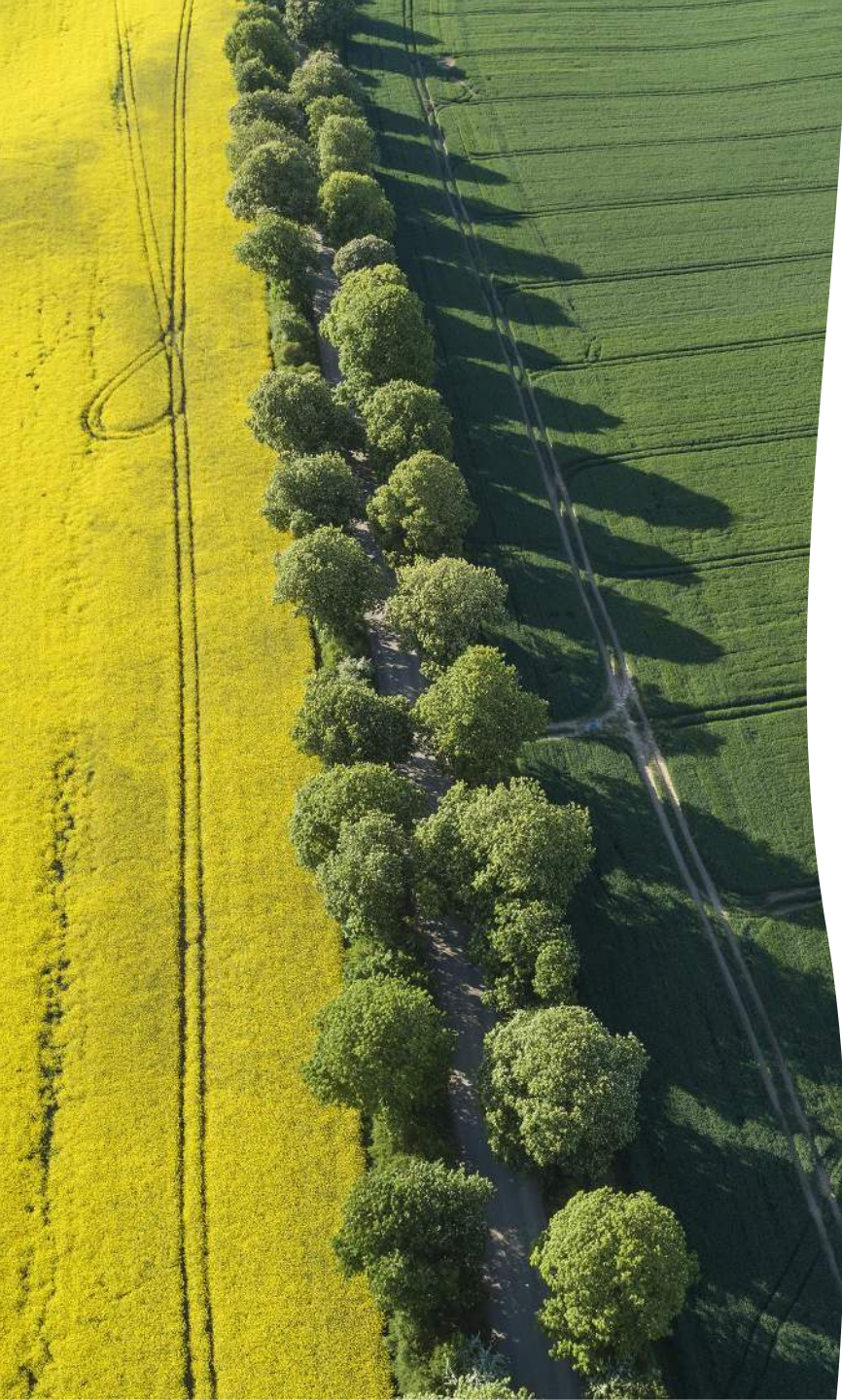
**Legend**  
Limitation Area

**2** Look below at the Pesticide Use Limitation Summary Table. This table lists the user selected Active Ingredient(s) (ALs) or Product(s) with pesticide use limitations on the printed map. Locate the Active Ingredient (AI) or Product you intend to apply in this table and identify the code in the last column. This code indicates the specific limitation associated with that AI or Product. A limitation description for each code can be found below in the Codes and Limitations Table. If multiple Pesticide Use Limitation Areas (PULAs) are visible on the map, these tables provide information for the highlighted PULA.  
If you are applying a pesticide that contains more than one Active Ingredient, or multiple Products, then multiple codes may apply. Follow the limitations for all codes when using this pesticide.

This document contains legal requirements for the use of certain pesticides. Do not modify any text, graphics or coloration or otherwise alter this document. ESPP Contact: ESPP@epa.gov Phone: 1-844-447-3813

# Information Collection Request (ICR) for EPA Qualified Conservation Programs





# History of Conservation Programs and ESA

- Final Herbicide Strategy
  - 2 points for Conservation Programs
  - 1 point for Technical Experts
- Conservation Programs – variable in purpose and practices implemented to achieve goals
  - Could be habitat restoration, stream bank restoration, nutrient management, soil conservation, etc
  - Conservation goals can be met in several ways and often differ across geographies
- Comments on the Draft Insecticide Strategy
  - Growers should receive:
    - Credit for measures already in place
    - Receive documentation that can be shared with commercial applicators or State Lead Agencies

# Final Insecticide Strategy (and Retroactively for the Herbicide Strategy)

- Collaborated with USDA to Qualify the USDA-NRCS Environmental Quality Incentive Program (EQIP) + Conservation Practice Standard (CPS) 595 (with water protection standards) as EPA's 1st 9-point program
  - Required the addition of new characteristics that a program needs to achieve to meet protection goals
- Mentioned also having qualified technical experts (“external parties”)
  - Individuals who could assess existing field conditions (for less than 9 points), but do not have to offer conservation planning
- Committed to developing a process and getting feedback via an Information Collection Request



# Proposal for an EPA-Qualified Conservation Program/ External Party

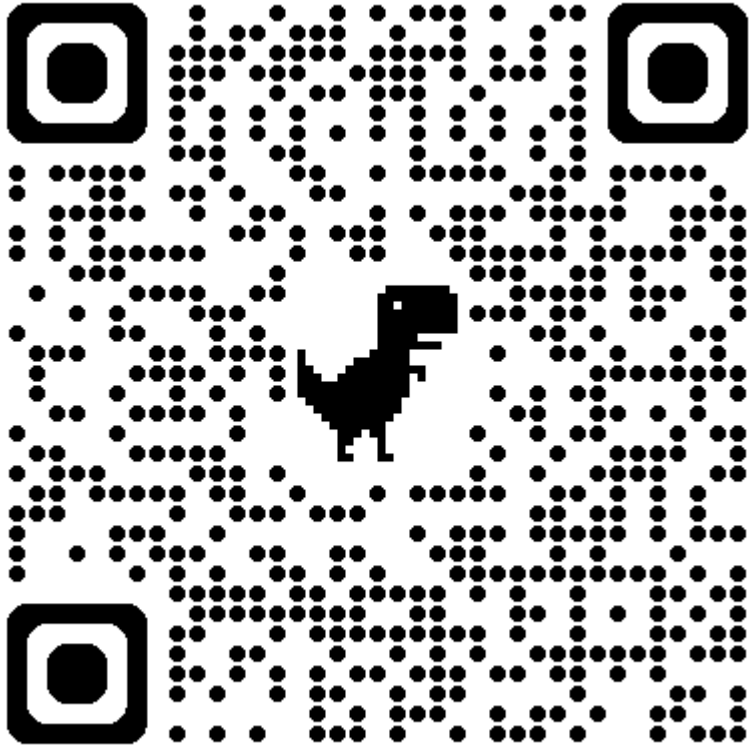
## Conservation Programs and External Parties Submit an Application

- About 20 questions for written responses
  - Basic program information, states/counties where active, and familiarity with EPA's Mitigation Menu
  - Information about level of expertise of staff in methods to reduce runoff/erosion
  - How mitigation measures are implemented and maintained

## EPA Review Process

- OPP panel to review and approve or reject submission
  - If approved, name of program/external party will be listed on EPA's website
    - Growers/applicators will have to check website to see if their program/party is "EPA Qualified" prior to making a pesticide application
  - If rejected, applicants will be provided a rationale and can resubmit at any time
- Programs/External Parties will need to resubmit for Agency re-review on a 5-year cycle
- If EPA suspects the program/external party is not operating as expected, EPA may conduct a review and qualification may be "revoked"

# The ICR Process



- Published a Federal Register Notice announcing the availability of the Information Collection Request (ICR) for a 60-day comment period on Jan 5, 2026 (EPA-HQ-OPP-2025-1906)
  - Comments due March 6, 2026
  - Review comments and incorporate feedback
- Publish the ICR for an additional 30-day public comment period
  - Review comments and incorporate feedback
- Submit package to Office of Management Budget
  - Review comments and incorporate OMB feedback
- Publish final ICR which will include the final questions that will be used to certify qualified parties

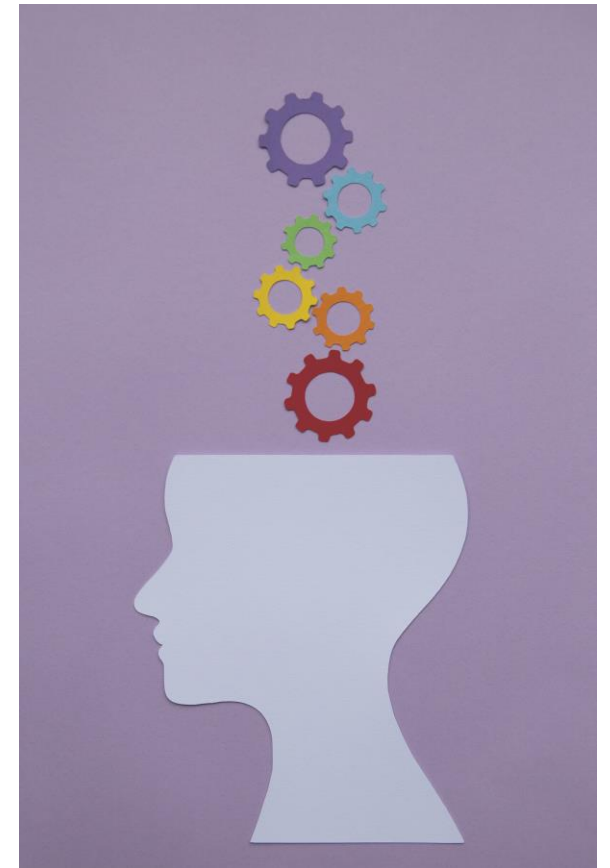


# Public Comment Process

# Providing Feedback Through Public Comment

---

- EPA publishes a notice in the Federal Register announcing the availability of the docket and providing the public with a comment period
  - Comment periods typically range from 15 to 60 days
- Search the docket number (EPA-HQ-OPP-####-####) on [www.regulations.gov](http://www.regulations.gov)
- Subscribe to specific dockets of interest to be updated when public comment periods are open.
- Resource on how to access EPA dockets:  
<https://www.epa.gov/dockets/access-epa-dockets>



# How to Submit Public Comments

<https://www.regulations.gov/>

Regulations.gov  
Your Voice in Federal Decision Making

SUPPORT

EPA-HQ-OPP-2025-1906 X Search

Dockets Documents Comments

< Back to Homepage

REFINE DOCUMENTS RESULTS ?

Only show documents open for comment (1)

Document Type —

Supporting & Related Material (5)  
 Notice (1)

Posted —

Last 7 Days (1)  
Last 15 Days (6)  
Last 30 Days (6)  
Last 90 Days (6)  
Custom Dates

Comments Due —

Next 90 Days (1)  
Custom Dates

SEARCH RESULTS SORT BY Best Match ▾

SUPPORTING & RELATED MATERIAL

DRAFT PESTICIDE REGISTRATION NOTICE - EPA'S PROPOSED PROCESS TO BECOME AN EPA QUALIFIED CONSERVATION PROGRAM OR EXTERNAL PARTY - ATTACHMENT A TO THE ICR SUPPORTING STATEMENT

Agency Environmental Protection Agency | Posted Jan 5, 2026 | ID EPA-HQ-OPP-2025-1906-0002

NOTICE

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Process To Become an EPA Qualified Conservation Program and Qualified External Party; Draft Pesticide Registration Notice

Federal Register for Monday, January 5, 2026 (91 FR Notices 273) (FRL-12954-01- OCSPP) EPA-HQ-OPP-2025

Agency Environmental Protection Agency | Posted Jan 6, 2026 | ID EPA-HQ-OPP-2025-1906-0007

Open for Comments

Comment Period Ends: Mar 6, 2026 at 11:59 PM EST

Comment

# How to Submit Public Comments

Regulations.gov  
Your Voice in Federal Decision Making

SUPPORT

You are commenting on a Notice by the Environmental Protection Agency  
Pesticide Registration Review: Proposed Interim Decisions for Several Pesticides

Comment Period Ends: 63 Days

### Write a Comment

[Read Agency Guidelines](#) | [Commenter's Checklist](#)

Comment\*

Start typing comment here...

5000

### Attach Files

You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.

Drop files here or [Browse...](#)


Email Address


Email Address


Opt to receive email confirmation of submission and tracking number? (We will never post on Regulations.gov or share your email with anyone else.)

### Tell us about yourself! I am...\*

(Select an identity below)

  
**An Individual**  
If you or another single

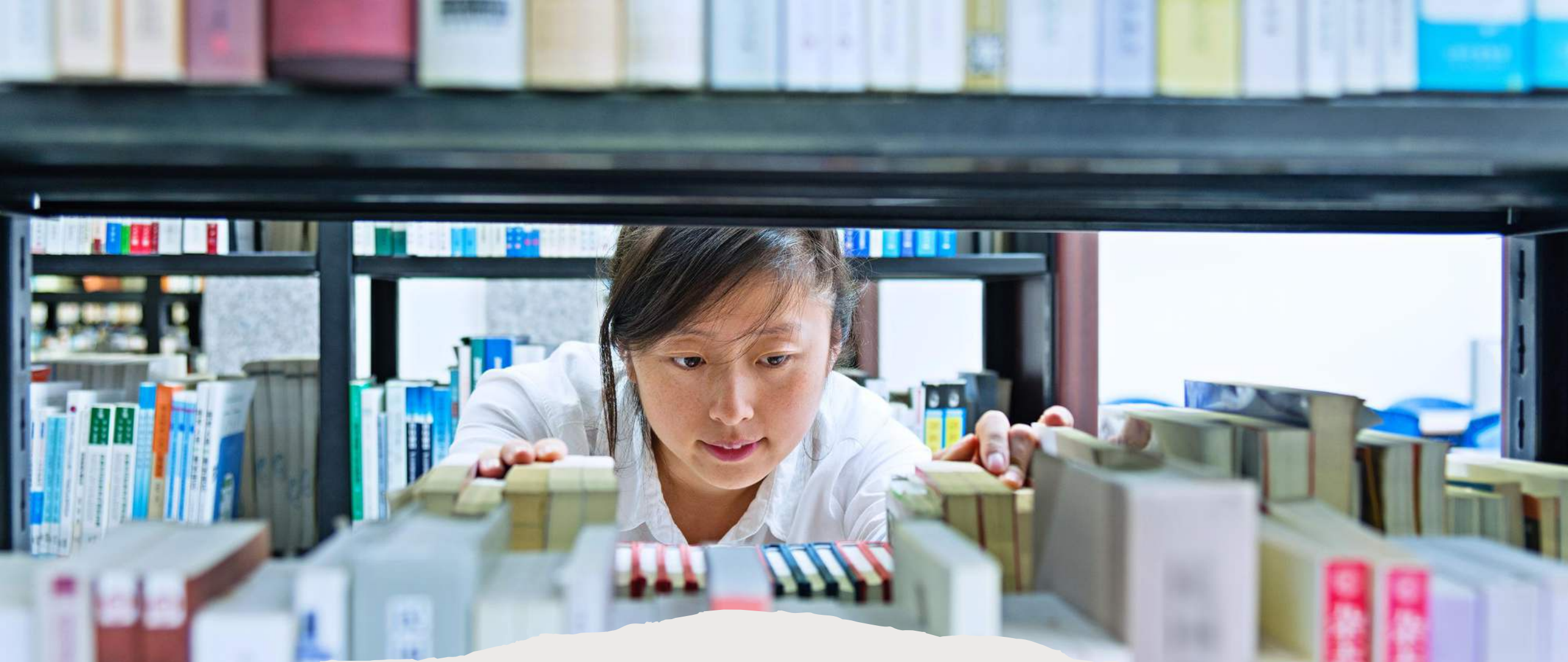
  
**An Organization**  
A company, organization,

  
**Anonymous**  
If you do not want an entity

# Feedback Sought on the Conservation Program ICR

- The two applications: one for Conservation Programs, one for External Parties
  - Are the directions and questions clear; anything missing or redundant?
- Information on the burden estimates associated with the application
  - We estimate it would take 56 hour to complete – is this reasonable?
- Information to anticipate the level of interest to better plan EPA resource requirements
  - How many programs/organizations provide these services in your area?
- Proposal for a re-review process of programs/parties on a 5-year cycle
  - Is this clear and reasonable?
- A process to revoke qualifying status if found to be operating in a manner that does not align with Agency expectations or in line with the information previously submitted
  - Are there additional elements the Agency should consider including in this process?





# How to Stay Informed

# Sign Up for OPP Updates



## and Pollution Prevention News

### Stay Connected

Sign up for updates from the U.S. Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention.

### Office of Pollution Prevention and Toxics

- Chemical Update
- Pollution Prevention News
- Green Chemistry

### Office of Pesticide Programs

- Pesticide Update
- Integrated Pest Management

### Office of Environmental Education

Pop window on first access –OR–  
Scroll to bottom right

Get pesticide updates by email

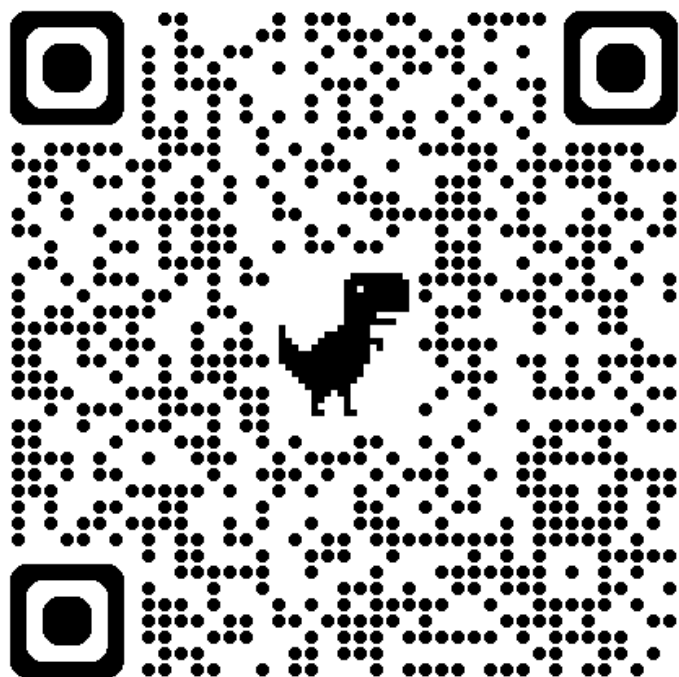
  


## Endangered Species

[About the Endangered Species Protection Program](#)

[Assessing Pesticides Under the Endangered Species Act](#)

[Endangered Species: Information For](#)



# Pesticides and Endangered Species Educational Resources Toolbox

The Pesticide and Endangered Species Educational Resources Toolbox catalogs educational resources including guidance documents, handouts, presentations, informational webinars, and other resources relating to EPA's endangered species work. EPA developed the materials in this toolbox for a variety of stakeholders who may have differing levels of knowledge about EPA's efforts to protect listed species. For example, crop consultants, retailers, extension agents, and others, may use these materials to educate growers and applicators on the Endangered Species Act strategies or mitigation measures they may see on product labels.

EPA will continue adding new materials to the toolbox as they are developed.

The toolbox can be sorted alphabetically, by publication date, or topic, etc. and has a search function. Select the arrow in each column heading to sort the toolbox by ascending or descending order.

Show  entries

Search:

Topic	Subtopic	Title	Category	Last Modified
Bulletins Live	Information	<a href="#">BLT Flyer (pdf)</a> (366.23 KB)	PDF	October 2024
Runoff/Erosion Points Calculator	Spreadsheet	<a href="#">EPA's runoff points calculator (xslm)</a> (172.28 KB)	Excel	October 2024
Runoff/Erosion Points Calculator	How To?	<a href="#">Mitigation Calculator User Guide (pdf)</a> (853.68 KB)	PDF	October 2024
		<a href="#">Application of EPA's Runoff and Erosion and Spray Drift Mitigations Through Scenarios that Represent Crop</a>	PDF file in	



Questions?  
[tindall.kelly@epa.gov](mailto:tindall.kelly@epa.gov)