



A Professional Society Representing the Nation's Crop Production, Research Consultants and Quality Assurance Professionals

THE ENDANGERED SPECIES ACT AND BIOLOGICAL EVALUATIONS OF PESTICIDES FOR REGISTRATION REVIEW

NAICC POSITION ON ENDANGERED SPECIES ACT (ESA)

Members of the National Alliance of Independent Crop Consultants (NAICC) are independent agricultural consultants and researchers. Our members consult in 40 states on approximately 150 crops. NAICC believes that protecting endangered species and habitats is critically important and offers its assistance in finding workable solutions.

NAICC supports the true intent of the Endangered Species Act. We feel that it is critically important to focus on efforts that will preserve or improve critical habitat for endangered and threatened species precisely where these habitats exist. The Biological Evaluation is a complicated process that results in a theoretical evaluation of potential risk. This process has the potential to severely restrict the registration of many pesticides without actually improving the protection of endangered or threatened species or critical habitats.

BACKGROUND

In 1973 Congress passed the Endangered Species Act. Its objectives are to protect and recover imperiled species and their habitat. The U.S. has approximately 1600 species that are listed as endangered or threatened. The U.S. Fish and Wildlife Service (FWS) is responsible for overseeing the protection of terrestrial and freshwater organisms. The National Marine Fisheries Service (NMFS) is responsible for overseeing the protection of marine wildlife. EPA must consult these agencies when considering the registration of a pesticide. Section 7 requires all Federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the FWS and NMFS. In respect to pesticide registrations, EPA evaluates risk to either endangered or threatened individuals of a species and issues a Biological Evaluation. Consultation takes place between EPA, FWS and NMFS. FWS and NMFS prepare a Biological Opinion and propose actions to avoid jeopardy to the species.

ISSUE

The current Biological Evaluation process for review of pesticide registrations to comply with the Endangered Species Act has the potential to remove critical pest management tools and cripple Agriculture in the US. Although well intended, Biological Evaluations may result in pesticides or other agricultural activities having a theoretical adverse effect on endangered and threatened species, or on their respective critical habitats where little or no actual habitat exists. This is due to critical habitats often being defined as a mapped range or the boundaries of an entire county when the actual, or potential critical habitat might only exist in small tracts within the county or range. This definition does not promote the conservation or improvement of critical habitats where they actually exist. We suggest that the characteristics of critical habitat for each endangered or threatened species could be clearly described and the borders of individual habitat tracts could be mapped into a GIS system so that true management could take place at the tract level. Once critical habitat areas are mapped into a GIS system, federal or state agencies could collaborate with landowners and farmers to maintain or improve critical habitats within the properties they control on a voluntary basis. Educational efforts to help land managers recognize the characteristics of critical habitat would likely result in a significant increase in the amount and quality of critical habitat.

Farmers are currently engaging in a new age of land stewardship and environmental services that includes soil health, nutrient trading, carbon sequestration and improvement/development of critical habitat. Consumers expect agriculture to be sustainable and environmentally friendly. Farmers are looking for opportunities to show consumers that agriculture can play a key role in improving sustainability.

NAICC believes that agriculture can co-exist with threatened and endangered species. NAICC would like to be part of the answer in helping develop workable solutions to managing critical habitats precisely where they exist while allowing agriculture to grow food, fiber, and biofuels with minimal adverse effects on endangered/threatened species and their associated habitats.