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Federal Insecticide, Fungicide, and Rodenticide Act/Endangered Species Act: U.S. Environmental Protection Agency and Environmental Organizations Enter into Settlement Agreement Addressing Herbicide/Insecticide Review Strategy

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The United States Environmental Protection Agency (“EPA”) and two environmental organizations entered into a September 12th Proposed Stipulated Settlement Agreement (“Agreement”) addressing the federal agency’s obligation under the Endangered Species Act (“ESA”) while conducting reviews and approvals of pesticides under the federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”).

The environmental organizations entering into the Agreement included:

- Center for Biological Diversity
- Pesticide Action Network North America

The Agreement resolved litigation filed in the United States District Court in California in 2011 alleging that EPA was violating the ESA when it registered or reevaluated the FIFRA registration of 382 pesticide active ingredients. EPA states that this total was reduced to 35 active ingredients covering over 1,000 pesticide products containing one or more of such active ingredients.

The Agreement resolves this litigation.

The pesticides include herbicides and insecticides.

Pursuant to the Agreement EPA is required to develop a strategy to better protect endangered species pursuant to the following schedule:

- Herbicides by 2024
- Insecticides by 2025

A draft herbicide study had previously been released for public comment.

EPA is also obligated to analyze expanding pilot programs to reduce impacts to endangered species deemed especially vulnerable to adverse effects by pesticides.

The Center for Biological Diversity noted in a press release that EPA has released a draft plan for the first 25 pilot species. They are stated to restrict pesticide use in areas where the species are found and implement protection in surrounding areas.

Additional requirements include:

- Completion of ESA work for 8 organophosphates and 4 rodenticides
- Hosting a workshop for stakeholder to explore how to offsite pesticide impacts on ESA-listed species in situations where eliminating or modifying pesticide use may not be feasible
- Workshopping how EPA can incorporate habitat or funding breeding programs for affected species

A copy of the Agreement can be downloaded [here](#).