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Comparison of Aquatic Life Protective Values Developed for Pesticides Under the Federal Insecticide, Fungicide, and Rodenticide Act/ Clean Water Act: U.S. Environmental Protection Agency Announces Availability of Draft Analyses

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The United States Environmental Protection Agency (“EPA”) announced the availability of a draft analysis comparing aquatic life benchmarks developed by the agency’s Office of Pesticide Programs (“OPP”). See 89 Fed. Reg. 105567.

OPP is stated to have developed the document in support of registration decisions for pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) to existing national recommended aquatic life Ambient Water Quality Criteria and criteria-related values developed under the Clean Water Act for the protection of aquatic life from pesticides.

EPA states that its OPP and Office of Water have been working collaboratively to develop what it describes as a “harmonized approach to assess aquatic life effects of pesticides for purposes of both FIFRA and the Clean Water Act.

The federal agency notes that effects assessments under its Pesticide and Water Programs were developed with:

...high-quality data according to parallel but somewhat different rigorous and peer-reviewed assessment methods.

The stated objective of the collaborative effort was to:

- Ensure development of protective aquatic life values using the latest scientific knowledge.
- Minimizing duplicative work within the agency.
- Promoting consistency in aquatic effects assessments for pesticides.

By way of example, OPP pesticide aquatic life benchmarks, which are developed in support of FIFRA registration decisions, are available for over 750 pesticides and pesticides degradates. Further, they are stated to be updated as new science becomes available.

The draft analyses are described as comparing aquatic life benchmarks developed by OPP in support of FIFRA registration decisions to national recommended Clean Water Act Ambient Water Quality Criteria. Such analyses are stated to indicate that the values developed under both statutes are similarly protective of aquatic life. As a result, EPA states that OPP aquatic life benchmarks could also serve as Clean Water Act aquatic life protective values either as Section 304(a)(1) criteria or Section 304(a)(2) informational benchmarks for pesticides.

Subsequent to the public comment period, EPA states that if it pursues what it describes as the “common effects” approach, it would subsequently publish Clean Water Act 304(a) aquatic life values as either 304(a)(1) criteria or 304(a)(2) informational benchmarks for the 750 pesticides. States and tribes would then be able to consider such in their Clean Water Act water quality protection programs.

A link to the pre-publication Federal Register notice can be found [here](#).