

Pesticides/Endangered Species Act: Center for Biological Diversity Petition Seeking Restriction of Uses in Areas Designated Critical Habitat



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Center for Biological Diversity (“CBD”) submitted a January 7th document to the National Marine Fisheries Service and United States Fish and Wildlife Service (collectively “Services”) titled:

Petition for Rulemaking to Protect Endangered Species from Pesticides by Restricting Pesticide Use in Critical Habitat (“Petition”)

The Petition requests that the Services:

. . . promptly initiate rulemakings to restrict the use of pesticides in designated critical habitat of wildlife and plants protected under the Endangered Species Act.

CBD argues that the rulemaking is necessary because:

. . . facts and history overwhelmingly demonstrate that the Environmental Protection Agency (“EPA”) is both unwilling and unable to comply with the clear statutory requirements to address the harm caused by pesticides to threatened and endangered species by consulting with the Services prior to the approval of a pesticide as well as failing to comply with the Endangered Species Act on other discretionary agency actions taken under the Federal Insecticide, Fungicide, and Rodenticide Act.

CBD argues that the use of pesticides must be prohibited in Endangered Species Act critical habitat unless EPA completes a Section 7 consultation assessing its impacts on listed species. An acceptable alternative would be that the party enters into a Habitat Conservation Plan under Section 10 of the Endangered Species Act (“FIFRA”).

A link to the Petition can be found [here](#).

https://www.biologicaldiversity.org/campaigns/pesticides_reduction/pdfs/Petition-to-FWS-and-NMFS-To%20Prohibit-Use-of-Pesticides-in-Critical-Habitat.pdf