

PESTICIDE REGULATION

As farmers face growing economic and environmental pressures such as new and growing insect, pest and crop disease threats, military conflicts and global supply chain inefficiencies, it is more imperative than ever to ensure farmers and other pesticide user groups maintain access to safe and effective products. Pesticides are also critical tools in a variety of public health activities.

NASDA recommends that the U.S. Environmental Protection Agency use the best available science while executing pesticide registration, registration review, and, when necessary, Endangered Species Act (ESA) consultation.

NASDA implores the EPA to develop an ESA compliance strategy to ensure that growers can comply with EPA's final work plan and state lead agencies can adequately enforce these strategies.



BACKGROUND

PROTECTING ENDANGERED SPECIES AND PESTICIDE REGULATION HISTORY

EPA is responsible for reviewing information and data to determine whether a pesticide product can be registered for a particular use, and that product registration decisions are compliant with ESA, without placing an unnecessary burden on agriculture and other pesticide user groups. As a part of that review, all pesticide products that EPA determines “may affect” a listed species or its designated critical habitat may be subject to the Endangered Species Protection Program.

EPA has [stated](#) that the agency faces several challenges in implementing timely and effective strategies that protect listed species in a way that is both practical for pesticide users to implement and timely to protect species.

A WORKPLAN TO REDUCE CONFLICTS BETWEEN EPA AND FIFRA

In 2021, prompted by the escalating legal challenges of fulfilling its ESA obligations for pesticide decisions, EPA began developing a comprehensive, long-term approach plan. This plan was further outlined in the November 2022 ESA Workplan Update, which attempts to take a holistic approach to protecting species and regulating pesticides.

The EPA has released two programmatic frameworks under this work plan that will be applied to registration and re-registration decisions: the [Vulnerable Species Pilot Project](#) and the [Herbicide Strategy](#). While not yet final, NASDA submitted comments to EPA sharing its concern that the proposed strategies are overly burdensome and unworkable for both pesticide applicators and state departments of agriculture, which will largely be charged with enforcing these measures. NASDA supports safeguarding endangered species for a healthy environment while ensuring farmers and public health agencies have the tools to feed and protect everyone.



Contact: Josie Montoney-Crawford | Josie.Montoney-Crawford@nasda.org
4350 N. Fairfax Drive, Suite 810, Arlington, VA 22203 | www.nasda.org



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STATE DEPARTMENTS OF AGRICULTURE'S CO-REGULATOR ROLE IN PESTICIDE REGULATION

In 43 states and Puerto Rico, the state department of agriculture is a co-regulatory partner with EPA. It is responsible for administering, implementing, and enforcing the production, labeling, distribution, sale, use, and disposal of pesticides under FIFRA, establishing a rigorous scientific evaluation and review process for these tools.

NASDA POLICY AND ACTION

NASDA supports the scientifically sound development, review, registration and re-registration of crop protection technologies and uses to enable growers to produce our nation's food, fiber, and fuel. Pesticides are an important component within many agricultural and horticultural crop production systems.

In situations where requirements of other environmental statutes, like ESA, overlap with FIFRA, NASDA supports incorporating those requirements into the FIFRA registration process in a science-based, transparent manner that allows for fully examining the risks and benefits of the proposed action.

NASDA is troubled by the negative impacts of EPA's proposed frameworks if they were to move forward without significant modification. To meaningfully address these concerns, NASDA implores EPA to:

- (1) Fully quantify and consider the benefits of pesticides as required by FIFRA.
- (2) Reconsider complex and expensive mitigation measures and find alternate solutions.
- (3) Work with state lead agencies to answer outstanding questions surrounding enforcement, including the need for additional training and resources.



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