



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:
FWS/AES/DEC

APR 30 1999

Ms. Susan Wayland
Office of Prevention, Pesticides and
Toxic Substances
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Ms. Wayland:

Thank you for the April 29, 1999 meeting regarding the proposed registration of chiorfenapyr. We are encouraged by efforts within EPA to involve the Fish and Wildlife Service early in the pesticide registration decision making process, and by your Agency*s commitment to protecting nontarget organisms such as migratory birds, pollinators, and aquatic species, as well as listed species, that may be adversely impacted by the use of chlorfenapyr. We concur with your analysis of the legal obligation to comply with applicable provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544), regardless of whether the action taken is a Section 3 or Section 18 registration.

On April 29, Gary Frazer, Acting Assistant Director for Ecological Services, re-articulated FWS concerns for migratory birds and threatened and endangered species if chlorfenapyr is registered. We are convinced that impacts to migratory birds and other wildlife from chlorfenapyr may be significant. Registration would likely have national and international implications for wildlife populations.

We are on the verge of celebrating International Migratory Bird Day, and migratory bird conservation is one of the Service*s top priorities. Over 65 million Americans are recognized "birding" enthusiasts. With the recent successful recoveries of the bald eagle and peregrine falcon, whose declines were largely attributed to pesticides, the Service opposes the registration of any pesticide, such as chlorfenapyr, which persists in the environment and poses significant risks to nontarget organisms, particularly avian species. We are in agreement with EPA that measures to fully mitigate impacts to avian species are not achievable with chiorfenapyr and similar compounds. The Service and State fish and wildlife agencies have long-standing programs for migratory bird conservation, and we are strengthening those programs for the

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future. Responsibilities under the Migratory Bird Treaty Act, implemented through its four conventions to protect and manage migratory birds, heighten our concerns for the implications a U.S. registration may have on the global use of chlorfenapyr.

For the aforementioned reasons, in addition to those set forth in our March 2, 1999, comment letter, the Service strongly recommends that EPA deny registration of chlorfenapyr.

Sincerely,

John G. Rogers, Jr.

DEPUTY DIRECTOR