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**U.S. FISH AND WILDLIFE SERVICE, NATIONAL MARINE FISHERIES SERVICE
PROPOSE REGULATIONS TO IMPROVE ENDANGERED SPECIES
CONSULTATION PROCESS FOR PEST AND RODENT CONTROL PRODUCTS**

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the "Services") today proposed new regulations that will for the first time establish a formal, comprehensive multi-agency review process to ensure that pest and rodent control products approved by the U.S. Environmental Protection Agency (EPA) do not jeopardize threatened and endangered species. The regulations were developed following a comprehensive scientific review of the EPA's risk assessment methodology.

The improved review procedures, developed in cooperation with EPA and the U.S. Department of Agriculture, will provide a workable and efficient framework to ensure necessary measures are taken to protect wildlife, while making sure that farmers have the pest-control products they need to grow food and consumers can continue to use many common household products such as disinfectants and weed killers.

Under the Endangered Species Act (ESA), EPA must consult with the Services to ensure that registration of products under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is not likely to jeopardize the continued existence of federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat.

Because the Services and EPA have lacked an effective process for conducting consultations to examine the effects of pest-control products, there have been almost no consultations completed in the past decade. Recent court decisions have cited the lack of consultations in limiting the use of essential agricultural pest-control products. For example, last week a federal judge restricted the use of certain agricultural pesticides in Washington, Oregon and California, with the greatest impact on growers of vegetables and tree fruits, such as apples, cherries, and pears.

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“This is the first administration to address a long-standing need to create a workable framework to protect species, ranging from salmon to butterflies to songbirds, ensuring that the potential effects of thousands of pest-control products are examined in a timely and comprehensive manner,” said FWS Director Steve Williams. “At the same time, we are making sure that farmers can continue to provide abundant food for our country and consumers can continue to use many popular household and garden products.”

Under existing law, EPA routinely evaluates the broad impact of pest-control products on the environment, including the effects on endangered species and other non-target organisms. For the past year, scientists and regulators within the Services have conducted an extensive review of EPA’s approach to ecological risk assessment and have offered recommendations that EPA has incorporated as appropriate.

Based on this scientific review, together with an understanding of EPA’s considerable scientific expertise, the Services concluded that EPA’s approach to risk assessment will produce determinations that reliably assess the effects of these products on listed species and critical habitat.

“We have completed a scientific review of EPA’s risk assessment process, and it allows EPA to make accurate assessments of the likely effects of pesticides on threatened and endangered species. We’ve worked with EPA to make sure that this new process will help eliminate the chances of pesticides harming threatened and endangered species,” said NMFS Director Bill Hogarth, National Marine Fisheries Service. “This proposed approach will allow the Services to focus their resources on those consultations that will have the greatest benefit for the species. I am very pleased that we are able to help expedite the pesticide review process.”

“Today’s action will strengthen EPA’s ability to protect endangered species from pesticides while at the same time maintaining the necessary pest control tools for agriculture and other consumers,” said Susan B. Hazen, EPA’s principal deputy assistant administrator for prevention, pesticides, and toxic substances. “This rule will help complete the consultations in a timely and comprehensive manner, thus increasing needed protections for listed species.”

“Forest managers, and farmers living and working on the land, are the first-line conservationists. We applaud the proposed efficiencies in this rule as a way to protect the health of our families and neighbors, provide food for our communities, and to do so in a way that continues our respect for the fish and wildlife living on our lands,” said Mark Rey, Under Secretary for Natural Resources and Environment at USDA.

The Services are asking the public to comment on the following proposals:

- Based on EPA’s extensive scientific review under FIFRA, the Services would authorize the agency to make determinations that products are “not likely to adversely affect” a threatened or endangered species without concurrence or informal consultation. A memorandum of understanding among the agencies would govern the processes used by EPA, and the wildlife agencies would perform periodic reviews of these determinations.

- When formal consultation is required, EPA could use a new procedure that would take advantage of its extensive review of the potential effects on listed species. Under one option within the new procedure, EPA would directly involve the Services in the preparation of this effects analysis. When EPA formally submits the results of its analysis to the Services, the two fish and wildlife agencies would have the option of adopting EPA's conclusions concerning appropriate measures to reduce risk to listed species. As required by law, the Services would make the final determination whether threatened or endangered species are jeopardized and what measures may be necessary to prevent jeopardy to species.

The regulations also allow for "partial" biological opinions that address effects to specific groupings of species affected by a pest-control product. While these would not represent final Service opinions, they would start the process for evaluating the impact of pesticides on listed species and provide EPA with Service evaluations that could be used by the agency in assessing activities under FIFRA.

Manufacturers register a wide variety of products ranging from agricultural pesticides to many commonly used household products, which are regulated under FIFRA. As a result of EPA's ongoing reevaluation of previously registered products, as well as the recent litigation, the three agencies anticipate a significant increase in the number of future consultations.

The agencies are seeking comment on these proposed rules. The public may send comments to the Assistant Director for Endangered Species, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, Virginia 22203. You may also comment via the Internet to *PesticideESARegulations@fws.gov*. The Federal Register notice announcing this is available <http://endangered.fws.gov/consultations/pesticides>.