

March 2, 2018

Dear Representative:

As organizations representing farmers, forest owners and managers, public health officials, invasive species managers, homeowners, lawn and pest control professionals, golf course superintendents and other pesticide users throughout the United States, we write to express our serious concerns over a long-running policy conflict between federal agencies that wastes taxpayer money, confuses the public, and poses significant risks to American agriculture and specialty pesticide use. Modern agriculture could not exist without pesticides. Whether organic, conventional, or biopesticides, access to these products is essential to our ability to provide the food, fiber, and fuel that the world depends on. Likewise, specialty pesticide users and forestry depend on these products for the protection of public health, food, and property.

The Environmental Protection Agency (EPA), under the federal pesticide statutes, assesses and registers pesticides, both organic and conventional, if they meet federal human health and environmental safety standards. EPA's pesticide registration process is based on an intensive evaluation of the safety of the product to humans and the environment, which includes the safety of threatened and endangered species. Each product label lists the terms and conditions of use, based on studies that show how the products can be used to avoid unreasonable risk to human health or the environment. It is a violation of federal law to use a pesticide in a way that doesn't follow the label instructions.

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (together, the Services), administer the Endangered Species Act (ESA). Under Section 7 of the ESA, whenever a federal agency takes any action that may affect a threatened or endangered species, that agency is required to "consult" with the Services to ensure the action does not jeopardize the continued existence of the species or adversely modify its critical habitat. While a formal consultation process may take some time, most federal agency actions proceed to completion following compromise on all sides.

Unfortunately, the process does not work so smoothly with EPA's registration of pesticides. EPA's registration decisions are federal actions that may require EPA to consult with the Services under section 7 of the ESA. EPA and the Services have never been able to agree how these consultations should be conducted, resulting in wasteful duplication of complicated study reviews, inefficient use of federal and private resources, and delays getting new, beneficial products to market, with no additional benefit to species and endless litigation.

The continued confusion around this process and a path forward has been an issue for decades. The government has faced legal challenges due to delay or faulty analysis that have not provided additional protection for wildlife, but have created confusion on farms and in the marketplace, and wasted time and resources. The uncertainty can cause companies to delay or avoid bringing new products to market, depriving growers and all pesticide users the benefits of those products.

As the agency charged by Congress with regulating the human health and environmental safety of pesticides, EPA has decades of issue area expertise with these products and their impacts on the environment, including their potential toxicity and exposure to wildlife. That experience should be supplemented with the species expertise of the Services, but its work should be neither ignored nor duplicated. Potential threats to protected species and their habitat can be better assessed and more effectively regulated to encourage a more efficient, timely process, providing enhanced species review, along with greater regulatory certainty for growers, other users and manufacturers.

It is our sincere hope that we can work together to bring about a much-needed resolution to this issue. Thank you for considering this request. We stand ready and willing to assist, and look forward to working with you on this critical issue.

Sincerely,

Agricultural Retailers Association
AmericanHort
American Farm Bureau Federation
American Mosquito Control Association
American Seed Trade Association
American Soybean Association
California Association of Winegrape Growers
California Specialty Crops Council
Council of Producers and Distributors of Agrotechnology
Golf Course Superintendents Association of America
Minor Crop Farmer Alliance
National Agricultural Aviation Association
National Alliance of Forest Owners
National Alliance of Independent Crop Consultants
National Association of Landscape Professionals
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Onion Association
National Pest Management Association
National Potato Council
National Sorghum Producers
Produce Marketing Association
Responsible Industry for a Sound Environment
Society of American Florists
Texas Citrus Mutual
United Fresh
USApple
USA Rice
Washington State Potato Commission
Washington Winegrowers
Western Growers