

Endangered Species Act: Section 7 Consultations and Next Steps PPDC Meeting, May 3, 2017, Session 4e

- The EPA has continued to work closely with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the Services) to develop shared interim scientific methods for use in pesticide consultations, based on recommendations from the 2013 National Academy of Sciences' report "Assessing Risks to Endangered and Threatened Species from Pesticides".
- Given consultation deadlines and existing resources, the EPA will continue to address stakeholder recommendations in a phased and iterative approach.
- EPA released final Biological Evaluations (BEs) for three pilot chemicals including chlorpyrifos, diazinon, and malathion in January 2017.
 - Revisions to the final BEs based on stakeholder feedback include refined aquatic modeling, error corrections, improved transparency specifically related to the Terrestrial Effects Determination (TED) tool and the Weight of Evidence (WoE) matrices, and additions/deletions to the list of endangered and threatened species.
 - Posted documents include Response to Comments received during the 60-day public comment period for the draft BEs.
 - On April 13, 2017, Dow AgroSciences, LLC; Makhteshim Agan of North America, Inc.; and FMC Corporation sent letters to the political leadership of EPA, FWS, and the NMFS making a number of requests. The letter requested that EPA withdraw the BEs for chlorpyrifos, diazinon, and malathion; that the Services stop work on their Biological Opinions (BiOps) for these pesticides; and that the Services modify various ESA-related settlement agreements to allow more time for the agencies to complete pesticide consultation. CropLife America voiced support for the request in a subsequent April 19, 2017, memorandum to EPA, FWS, and NMFS. EPA is considering the request.
- Draft BEs for carbaryl and methomyl are expected to be released soon for 60-day public comment.
- Based on previous public comments, the EPA is exploring the following additional revisions for future BEs:
 - reducing the size and complexity of the BEs;
 - a move toward more probabilistic approaches;
 - refinements in geospatial data used to define species ranges and potential use sites;
 - use of watershed-level aquatic exposure models;
 - improved methods for estimating exposures in riverine and estuarine/marine habitats;
 - improved characterization and consideration of magnitude of effects; and
 - a consideration in the timing and duration of potential pesticide exposures (e.g., linking exposure with life-history variables).
- EPA is also exploring ways to use species-specific toxicity data earlier in the first step of the BE process to refine, and still maintain a protective screening process.
- The EPA continues to work with the Services on interim methods for Step 3 (i.e., the Services' determination of "jeopardy/adverse modification" or "no jeopardy/no adverse modification") in the Biological Opinion (BiOp).

- The EPA expects to release the Services' draft BiOps for chlorpyrifos, diazinon, and malathion for a 60-day public comment period in late May or early June 2017 with final BiOps by December 2017. The EPA expects to release final BiOps for methomyl and carbaryl by December 2018.