

EPA Announces Plan to "Get in Front of" ESA Issues in Registration Review Process

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In early May, the Environmental Protection Agency (EPA) announced changes to its pesticide registration review process, with an eye on addressing Endangered Species Act (ESA) concerns. At a meeting of the Pesticide Program Dialogue Committee, EPA announced its intent to add a "Focus Meeting" with the Office of Pesticide Programs (OPP) to the registration review process in an attempt to "get in front of" ESA issues. The Focus Meeting will occur in the weeks leading up to the official opening of the docket. Topics for the meeting may include identifying any data needs, ensuring label clarity, and making sure EPA understands atypical uses, likely risk concerns, and early mitigation measures for ESA impacts. One of EPA's anticipated outcomes for these meetings is a general agreement of the scope of the risk assessment it will conduct under the registration review process.

EPA also announced, in cooperation with the Department of Agriculture and the National Marine Fisheries Service, a "Usage Pilot Program" to "[d]etermine [the] effect of incorporating how pesticides are actually used"—versus the maximum application rate laid out on a product's labeling—"on the [reasonable and prudent alternatives] that are developed." The agencies hope to obtain information about the rate, timing, and frequency of applications from California's Pesticide Use Reporting database. The first two pesticides EPA will review are oryzalin and diflubenzuron.

The Focus Meetings will become part of OPP's process starting this fall, and all meeting minutes will be publicly available.