



EPA ESA Workplan Drives Coming Changes to Pesticide Labels

For decades, the *Environmental Protection Agency (EPA)* has struggled with how to assess the potential environmental risks of pesticides to endangered species specifically, resulting in decades of lawsuits. Continued lawsuits could halt innovation and limit agriculture's ability to meet global demands for food, fuel and fiber. But there's a collaborative solution in the works, and it calls for your input to help find solutions that support both agricultural productivity and environmental stewardship.

Problem

For almost 50 years, federal agencies have been challenged by their differing opinions on how to assess the risk of pesticides to endangered species, with legal and science policy issues complicating different agencies' obligations under the *Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)* and *Endangered Species Act (ESA)*.

This scenario resulted in an increasing number of successful legal challenges brought by environmental groups against the EPA, with nearly every registration and registration review decision being challenged by 2020. Courts uniformly found that EPA had not met its ESA obligations, and were beginning to order the cancellation of product uses. Without a new path forward, this vulnerability would continue to create short-term financial risk to farmers and endanger the crop protection product pipeline, ultimately hampering the agriculture sector's ability to meet global demand.

Potential Solution

The EPA published its ESA Workplan in 2022, outlining how it intended to come into compliance with the ESA. Through this work, the agency has settled existing lawsuits and is laying the groundwork to allow prudent application and future innovation of effective, valuable pesticides alongside the preservation of the ecosystems that sustain endangered species. Through the strategies that will come from the ESA Workplan, the EPA is attempting to find a balanced approach that considers both environmental stewardship and agricultural productivity.

The EPA's ESA Workplan's implementation has taken into consideration substantial comments and suggestions from agricultural and environmental stakeholders that addresses key challenges:

- Pesticide registrations based on complex environmental risk assessments attempting to reconcile different federal laws
- Continued litigation that historically has threatened product availability
- Regulatory agencies that struggle to balance their approaches to pesticide regulation and endangered species preservation
- Farmers that face uncertainty about short-term revenue potential and long-term land use and crop protection

The EPA ESA Workplan's implementation is a significant breakthrough in bringing together agricultural and environmental stakeholders to build out pragmatic strategies for compliance by:

- Recognizing refined risk assessment methods
- Creating *Pesticide Use Limitation Areas (PULAs)*
- Exploring compensatory mitigation options
- Engaging growers, environmental groups and regulators in identifying solutions

What this means to you

With the implementation of new strategies — which entail product label modifications, continued stakeholder dialogue and ongoing refinement of risk assessment processes — the EPA ESA Workplan should help reduce litigation, support innovation, maintain agricultural productivity, and protect endangered species through clear, implementable guidelines.

The workplan process enables the agricultural community to have input on how the workplan will be implemented. By participating in outreach opportunities, providing feedback and staying informed, farmers and retailers can help ensure practical, balanced outcomes. The path forward isn't about choosing between environmental protection and agricultural success — it's about staying engaged and informed to help identify and implement smart, collaborative solutions that work for everyone.