

Legal Petition Urges Feds to Severely Restrict Pesticides in Endangered Species Critical Habitat

By [Center For Biological Diversity](#)

Global Research, January 08, 2019

[Center For Biological Diversity](#) 7 January
2019

Region: [USA](#)

Theme: [Environment](#), [Law and Justice](#)

The Center for Biological Diversity [petitioned](#) the National Marine Fisheries Service and the U.S. Fish and Wildlife Service today to prohibit nearly all uses of pesticides in areas designated as critical habitat for endangered species, including whooping cranes and Puget Sound orcas.

The petition calls for the federal agencies to use their authority under the Endangered Species Act to put in place measures to protect endangered wildlife from harmful pesticides. It comes after decades of intransigence by the Environmental Protection Agency, which has refused to comply with the legal mandates of the Endangered Species Act to protect the nation's most imperiled species from highly toxic pesticides like chlorpyrifos and atrazine that are known to harm wildlife.

"Pesticides pose a devastating danger to endangered wildlife, from coast to coast," said Lori Ann Burd, the Center's environmental health director. "If the EPA isn't going to do what's needed to protect America's endangered species from pesticides, federal wildlife agencies need to step in."

The National Marine Fisheries Service and Fish and Wildlife Service have long recognized that pesticides pose extensive threats to endangered species. Recovery plans for 250 endangered species specifically identify pesticides as a known threat and obstacle to their recovery.

The EPA has approved about 1,100 pesticides. A December 2017 "biological opinion" study by the Fisheries Service for just three of them — chlorpyrifos, malathion and diazinon — found that they jeopardize the continued existence of Puget Sound killer whales and 37 different salmon and sturgeon species.

Yet the EPA has refused to implement a single on-the-ground conservation measure to protect any of those imperiled species.

Today's petition asks the two federal wildlife agencies not to wait on the EPA but to initiate conservation measures like those found in the biological opinion, which include restricting pesticide use in critical habitat and creating spray buffers.

"The EPA's track record on Endangered Species Act compliance for pesticides over the past 30 years is just abysmal," said Burd, who sits on the EPA's

pesticide program federal advisory committee. “This is having the very real effect of pushing species closer to the edge of extinction. It’s quickly becoming a case of ‘now or never’ for species like the Fenders blue butterfly and California red-legged frog.”

Background

More than 1 billion pounds of pesticides are used in the United States each year, causing acute and subacute harm to the plants and animals that rely on the fields, forests and waterways where the toxins end up.

In 2014 the Center entered into a legal settlement with the Fish and Wildlife Service under which the agency agreed to analyze the impacts of five organophosphate pesticides, including chlorpyrifos, on endangered species by Dec. 31, 2018.

But after Dow Chemical donated \$1 million to President Trump’s inauguration, Trump political appointees made it a top priority to thwart the EPA and Fish and Wildlife Service from completing a biological opinion assessing the harms chlorpyrifos, malathion and diazinon pose to endangered wildlife.

In May 2017 the EPA informed its pesticide program federal advisory committee that it was about to release the draft biological opinion of the pesticides’ harms to protected species. But in fact it never released the document, and the agency now states it cannot provide even an estimated deadline for completion.

Public documents obtained through the Freedom of Information Act show both that the draft biological opinion was essentially completed in the spring of 2017 and that it determined these three pesticides jeopardize the continued existence of endangered species.

In recent years pesticides were specifically identified as threats that helped spur Endangered Species Act protection for four butterflies in 2014 (the Florida leafwing, Bartram’s hairstreak, Poweshiek skipperling and Dakota skipper); the rusty patched bumblebee in 2017; and a fish called the trispot darter, which was protected under the Act just a week ago.

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