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Considering that EPA's law enforcement rate under the Bush Administration is down by 58% from the previous Administration, it is quite unlikely that they will do any reviews. The Endangered Species Act has been under attack by the Bush Administration since Day One, and this looks like more of the same. Wouldn't it make more sense to require the consultations be done according to the law, instead of eliminating the law?

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Bush administration to ease pesticide reviews for endangered species  
By John Heilprin, Associated Press, January 28, 2004

WASHINGTON - Officials admit they pretty much ignore an Endangered Species Act requirement that they consult with one another before licensing new pesticides. Now they want regulations to say they don't always have to do what they're already not doing.

The Bush administration proposes allowing the Environmental Protection Agency to approve new pesticides without a formal signoff in every case from the Fish and Wildlife Service and the National Marine Fisheries Service. By not requiring so many consultations, the government says it becomes more likely that the ones still required will occur.

"There haven't been any effective consultations in the last decade, and few before that," said Clint Riley, special assistant to the Fish and Wildlife Service director. "This has been sitting around under the cover for a lot of years."

The Endangered Species Act, signed into law by President Nixon in 1973, requires the government to ensure its actions don't jeopardize the survival of plants, animals, and fish. To do that, EPA must consult with the other two agencies.

Administration officials say the consultations haven't been occurring for a long time now, so they want to fix the process. Their actions affect more than 1,200 species and thousands of pesticides, many used in household products.

The new regulations would:

- \* Let EPA skip consultations with the two other agencies when it decides, after lengthy scientific review, that a pesticide probably will not adversely affect species' survival.
- \* Create the presumption that EPA's pesticide review work is adequate in cases where it determines species could be adversely affected. That means the two other agencies aren't required to do duplicate studies but can if they wish.

Riley and other administration officials maintain they can change the regulations, despite the law's requirement that EPA consult with the other agencies. "This isn't a carte blanche authorization for them to make their own call," Riley said. "This is a structured, defined scenario in which they don't have to check with us every time." He said letting the other agencies skip doing additional studies creates "a presumption that EPA's analysis would have effectively considered the effects on endangered species."

Source: Associated Press