



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

April 17, 2000

Pesticide Registration (PR) Notice 2000-2

**NOTICE TO MANUFACTURERS, PRODUCERS, FORMULATORS AND
REGISTRANTS OF PESTICIDE PRODUCTS**

ATTENTION: Persons Responsible for Federal Registrations and Reregistrations of Pesticides

SUBJECT: The FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) Endangered Species Task Force

I. Introduction

This PR Notice announces an industry-wide Task Force that has been formed in response to EPA data requirements related to the potential impact of pesticides on threatened and endangered species ("endangered species"). This Notice also contains an EPA contact and a Task Force contact for persons wanting further information.

II. Summary

The FIFRA Endangered Species Task Force (FESTF) was formed in December, 1994 to share in the cost of developing data required by EPA of applicants or registrants, some of whom are member companies of the FESTF, relative to the potential impacts of pesticides on endangered species. FESTF has been organized to develop information sufficient to address FIFRA data requirements imposed on registrants. The work product to be accomplished by the Task Force may provide necessary information for many pesticide product reregistrations in the United States. The Task Force's work likely will address certain new product registration data requirements as well. Because of the wide cross section of pesticide registrants who could potentially benefit from this endeavor, EPA by this notice informs all pesticide registrants of the existence of the FESTF.

III. A Task Force to Satisfy Data Requirements

EPA as part of the registration and reregistration process, reviews pesticide products to assure that pesticides meet FIFRA and ESA requirements to protect endangered species. The Agency

intends to impose data requirements on endangered species locations as part of each registration and reregistration action wherever appropriate based upon the properties and proposed uses of the pesticide in question. Pesticide registrants who have conditions of registration, or have received a Data Call-In Notice requiring endangered species locality information for their product(s) have the option of addressing these data requirements through participation in FESTF. In addition, any pesticide registrants or applicants who have not yet received a specific request from EPA for endangered species locality information but who believe they will have to satisfy such requirements in the future also have the option of addressing these data requirements through participation in FESTF. If the registrant or applicant elects to participate in FESTF's efforts to satisfy an appropriate data requirement(s), then the registrant or applicant must inform the agency of its election of this option when notified of the data requirement and provide evidence of its membership in the Task Force or evidence that it has complied with the applicable data compensation requirements of FIFRA.

IV. Joining the FESTF

The Agency is not a participant in the Task Force but is available as the Agency deems appropriate to provide regulatory and technical guidance and assistance relating to the development of the work product the Agency is requiring from FESTF. The following information was supplied to EPA by the FESTF for the benefit of registrants and applicants interested in joining the Task Force. The FESTF is organized under a FIFRA joint data development and limited liability company agreement with costs shared equally by all participants. Membership is available for a period of six months from the date of issuance of this PR Notice by means of a payment of all prior member assessments, adjusted for interest. Thereafter, membership is available by paying all assessments, interest, and certain late fees. Each participating company has the right to appoint one representative to each of the Administrative and Technical Committees of FESTF. Those desiring further information on the Task Force may contact the following persons:

Harold Himmelman, Counsel, Beveridge & Diamond, P.C. (202) 789-6012

Jennifer Shaw, Zeneca Agricultural Products, Technical Chair (302) 886-1225

V. What the FESTF will do.

The work product expected to be developed and submitted by and through FESTF consists of three elements:

- C the development and submission by FESTF of an Information Management System (IMS) that EPA can use to screen pesticide applications when their applications trigger potential endangered species issues;
- C funding by the FESTF through a Cooperative Research and Development Agreement (CRADA) of a state by state species access program to be undertaken by EPA that will enable EPA to access high quality species locality data to validate the IMS;
- C a quality test of the IMS, based in part upon information collected by EPA pursuant to the CRADA.

If a registrant or applicant must satisfy endangered species locality requirements, it may (a) join the FESTF; (b) cite to FESTF's work and offer to share costs with FESTF; or (c) submit its own information providing the information is of sufficient quality to meet FIFRA and ESA requirements.

Because the Agency views each of the elements of FESTF's work as essential to the creation of a high quality endangered species Information Management System, applicants and registrants citing to the work of the FESTF should be aware that any offer of compensation made that cites to the work of FESTF will extend to all three elements of FESTF work. Accordingly, applicants who cite to FESTF's work may be obligated to pay compensation for all three elements of FESTF's work. In accordance with FIFRA, in the event that the FESTF and a non-member who cites to FESTF's work are unable to reach a cost-sharing agreement, the terms and amount of compensation shall be determined by arbitration, as provided in sections 3(c)(1)(F) and 3(c)(2)(B) of FIFRA.

It is possible that certain atypical use patterns, uncommon formulations, or other situations may arise for which EPA might require separate data from an applicant or a registrant that would not be available through the work performed by the Task Force.

Participants in the Task Force individually and separately assume the responsibility of complying with the data requirements for their various products by the deadlines set by the Agency, and must understand and accept the risk involved in the possible failure of the Task Force to meet those deadlines, or to provide a satisfactory work product to address applicable requirements. Any deadline extensions and waivers for any of the relevant data requirements must be requested from the Agency individually by applicants and registrants on a case-by-case basis.

This PR Notice is issued by the Agency for the sole purpose of informing pesticide registrants of the formation of the FIFRA Endangered Species Task Force. It is not intended to define or restrict the terms of or subsequent amendments to the joint data development agreement and its operation.

V. For Further information

For questions or further information regarding formation of the FESTF, please contact Larry Turner at (703) 305-5007.

/s/

Marcia E. Mulkey, Director
Office of Pesticide Programs