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Posted on Sunday, 07.25.10

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U.S. farmers may face crackdown on pesticide use

BY LES BLUMENTHAL
MCCLATCHY NEWSPAPERS

WASHINGTON -- The nation's farmers could face severe restrictions on the use of pesticides as environmentalists want the courts to force federal regulators to protect endangered species from the ill effects of agricultural chemicals.

A ruling eight years ago by a federal judge in Seattle required the National Marine Fisheries Service and the Environmental Protection Agency to review whether 54 pesticides, herbicides and fungicides were jeopardizing troubled West Coast salmon runs.

The agencies moved recently to restrict the use of three of the chemicals, including a widely used one with the trade name Sevin, near bodies of water that flow into salmon-bearing streams, and they're considering restrictions on 12 additional chemicals. The Washington State Department of Agriculture says such restrictions would prevent pesticide use on 75 percent of the state's farmland.

A federal judge in California has issued a similar ruling that involves 11 endangered and threatened species and 75 pesticides in the San Francisco Bay area.

Rather than continuing to file piecemeal lawsuits, the Center for Biological Diversity says it will file a broader suit this summer that involves nearly 400 pesticides and almost 900 species that are protected under the Endangered Species Act.

Washington state officials said the restrictions that could result from that lawsuit could affect agricultural production significantly in at least 48 states.

Dan Newhouse, the director of the Washington State Department of Agriculture, who farms hops, apples, cherries and other row crops on 600 irrigated acres in the Yakima Valley, said that if the courts ordered far-reaching restrictions, "farmers across the country will have significantly fewer tools at their disposal to manage plant pests and disease."

The U.N. Food and Agriculture Organization has estimated that 20 to 40 percent of global crop production is lost annually because of weeds, pests and disease.

Manufacturers of agriculture chemicals have threatened to sue the EPA, alleging that the agency's method of crafting restrictions is riddled with "major flaws" and the industry wasn't asked to participate.

Newhouse said there was so much uncertainty that it was impossible to tell how widespread or dramatic the effects of tighter restrictions might be. In Washington state, however, he said, "I am coming to believe every farmer would be impacted one way or another."

The Endangered Species Act, which was signed into law in 1973, requires federal agencies that are contemplating any action that could "jeopardize" listed species to consult with the Fish and Wildlife Service or the National Marine Fisheries Service and come up with a plan to alleviate or lessen the effects. The National Marine Fisheries Service has jurisdiction over some fish species, such as salmon, and the Fish and Wildlife Service covers everything else.

The EPA has jurisdiction over pesticides, but environmentalists said it had largely ignored the endangered species requirements.

That began to change in 2002, when U.S. District Judge John Coughenour in Seattle ruled that the EPA had violated provisions of the Endangered Species Act by not consulting with the National Marine

ITEM #23 - ATTACHMENT 1
SEPTEMBER 2, 2010 MEETING
PESTICIDE USE ARTICLE

Fisheries Services about how the use of pesticides and other chemicals could affect the more than two dozen salmon runs that are protected under the act in Washington state, Oregon, California and Idaho.

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