

Farm Bill Contains ESA Provision

February 4, 2014

The Farm Bill passed this morning by the U.S. Senate and sent to President Obama for signature includes a provision addressing the ongoing struggle to accommodate two potentially-conflicting provisions of the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). A copy of the relevant provision (Section 10013) and explanatory language from the Conference Report is [here](#).

The provision requires submission of two reports to Congress over the next year regarding the implementation of last April's National Academy of Sciences report "Assessing Risks to Endangered and Threatened Species from Pesticides" and other steps being undertaken to minimize delays and increase transparency in integrating the ESA and FIFRA evaluations and public participation. The legislative history states, among other things, that "[i]t is the view of the [Conference] Managers that the need for ESA compliance does not override" deadlines in FIFRA for registration actions.

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Practice Areas

Endangered Species
Environment & Product Regulation
Pesticides and FIFRA