

September 28, 2005

The Honorable Richard Pombo
Chairman
House Committee on Resources
U.S. House of Representatives
1324 LHOB
Washington, DC 20515

Dear Chairman Pombo:

As an industry directly affected by the Endangered Species Act, agricultural producers welcome your leadership in efforts to modernize the statute. We support the bill reported from Committee last week, and more specifically we seek to have Section 20 of the bill remain in tact during floor consideration.

Section 20 of the Threatened and Endangered Species Recovery Act of 2005, or the Walden Amendment as it is known, ensures that pesticides critical for controlling pests, disease vectors, and destructive invasive plants and animals, and for the protection of food and fiber production, will remain available to agricultural producers while federal agencies implement properly and effectively the new counterpart regulations. These pesticides have already undergone rigorous data collection, submission, and analysis and ecological risk assessment requirements under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and will now be reviewed under the consultation regulations to determine their effect on endangered species.

Consultation procedures, required by the Endangered Species Act, on the effects on any of over 2000 ESA-listed species may be necessary for an unknown number of the more than 675 active pesticide ingredients, 9000 pesticide tolerances, and 20,000 formulated pesticide products already subject to FIFRA regulation. Given the number of pesticides and species involved, all consultation procedures required under the new regulations will not be completed immediately. Over the past four years, consecutive lawsuits have alleged that the Environmental Protection Agency has failed to consult with the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, even though these suits did not actually claim a species had been harmed. Current court decisions and threats of additional litigation have created piecemeal, hugely expensive consultation processes, as well as restrictions on the use of pesticide products. These restrictions have seriously affected farmers' abilities to produce our nation's food and fiber. Agricultural producers need continued access to the products already registered under FIFRA. The use of such products should not be threatened based solely on procedural lawsuits, during the implementation of the new counterpart regulations.

Section 20 would give the government five years to properly and effectively implement the new counterpart regulations. This amendment will not change the substance of endangered species review, it will improve the process. If we really want to see species protected we should allow the federal government to do its work by focusing on rigorous science rather than responding to lawsuits.

Thank you for your leadership on this issue

Sincerely

AMERICAN FARM BUREAU FEDERATION
NATIONAL ASSOCIATION OF WHEAT GROWERS
NATIONAL CORN GROWERS ASSOCIATION
NATIONAL COTTON COUNCIL
NATIONAL SORGHUM PRODUCERS
USA RICE FEDERATION