



Bringing back the birds

American Bird Conservancy Pesticides and Birds Campaign Comments on FY23 Department of Interior and Related Agencies Appropriations Bill

American Bird Conservancy (ABC), which works to conserve birds throughout the Americas, presents this analysis of the proposed Appropriations Bill for the Department of the Interior. This analysis focuses specifically on pesticide programs within the Environmental Protection Agency and the Fish and Wildlife Service.

Wildlife is in the midst of a great extinction event. Three billion birds have been lost since 1970.¹ Insects have seen a decline of 46% in the last four decades.² Some mammal species have seen a decline of up to 80%.³ Plants are disappearing at a rate 500x faster than they would naturally.⁴ This is a time to take species endangerment and potential extinction seriously. We understand that it is rare for the full amount an agency requests to be filled but amidst an unprecedented loss of wildlife, each cut to these budgets represents major threats to biodiversity and habitat. A further breakdown of the pesticide program appropriations and the implications follow.

Summary of Appropriation Requests *(requests in millions)*

- Pesticide Licensing: \$138.495
- Pesticide Compliance and Enforcement: \$436.1
- Categorical Grants | Pesticide Enforcement and Program Implementation: \$39.6
- Environmental Justice: \$294.938
- Threatened & Endangered Species Planning and Consultation: \$142

Commendations

- To the House and Senate Appropriations Committees for their recognition of the devastating effects of PFAS and PFAS-containing pesticides
- To the House and Senate for their commitment to the Science and Technology of pesticide licensing
- To the House and Senate for their commitment to fund the planning and consultation processes for Threatened and Endangered Species

Overview

Environmental Protection Agency

- The Environmental Protection Agency (EPA) Fiscal Year 2023 Budget requests a total of \$11.881 billion with 16,204.1 Full Time Equivalents (FTE) - a \$2.644 billion increase from the most recent FY2022 continuing resolution.
- The House appropriation recommendation for the total EPA budget is \$11.49 billion, a nearly \$2 billion increase from FY 2022 and \$387 million below the requested amount from the Agency.



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- The Senate appropriation recommendation for the total EPA budget is \$10.64 billion, a little more than a \$1 billion increase from FY 2022 and \$1.2 billion below the amount requested from the Agency.

Fish and Wildlife Service

- The Fish and Wildlife Service (FWS) Fiscal Year 2023 Budget requests a total of \$1.972 billion with 9,420 FTE – a \$326 million increase from FY 2022.
- The House appropriation recommendation for the FWS budget is \$1.875 billion, a \$230 million increase from FY 2022 but \$96 million below the requested amount from FWS.
- The Senate appropriation recommendation for the FWS budget is \$1.838 billion, a \$192 million increase from FY 2022 but \$133 million below the requested amount from FWS.

EPA

Item	Appropriation Enacted 2022 (\$)	Agency Request 2023 (\$)	House Rec. 2023 (\$)	Senate Rec. 2023 (\$)	Diff. FY23 Sen.-House (\$)
EPA Total Budget	9,559,485,000	11,879,841,000	11,493,123,000	10,641,162,000	-851,961,000
Science and Technology	750,174,000	863,155,000	872,743,000	853,388,000	-19,355,000
Pesticide Licensing (Under S&T)	5,886,000	6,153,000	6,153,000	6,153,000	0
Env. Programs and Mgmt.	2,964,025,000	3,796,280,000.00	3,792,315,000	3,577,153,000	-215,162,000
Compliance	103,500,000	144,770,000	144,770,000	144,770,000	0
Enforcement (NO EJ)	241,775,000	291,305,000	291,305,000	291,305,000	0
EJ (Part of Enforcement)	94,159,000	294,938,000	294,938,000	174,124,000	-120,814,000
Pesticide Licensing (Under EPM)	110,196,000	118,161,000	138,495,000	120,661,000	-17,834,000
Categorical Grant: Pesticide Enforcement	24,000,000	25,580,000	25,580,000	25,580,000	0
Categorical Grant: Pesticide Program Implementation	13,294,000	14,027,000	14,027,000	14,027,000	0

American Bird Conservancy is pleased with the overall EPA budget increase and is encouraged by the Agency’s stated focus on the stated principles in the strategic plan.

American Bird Conservancy’s Pesticides and Birds Campaign is dedicated to the pursuit of making the environment safer for birds through improving pesticide regulations, encouraging EPA to fulfill its duties under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and improving the pesticide registration and review process to fully assess potential and ongoing impacts of pesticides on federally listed species and critical habitats.



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ABC thanks EPA for:

- A greater commitment to federally listed species and critical habitats
- An honest evaluation of its past performance on pesticide registration and review
- A greater commitment to environmental justice

Federally Listed Species Protection

EPA acknowledges it has been unable to do its FIFRA prescribed duty to evaluate pesticides for the potential ability to adversely affect endangered species. “Given the complexity of evaluating potential effects to diverse listed species, EPA has been unable to perform ESA evaluations for the vast majority of its actions, which has resulted in numerous successful litigation challenges for registration and registration review actions.”⁵ EPA further goes by the numbers to list:

1,200 EPA approved active ingredients⁶
17,000 registered pesticide products⁷
1,600 federally threatened or endangered species⁸
800 designated critical habitats⁹

EPA has committed to consider the effects on or protections of listed species for at least 50% of pesticide review decisions and 90% of new active ingredient registrations. To accomplish this ambitious but highly necessary goal, EPA has appropriated an addition \$4.9 million and 10 FTE to assist with ESA consultations.

The ability of the EPA to perform this important work is made possible by appropriations in various categories including: Pesticide Licensing, Categorical Grants, Compliance, and Enforcement.

- ABC recommends the maximum appropriation from the chambers be enacted in the areas of Pesticide Licensing (under both Science and Technology and Environmental Program Management areas), Categorical Grants for Pesticide Enforcement and Pesticide Program Implementation, Compliance, and Enforcement.

Pesticide Registration and Registration Review: Environmental Programs and Management

One of EPA’s primary responsibilities is the registration of pesticides (active ingredients, new uses, emergency authorizations, etc.) as prescribed by FIFRA (40 CFR 152.112 § 3(c)(5)) and the review of registrations on a fifteen-year cycle as prescribed by 40 CFR 152.112 § 3(g). EPA states it “will focus its FY2023 resources on completing decisions for cases that are not completed by the FY2022 statutory deadline and on cases with 15-year due dates in FY2023 and beyond.” ABC supports this goal and hopes to see proposed interim decisions or proposed decisions for all pesticides in the docket. ABC compels EPA to fully investigate all potential



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outcomes of pesticide uses during ecological risk assessments and enter into Endangered Species Act (ESA) evaluative processes as often as is necessary.

Additionally, ABC is grateful to see both versions of the bill recognize the devastating effects of per- and polyfluoroalkyl substances (PFAS) and outline plans to define and combat them.

Both the House and Senate version of the bill recommend an increase above the EPA's requested amount for Pesticide Licensing under the EPA's Environmental Programs and Management charge. Though there is a wide gap between the versions (\$17 million), we are grateful to find both chambers recognize the need to better equip the EPA to analyze the effects of pesticides during the registration and re-registration processes.

- ABC requests that the final funds appropriated match the House of Representatives recommendation of \$138,495,000 for Pesticide Licensing.
- ABC would like to recognize both the House and Senate appropriations committees for their commitment to recognizing and combatting the devastating effects of PFAS and PFAS-containing pesticides.

Science and Technology

EPA's Science and Technology charge aims to "[foster] the sound use of science and technology and conducts leading-edge research to fulfill EPA's mission to protect human health and safeguard the natural environment.¹⁰" This important agency responsibility includes finding more efficient, more comprehensive, and more accurate ways to measure the impact of pesticides on the environment.

The appropriation for pesticide licensing under the science and technology portion of the budget are identical in the House and Senate versions and equivalent to what EPA has requested: \$6,153,000.

- ABC thanks both chambers for their commitment to this request from EPA and recommends an additional \$1.5 million is added to enable EPA to perform this important work with the greatest possible capacity.

Pesticide Compliance and Enforcement

This area of responsibility has been severely underfunded for years. When it comes to pesticides, "the label is the law," meaning that the use prescribed a pesticide label must be followed in order for all human and environmental health risk assessments to be accurate. EPA's authority to ensure these labels are being followed, and their ability to investigate violators, has been hampered by a lack of adequate capacity. Both the House and Senate bills drastically increase the



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amount appropriated to these efforts, with an additional \$41 million going to compliance and an additional \$50 million going to enforcement.

- ABC recommends the full amounts appropriated are adopted into the final version of the bill: \$144.8 million for Compliance and \$291.3 for Enforcement.

Pesticide Categorical Grants

Categorical grants allow approved actors and stakeholders to lessen the burden of work placed on EPA for enforcing proper pesticide use and implementing pesticide and integrated pest management programs. This year's appropriations bill represents a modest increase from FY22 but in amounts equivalent to those requested by EPA.

- ABC recommends the full amounts appropriated by both the House and Senate are included in the final version of the bill: \$25.6 million for the Pesticide Enforcement Categorical Grant and \$14 million for the Pesticide Program Implementation categorical grant.

Environmental Justice

The EPA and Federal Government generally have both stated their renewed and enhanced commitment to ensuring environmental justice throughout its programs and agencies. As such, funding has been drastically increased in both versions of the bill. The House appropriated an additional \$200 million (equivalent to EPA's request) for environmental justice work, and the Senate appropriated an additional \$80 million (\$120 million below EPA's request).

This paragraph from the EPA's budget justification summarize the importance well:

The inequity of environmental protection is not just an environmental justice issue but also a civil rights concern. Neither an individual's skin color nor the wealth of their zip code should determine whether they have clean air to breathe, safe water to drink, or healthy environments in which their children can play. **And yet, the development, implementation, and enforcement of environmental laws, regulations, and policies have not always ensured the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.**

ABC is committed to integrating environmental justice into all of our conservation efforts, namely the undue effects of pesticides on both wildlife and human health.

- ABC recommends the Environmental Justice full amount requested by EPA and appropriated by the House of \$294,938,000 is adopted in the final bill.

U. S. Fish and Wildlife Service



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Item	Appropriation Enacted 2022 (\$)	Agency Request 2023 (\$)	House Rec. 2023 (\$)	Senate Rec. 2023 (\$)	Diff. FY23 Sen.-House (\$)
USFWS Total	1,645,611,000	1,972,014,000	1,875,411,000	1,838,057,000	-37,354,000
Listing of T/E Species	21,279,000	23,946,000	25,946,000	25,946,000	0
T/E Species Planning and Consultation	112,092,000	152,807,000	142,807,000	117,607,000	-25,200,000
Pesticide Consultation	500,000	500,000	1,500,000	N/A	N/A

In addition to administering our Nation’s public lands, the Fish and Wildlife Service is charged with working in tandem with EPA to evaluate the effects of proposed pesticides on federally listed threatened and endangered species and their critical habitats (TES) as spelled out in §7 of the Endangered Species Act.

As previously mentioned, very few of the chemicals commonly used as pesticides have undergone any type of analysis to determine if TES are at risk from applications. As such, it is critical that the agency receive the funding increases it has requested. EPA has committed to upholding its portion of this agreement; ensuring FWS has adequate capacity to fulfill their mandated duty is critical.

Both the House and Senate versions have appropriated funds in excess of those requested by FWS to list endangered species, which we applaud. However, funding for planning and consultation on TES, which the FWS is charged with, is underfunded in both versions. The House version is \$10 million below what FWS has requested, and the Senate version is a dismal \$35 million below the request.

ABC is very heartened to see a specific request for an additional \$500,000 for pesticide consultations specifically put into both the FWS budget request and the House version of the bill. The Senate version does not specifically break down funding in this manner.

- ABC thanks Congress for funding the listing of TES in excess of what was requested by FWS.
- ABC would like to see the full \$153 million appropriated for TES planning and consultation, but recommends that \$142 million appropriated by the House version of the bill is adopted into the final version.

Conclusion

The use of pesticides is a major contributor to the loss of birds through multiple pathways. Birds may ingest, inhale, or be dermally exposed to various conventional pesticides. Additionally, the loss of important prey like insects or fish, and the loss of habitat, due to pesticide use adds another layer of devastation.



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We submit these comments to the Appropriations committee(s) for their consideration.

- ABC requests that the final funds appropriated match the House of Representatives recommendation of \$138,495,000 for Pesticide Licensing.
- ABC would like to recognize both the House and Senate appropriations committees for their commitment to recognizing and combatting the devastating effects of PFAS and PFAS-containing pesticides.
- ABC thanks both chambers for their commitment to Science and Technology Pesticide Licensing by EPA and recommends an additional \$1.5 million is added to enable EPA to perform this important work with the greatest possible capacity.
- ABC recommends the full amounts appropriated are adopted into the final version of the bill: \$144.8 million for Compliance and \$291.3 for Enforcement.
- ABC recommends the full amounts appropriated by both the House and Senate are included in the final version of the bill: \$25.6 million for the Pesticide Enforcement Categorical Grant and \$14 million for the Pesticide Program Implementation categorical grant.
- ABC recommends the Environmental Justice full amount requested by EPA and appropriated by the House of \$294,938,000 is adopted in the final bill.
- ABC thanks Congress for funding the listing of TES in excess of what was requested by FWS.
- ABC would like to see the full \$153 million appropriated for TES planning and consultation, but recommends that \$142 million appropriated by the House version of the bill is adopted into the final version.

Thank you for your consideration,

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¹ <https://www.science.org/doi/10.1126/science.aaw1313>



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² <https://www.science.org/doi/full/10.1126/science.356.6338.576>

³ <https://www.pnas.org/doi/abs/10.1073/pnas.1704949114>

⁴ <https://www.nature.com/articles/d41586-019-01810-6>

⁵ US Environmental Protection Agency FY 23 Justification of Appropriation Estimates for the Committee on Appropriations

⁶ <https://www.epa.gov/ingredients-used-pesticide-products>

⁷ <https://www.epa.gov/safepestcontrol/search-registered-pesticide-products>

⁸ <https://ecos.fws.gov/ecp/report/boxscore>

⁹ <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

¹⁰ https://19january2017snapshot.epa.gov/science-and-technology_.html