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FOR IMMEDIATE RELEASE

Environmental, Public Interest Groups Ready for Legal Action Over EPA Approval of Wildlife Endangering Chemicals

Longstanding violation of Endangered Species Act provisions highlights Sixty-Day Notice filing

WASHINGTON, D.C.—September 6, 2012 — Today, the Center for Food Safety, Beyond Pesticides and the Sierra Club, along with affected citizens from around the country, filed a Sixty-Day Notice letter with the Environmental Protection Agency (EPA) announcing their intent to jointly sue the agency for Endangered Species Act (ESA) violations. The planned lawsuit highlights EPA’s continuing failure to ensure, through consultation with the U.S. Fish and Wildlife Service, that its numerous product approvals for the neonicotinoid insecticides clothianidin and thiamethoxam are not likely to jeopardize any Federally-listed threatened or endangered species.

“EPA has failed to uphold the clear standards of the Endangered Species Act,” said Peter Jenkins, attorney at the Center for Food Safety. “By continuing to ignore the growing number of reports and studies demonstrating the risks of neonicotinoids to honey bees and a large number of already threatened and endangered species, the EPA is exposing these already compromised populations to potentially irreversible harm.”

The Notice of Intent to Sue follows a legal petition previously filed by several environmental organizations and more than two dozen beekeepers demanding that EPA immediately suspend use of the chemical clothianidin that poses fatal harm to pollinators. While refusing to issue an immediate suspension, the EPA agreed to open a public comment docket to review additional points raised in the legal petition.

“EPA’s failure to follow the law potentially poses a direct, long-term threat to the sustainability of fragile ecosystems,” said Jay Feldman, executive director of Beyond Pesticides. “Given the known hazards of clothianidin and all neonicotinoid pesticides, EPA’s lack of respect for known scientific evidence and existing regulations endangers environments essential to our well-being.”

In the nine years since the EPA conditionally registered clothianidin for use on corn and canola, the agency has admitted to both the hazards of the insecticide and the need for compliance with ESA. The [EPA fact sheet on clothianidin](#) reads as follows:

“Clothianidin is expected to present acute and/or chronic toxicity risk to endangered/threatened birds and mammals via possible ingestion of treated corn and canola seeds. Endangered/threatened non-target insects may be impacted via residue laden pollen and nectar. The potential use sites cover the entire U.S. because corn is grown in almost all U.S. states.”

The agency has also made the same admission regarding thiamethoxam.

Despite EPA's recognition of the acute and chronic toxicity risks to endangered and threatened birds, mammals and insects from these chemicals nearly a decade ago, the agency has continued to ignore concerns surrounding the effects on these critical species. Over the past twelve years, EPA has approved a total of 86 products containing clothianidin and thiamethoxam, and it permits the use of these insecticides on more than 30 crops, as well as ornamental, turfgrass and structural applications.

"The disconnect at EPA between the serious risks these toxic chemicals pose to pollinators and the approval of the products that contain them is inexcusable," said Laurel Hopwood, Sierra Club's Genetic Engineering Action Team chairwoman. "One-third of our food supply relies on the presence of pollinators. EPA should be protecting, not imperiling them."

The Sixty-Day Notice cites several violations of the ESA, all of which address EPA actions that have enabled clothianidin and thiamethoxam to be applied over a vast amount of U.S. farmland and in, or near, a wide range of critical habitats and ecosystems. If the ESA violations are not resolved within 60 days, the letter signers may then sue EPA.

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About Center for Food Safety

The Center for Food Safety is a national, non-profit, membership organization founded in 1997 to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. More information can be found at www.centerforfoodsafety.org

About Beyond Pesticides

Beyond Pesticides, founded in 1981, works with allies in protecting public health and the environment by identifying the hazards of chemical-intensive land, building and community management practices and promoting healthy, sustainable and organic systems. More information can be found at www.beyondpesticides.org.

About The Sierra Club

The Sierra Club, the country's largest grassroots conservation organization, seeks to practice and promote the responsible use of the earth's ecosystems and resources. More information can be found at www.sierraclub.org/biotech/