



# Pesticide Update

EPA's Office of Chemical Safety and Pollution Prevention

## EPA Shares Fish and Wildlife Service's Final Endangered Species Act Biological Opinion for Methomyl

The U.S. Environmental Protection Agency (EPA) is sharing the U.S. Fish and Wildlife Service's (FWS's) final biological opinion (BiOp) for the pesticide methomyl. The final biological opinion released today only covers species under FWS's purview.

Under the Endangered Species Act (ESA), EPA must ensure that its actions, including many pesticide registration actions, do not jeopardize listed species or adversely modify their designated critical habitats. If EPA determines in a biological evaluation that use of a pesticide product may affect these listed species or critical habitats, EPA must initiate consultation with FWS and the National Marine Fisheries Service (NMFS), or both (the Services). In response, the Service(s) may develop a biological opinion that determines whether the pesticide will result in jeopardy or adverse modification.

### Background on Methomyl

Methomyl is an insecticide used on a variety of crops, including field vegetables and orchard crops. In March 2021, EPA completed its final biological evaluation for methomyl, which made "likely to adversely affect" determinations for 1,098 listed species and 281 critical habitats. An LAA determination means that EPA reasonably expects that at least one individual animal or plant of any listed species may be exposed to these pesticides at a sufficient level to have an adverse effect. EPA initiated formal consultation with the Services upon completing this biological evaluation. NMFS completed its final [BiOp for methomyl](#) in February 2024 for species under its purview.

### FWS Biological Opinion

EPA initiated formal consultation with the Services upon completing the biological evaluation and, in response, FWS developed a draft biological opinion for methomyl, which was posted for a 60-day public comment period in July 2024. The draft BiOp included FWS's determinations that, under the ESA, methomyl is likely to jeopardize 82 listed species and adversely modify 34 critical habitats when used as currently registered. The draft BiOp also suggested general categories of potential reasonable

and prudent alternatives (RPAs), which are mitigation measures to prevent jeopardy to the species or adverse modification of the critical habitat.

Since the draft BiOp was published, FWS worked with EPA, the methomyl registrants, and the U.S. Department of Agriculture (USDA) to develop and agree upon species-specific measures to protect the federally threatened and endangered (listed) species for which FWS made jeopardy or adverse modification determinations in the July 2024 draft BiOp. These measures found in the final BiOp include spray drift and runoff reduction measures and on-field mitigation measures for a subset of species. These geographically specific measures will be implemented through pesticide product labeling, directing users to access the EPA's Bulletins Live! Two platform to determine whether there are mitigations needed where the product is to be applied. EPA will publish Bulletins on this platform to inform users of these geographically specific measures. FWS has determined that, with the inclusion of these mitigation measures, the registered uses of methomyl will not result in jeopardy determinations. This means that FWS does not anticipate that this pesticide will jeopardize listed species or adversely modify critical habitats when used in accordance with updated label language that is reflected in the biological opinion.

In addition to measures that FWS, EPA, USDA and the registrants identified and agreed upon that allowed FWS to issue a no jeopardy biological opinion, the opinion also includes measures to minimize take of listed species and impacts to critical habitat including development of training and educational materials for methomyl applicators and reporting of ecological incidents, water quality monitoring data, and use and usage information. EPA will work with registrants of methomyl products to implement these mitigation measures and all components of the FWS biological opinion.

The final biological opinion can be found on [EPA's website](#) and is also linked from docket [EPA-HQ-OPP-2024-0290](#) on [www.regulations.gov](http://www.regulations.gov).