



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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DATE: September 9, 2022

TO: Washington State Legislature
Senate Committee on Agriculture, Water, Natural Resources & Parks
House of Representatives Committee on Rural Development, Agriculture & Natural Resources

FROM: Derek Sandison
Director, Washington State Department of Agriculture

SUBJECT: Supplementary Information to the 2021 Report to the State Legislature on Protection of Pollinator Health: Pollinators and Neonicotinoids

Background

In December 2021, the Washington State Department of Agriculture (WSDA) submitted a report to the legislature on the [Protection of Pollinator Health: Pollinators and Neonicotinoids](#). The report was required by [RCW 17.21.445](#).

RCW 17.21.445 directed WSDA to ... provide a report to the appropriate committees of the senate and house of representatives, in compliance with RCW 43.01.036, that includes recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides and treated seeds. The department shall evaluate and incorporate the reviews scheduled for completion by the United States environmental protection agency during 2021, including recommended mitigation measures from that agency.

At the time of the report publication, the United States Environmental Protection Agency (EPA) had not yet completed their Interim Registration Review Decision for the neonicotinoids *acetamiprid*, *clothianidin*, *dinotefuran*, *imidacloprid*, and *thiamethoxam*, nor had they finalized the interim mitigation measures for these chemicals. WSDA committed to providing the Legislature an addendum to the report within six months of the issuance of EPA's Registration Review Interim Decision. At that time, EPA anticipated the decision to be released in late 2022.

Supplementary Information

On June 16, 2022, EPA [announced](#) that they had released their biological evaluations (BEs) for three neonicotinoids: *clothianidin*, *imidacloprid*, and *thiamethoxam*. These evaluations, which encompass all registered uses and approved product labels for pesticide products containing these chemicals, are part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA).

EPA has now begun consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services). EPA will work with the Services throughout the consultation process to clarify how

the effects determinations included in the final BEs and comments received on the draft BEs can best inform the Services' biological opinions (BiOps).

The Services will then draft BiOps, which will include their official determinations of whether a pesticide is likely to jeopardize each relevant ESA-listed species or adversely modify its critical habitat, and include any additional mitigation measures to protect ESA-listed species the Services recommend in coordination with EPA and stakeholders. EPA will then implement any necessary mitigation measures to protect listed species.

Due to the consultation process with the Services, EPA now anticipates releasing amended Proposed Interim Decisions in 2023, which could include updates to some of the previously proposed mitigations. These mitigation measures will be finalized in the Interim Registration Review Decisions, which EPA now expects to release in 2024.

This memo is intended to inform the Legislature of the delay in EPA's Interim Registration Review Decisions on these neonicotinoids. However, WSDA remains committed to providing the Legislature with an addendum to the *Protection of Pollinator Health: Pollinators and Neonicotinoids* report within six months of the issuance of EPA's final Registration Review Interim Decision (expected to be released in 2024), which will include EPA's mitigation measures for these neonicotinoids.

If you have any questions or need any additional information regarding this memo, please contact Robin Schoen-Nessa at (360) 902-2011 or rsnessa@agr.wa.gov.

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