Council of Producers & Distributors of Agrotechnology

ESA Implementation & Agricultural Productivity:

Supporting Species Protection While Maintaining Farmer Access to Critical Tools

2026 CPDA POLICY BACKGROUND PAPER

THE ISSUE

Over the past two decades, litigation under the Endangered Species Act (ESA) has significantly changed how pesticides are evaluated and regulated in the United States. Courts have required EPA's Office of Pesticide Programs (OPP) to initiate consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service regarding potential impacts of pesticides on listed species.

As EPA implements court-driven ESA compliance strategies, new mitigation requirements are being incorporated into pesticide registrations and registration review decisions. While protecting threatened and endangered species is a shared priority, mitigation approaches must be workable for farmers and supported by real-world agronomic and application science.

Ensuring farmers maintain access to effective crop protection tools while meeting ESA obligations will require practical mitigation options that can be implemented at scale across diverse crops, geographies, and production systems.

BACKGROUND: THE INTERSECTION OF ESA AND FIFRA

Beginning in the early 2000s, ESA litigation increasingly required EPA to conduct formal consultation with federal wildlife agencies when pesticide use could potentially affect listed species. ESA and FIFRA operate under different statutory frameworks and scientific approaches, which has made development of a workable consultation process challenging.

After more than two decades of litigation and regulatory development, ESA-related mitigation requirements are now appearing directly on pesticide labels. EPA's Vulnerable Species Pilot and subsequent Herbicide, Insecticide and Fungicide Strategies represent major steps toward developing consistent mitigation frameworks across products and species.

IMPLEMENTATION REALITY: MITIGATION MUST WORK IN THE FIELD

ESA compliance is increasingly dependent on practical mitigation tools that reduce pesticide exposure risk while allowing continued agricultural productivity. Mitigation strategies that rely solely on geographic restrictions or large buffer requirements can significantly impact farm viability and crop production.

EPA has increasingly recognized the role of technology-based mitigation tools, including spray drift reduction technologies, precision application equipment, and adjuvant technologies that improve on-target spray placement.

ADJUVANTS AS ESA MITIGATION TOOLS

Adjuvants are substances added to pesticide products or spray mixtures to enhance performance or improve spray characteristics. Adjuvants can improve pesticide effectiveness while reducing off-target movement and application variability.

Drift Reduction Adjuvants (DRAs) improve deposition on target surfaces, reducing the potential for offsite movement. This can reduce environmental exposure risks and help protect habitat for threatened and endangered species while maintaining pesticide effectiveness.

Expanding opportunities for growers to use adjuvants as ESA mitigation tools can provide species protection benefits while maintaining workable pesticide use.

BROADER VALUE OF ADJUVANTS IN MODERN AGRICULTURE

Beyond ESA mitigation, adjuvants play critical roles in improving pesticide performance and environmental outcomes.

Adjuvants can improve pesticide efficacy, reduce total pesticide use, reduce the number of applications needed, and improve precision placement of pesticides. These improvements can reduce environmental exposure, lower fuel use, and reduce a farmer's cost.

Adjuvants can also support soil health and water conservation goals by reducing runoff and improving retention of applied products.

Increasing grower awareness and adoption of adjuvant technologies represents an opportunity to improve both agricultural productivity and environmental performance.

POLICY PERSPECTIVE

CPDA supports continued development of practical ESA mitigation frameworks that incorporate real-world application science and modern agricultural technologies.

CPDA supports expanded opportunities for growers to use adjuvants, including Drift Reduction Adjuvants, as mitigation tools to help meet ESA regulatory requirements.

CPDA supports continued investment in research, education, and regulatory clarity to ensure mitigation tools are consistently recognized and implemented across EPA programs.

CPDA supports policies that maintain farmer access to safe, effective crop protection tools while ensuring species protection goals are achieved.

CONCLUSION

Effective ESA implementation requires practical mitigation tools that work in real-world agricultural systems. Adjuvant technologies provide an opportunity to support species protection goals while maintaining farmer access to critical crop protection tools.

As Congress considers future agricultural policy, including conservation and research programs, there are opportunities to support adoption of mitigation technologies such as adjuvants that improve environmental outcomes while supporting agricultural productivity.

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