

## Notice of Data Availability to Support a Common Approach for Assessing Aquatic Life Effects of Pesticides

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The U.S. Environmental Protection Agency has published draft analyses comparing aquatic life benchmarks developed in support of registration decisions for pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to existing national recommended aquatic life Ambient Water Quality Criteria and criteria-related values developed under the Clean Water Act (CWA) for the protection of aquatic life from pesticides. The EPA's draft analyses show that the values developed under these two statutes are similarly protective of aquatic life and that the most sensitive Office of Pesticide Programs (OPP) aquatic life benchmarks, which are updated regularly to include the latest science, could also serve as CWA Section 304(a)(1) recommended aquatic life criteria or 304(a)(2) informational benchmarks for pesticides. The EPA will accept public comments on the draft analyses and potential application of OPP aquatic life benchmarks for CWA 304(a) purposes for 30 days via publication in the Federal Register. The EPA will evaluate public comments on the comparison of approaches and determine if it is appropriate to apply OPP benchmarks for use as aquatic life CWA Section 304(a)(1) criteria or 304(a)(2) informational benchmarks for pesticides.

### Background

The Office of Water (OW) and OPP have been working together for several years to develop a harmonized approach to assess aquatic life effects of pesticides for the purposes of both FIFRA and the CWA. This collaborative effort within the EPA ensures development of protective aquatic life values using the latest scientific knowledge while minimizing duplicative work within the agency and promoting consistency in aquatic effects assessments for pesticides. OPP aquatic life benchmarks for over 750 pesticides and pesticide degradates are currently available, and they are routinely updated as new science becomes available. Common aquatic effect values would allow the EPA to leverage the scientific work already completed by one agency program in another program, resulting in the most efficient use of agency resources, while effectively protecting the environment.

### This action in detail

OW and OPP have evaluated different types of pesticides to determine whether the most sensitive OPP aquatic life benchmarks are similar in magnitude to CWA national recommended aquatic life Ambient Water Quality Criteria (AWQC) or criteria-related values (e.g., values developed analysis using assessment or safety factors when toxicity data are limited). The EPA is making the analyses available for a 30-day public comment period in a Notice of Data Availability. The comparative analyses for several classes of pesticides show that the most sensitive OPP benchmark for a given pesticide is numerically similar (within a factor of two) and generally somewhat lower than its corresponding nationally recommended CWA 304(a)(1) criterion. The differences between the most sensitive OPP benchmarks and criteria-related values developed for this analysis when toxicity data are limited (e.g., using safety factors) is generally within the variability that is reported in the literature for toxicity tests repeated within or across laboratories (within a factor of 5-10). In light of these comparative analyses showing that OPP benchmarks are similarly protective of aquatic life as the EPA's current CWA section 304(a) AWQC and criteria-related values, the EPA is considering recommending these OPP

benchmarks as CWA Section 304(a) aquatic life values. The EPA is soliciting public comments on:

- The comparison of approaches outlined in the document entitled *Comparison of Aquatic Life Protective Values Developed for Pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Clean Water Act (CWA)*.
- Whether the CWA values should be accepted as CWA section 304(a)(1) aquatic life AWQC or, rather, as CWA section 304(a)(2) informational aquatic life benchmarks for pesticides if the agency concludes it will use OPP benchmarks as CWA 304(a) values.
- Whether the eight current pesticide criteria values that also have OPP benchmarks should be updated with the most sensitive OPP benchmark value and retained as CWA section 304(a)(1) aquatic life AWQC.

### **Next Steps—Issuing Final CWA Pesticide Aquatic Life Protective Values**

After the public comment period, EPA will review and respond to any submitted comments. If the EPA pursues this “common effects” approach, the agency would subsequently publish CWA 304(a) aquatic life values as either 304(a)(1) criteria or 304(a)(2) informational benchmarks for over 750 pesticides that states and Tribes may then consider in their water quality protection programs. The EPA would regularly update the CWA 304(a) values to reflect the information submitted under FIFRA and the values would represent the latest science regarding the aquatic life effects of pesticides.

### **More Information**

To view the draft analyses and learn how to submit written comments, please visit the EPA’s [Aquatic Life Criteria and Methods for Toxics](#) website. If you have questions, please contact Christine Bergeron (Bergeron.christine@epa.gov).