July 14, 2022

The Honorable Martha Williams  
Director  
United States Fish & Wildlife Service  
1849 C Street, NW  
Washington, DC  
20240


Dear Director Williams,

We, members of the House of Representatives, write today with great concern for our nation’s wildlife and natural resources resulting from the agricultural use of pesticides on the National Wildlife Refuges. Conservation groups have petitioned your office and the Department of Interior to immediately stop approving new uses of agricultural pesticides on the Refuges and initiate rulemaking to fully phase-out such pesticides across the National Wildlife Refuge System. In this case, agricultural pesticides are referring to any chemical pesticide or biological pesticide authorized under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act to be used on cooperative farmland for the purposes of forage and crop production.

According to a 2019 paper published in the journal *Science*, there are 3 billion fewer breeding birds in North America than there were in 1970. This is an unprecedented loss and encompasses a 53% reduction in grassland birds, 32% decline in aerial insectivores, and 17% decline in forest birds. Many of these species rely on Refuges for migratory haven and breeding grounds. Risking their survival on the very lands created to shelter them is counterintuitive to the National Wildlife Refuge System’s purpose.

The Environmental Protection Agency (EPA) recently determined that some of the most commonly used agricultural chemicals are likely to adversely affect federally listed species. For example, EPA found that glyphosate—popularly known as Roundup and the most widely used herbicide in the U.S.—is likely to adversely affect 93% of all listed species. Of the neonicotinoids—the most widely used chemical class of insecticides in the U.S.—EPA found that imidacloprid was likely to harm 80% of all listed species, clothianidin 82%, and thiamethoxam 81%. Despite the clear danger these chemicals pose, they continue to be used in the Refuges.

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Agricultural pesticides utilized on Refuges take different forms such as aerial sprays, flooding the soil with chemicals, spraying directly on leaves and stems, and covering crop seeds with pesticides. Aerial sprays of pesticides often drift into unintended habitat. Foliar sprays can be washed off in rain. Seed treatments leach into groundwater and soil. Many chemicals, such as those in the neonicotinoid family of pesticides, are highly water soluble and systemic, expressing themselves through the tissues and even flowers of a plant throughout its life cycle. For native flowering plants that insects pollinate, neonicotinoid contamination means that these insects would be attracted to a source of poison. In addition to posing toxic threats when ingested, they kill nontarget organisms in local waterways and hollow out ecosystems from the bottom up.

As the administrator of nearly 100 million acres of precious and vital American lands, we believe the charge falls to you and your staff to uphold your “responsibility [to] the conservation and management of fish, wildlife, plants, and their habitats for the American people.” In the past, pesticides were heavily relied upon and seen as a panacea to agricultural challenges. This is not the case any longer; increasing scientific awareness of the real risks to ecosystems from pesticides means this tool no longer serves its intended purpose.

The Refuge System was established to provide sanctuary for listed threatened and endangered species, migratory birds, and other wildlife which were experiencing a threat to their very existence from human activity. The continued use of agricultural pesticides on Refuge land negates the intention of the system; the chemicals used harm both listed and unlisted species.

We must also consider the 53 million people who visit National Wildlife Refuges annually for recreation. By allowing the continued widespread use of agricultural pesticides on these important pieces of land and water, people, and wildlife alike are subject to undue risk. Refuges must be upheld as prescribed in the 1997 National Wildlife Refuge System Improvement Act. The Act charges Fish and Wildlife to “ensure that the biological integrity, diversity and environmental health of the System are maintained for the benefit of present and future generations of Americans.”

In 2014, the Fish and Wildlife Service released a memorandum which phased out the use of all prophylactic uses of neonicotinoid pesticides on Refuges. The memorandum acknowledged the need for the Refuge System to reevaluate its priorities and only use synthetic pesticides when necessary for the protection of wildlife. This memorandum was rescinded four years later to the disappointment of wildlife advocates nationwide. To protect wildlife and support the true purpose of Refuges, we believe protective measures against widespread agricultural pesticide use must be taken.

Because there is no defensible position for the continued widespread use of agricultural pesticides on National Wildlife Refuges, we the undersigned ask the Fish and Wildlife Service to consider expediently begin a rulemaking process to phase out the use of agricultural pesticides on National Wildlife Refuges. Specifically, we ask that you consider the following:

1. All chemical or biological pesticides registered under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act be subject to phase out on National
Wildlife Refuge land, which would automatically exempt minimum risk pesticides such as organic compounds.

2. Provisions be made so that the use of pesticides for the control of invasive or non-native species is authorized on a limited basis when necessary, so long as it is compatible with each Refuge’s Comprehensive Conservation Plan and strictly in conformity with an Integrated Pest Management plan.

3. A time-limited exemption for the use of an agricultural pesticide may be granted in the event of an emergency, following a period of public notice and comment and publication in the Federal Register, for a period up to one year.
   a. The one-year emergency use may not be extended beyond one year for any Refuge absent extenuating circumstances.

4. As a short-term fix, we ask that the 2014 memorandum issued by the United States Fish and Wildlife Service Chief James Kurth be reinstated, phasing out neonicotinoids and genetically engineered crops.

Thank you for your full and fair consideration of this matter, consistent with applicable agency guidelines, and we look forward to your response.

Sincerely,

Nydia M. Velázquez
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jerrold Nadler
Member of Congress

Alan S. Lowenthal
Member of Congress

Jared Huffman
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