Environmental Compliance Team Background

Last Modified:

APHIS Plant Protection and Quarantine (PPQ) pest management and emergency response programs must comply with environmental laws, regulations, orders, and guidance. Failure to comply can slow or stop program implementation, cause loss of program funding, and even result in criminal charges in some cases.

Program managers should consult with [Kai Caraher](#), Staff Officer of the Environmental Compliance Team, early in program development to review potential environmental issues and develop mitigation strategies. ECT works closely with APHIS Policy and Program Development (PPD) Environmental Risk and Analysis Services (ERAS) and others to conduct and document appropriate risk analysis.

Endangered Species Act

Under the Endangered Species Act (ESA) [Section 7](#), programs must consider whether an action will have possible effects on listed [endangered or threatened species](#) or [critical habitat](#). Knowingly violating this law can lead to criminal charges against individual staff members.

ERAS reviews the planned action and may make a determination of No Effect if there are no listed species or critical habitat in the program area. If the action may affect listed species or habitat, then ERAS typically prepares a Biological Assessment (BA) and consults with the Fish and Wildlife Service and the National Marine Fisheries Service. When necessary, ECT assists with the consultation process, including negotiating protection measures for listed species or the data required to support unregistered use of a pesticide.

National Environmental Policy Act

Under the [National Environmental Policy Act](#) (NEPA), programs must consider whether an action will have any human health or environmental effects. [APHIS's Implementing NEPA Procedures](#) describe how APHIS will comply with NEPA. View previous [PPQ NEPA documents](#).

There are three possible levels of NEPA analysis:

- If an action has no possible adverse effects, ECT prepares a document explaining why the action is categorically excluded from more in-depth risk analysis, which takes only a few days.
- If significant effects are possible but not likely, ERAS prepares an Environmental Assessment (EA), which can take two months or more. Prior to taking action, a Finding of No Significant Impact (FONSI) must be completed and signed by the program manager or other official with decision-making authority.
- If significant effects are likely, ERAS prepares an Environmental Impact Statement (EIS), which can take years to prepare. Typically, an EIS is for an entire program and its cumulative effects. Prior to taking action, a Record of Decision (ROD) documents the selected action along with a plan to mitigate and monitor environmental effects.

NEPA consideration covers [many topics](#), including but not limited to:

- Minority, low income, or linguistically isolated populations ([Executive Order 12898](#))
- Schools, daycares, and other places where high numbers of children may be present ([Executive Order 13045](#))
- Nursing homes and other places where high numbers of elderly people may be present

- Immunocompromised or other highly sensitive individuals
- Migratory and other birds ([Migratory Bird Treaty,](#) [Bald and Golden Eagle Protection Act)](#)
- Historical and archeological sites

Environmental Monitoring

Environmental monitoring may be required by environmental laws or by APHIS' [directive on environmental monitoring](#), requested by program managers, or recommended by ECT to address specific concerns. The goals of environmental monitoring are to evaluate the validity of risk assessment documentation and to provide program managers with science-based information. For example, environmental surveys can help programs avoid impacts on listed species and critical habitat. Pesticide residue monitoring can provide information if program-applied pesticides could result in unintended concentrations in the environment.

When appropriate, ECT develops an Environmental Monitoring Plan. ECT trains APHIS personnel and cooperators in implementing the plan, receives and analyzes the results, and develops Environmental Monitoring Reports. Reports include recommendations on how to improve future monitoring, and whether any changes in program operational procedures should be considered.

Outreach

NEPA requires programs to notify the public of actions that may have significant effects, including a 30-day comment period on each draft EA or EIS. Outreach is an opportunity for programs to provide fact-based information to the public about the pest, planned control strategy, and risk management methods. It is also an opportunity to receive feedback so the program can make changes if needed.

Depending on the needs of the local population, outreach campaigns may include notice in the Federal Register or local newspapers, public meetings, door hangers, and phone calls. ECT and APHIS Legislative and Public Affairs (LPA) can assist programs in conducting effective outreach.

Human Pesticide Injury and Illness Surveillance

[Pesticide Illness and Injury Surveillance](#) collects reports of actual or perceived illness or injury that might be attributed to pesticides. Programs should communicate with health authorities in each state so programs know where to send questions about human health and so health authorities are ready to answer them. ECT can research local surveillance mechanisms and connect programs with appropriate health authorities.

Other Environmental Compliance Requirements

If an action may take place on tribal lands or otherwise impact any federally recognized Indian Nation, a Tribal consultation is required ([Executive Order 13175](#)). If an action may take place on a military base, then consultation with military officials can identify issues such as unexploded ordnance or dates of training exercises using live ammunition. If pesticides will be used in or near waterways, the program may need a permit under the [National Pollutant Discharge Elimination System](#) (NPDES). ECT can help programs identify these and other concerns specific to each action.

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