



**American Bar Association
Section of Environment, Energy, and Resources**



**Pesticides, Chemical Regulation and Right-to-Know
and
Endangered Species Committees**

Present a "Quick Teleconference" program

**PROTECTING ENDANGERED SPECIES; THE COURT
THROWS THE ESA COUNTERPART
REGULATIONS OVERBOARD**

Thursday, October 19, 2006

1:00 p.m. – 2:30 p.m. Eastern Time / 12:00 p.m. – 1:30 p.m. Central Time
11:00 a.m. – 12:30 p.m. Mountain Time / 10:00 a.m. – 11:30 a.m. Pacific Time

Program Overview:

In a decision closely watched by commercial agriculture and the environmental community, Judge John C. Coughenour ruled last month in *Washington Toxics Coalition, et al. v. United States Department of Interior, et al.*, the so-called "counterpart regulations," jointly issued by EPA and NOAA Fisheries and the U.S. Fish and Wildlife Service (the Services) were invalid. Issued in 2004, the regulations were intended to enhance and streamline the Endangered Species Act Section 7 consultation process, which requires consultations between EPA and the Services to minimize adverse impacts on endangered species resulting from pesticide applications. The ruling is expected to have significant implications for the grower community, and undoubtedly will make the consultation process among these agencies even more unclear. Participants will hear about the somewhat tortured history of the regulations, the strong views on the integrity of the consultation process envisioned under the now invalid regulations, and what the future holds for growers, regulators, and others in the agricultural community when it comes to pesticides and endangered species.

Educational Objectives:

- Brief participants on the recent decision.
- Evaluate the implication for EPA's pesticide programs.

Faculty:

Moderators:

Lawrence E. Culleen, Arnold & Porter LLP, Washington, DC

Janice H. Walton, Blake, Cassels & Graydon LLP

Panelists:

Mark Dyner, U.S. Environmental Protection Agency, Washington, DC

Patti Goldman, Earth Justice, Seattle, WA

Ann R. Klee, Former General Counsel, U.S. Environmental Protection Agency, Crowell & Moring LLP, Washington, DC

Steven P. Quarles, Crowell & Moring LLP, Washington, DC

Questions?

Do you have a question that you would like the panel to address? Please email your question to Larry Culleen at Lawrence.culleen@aporter.com by October 18, 2006 at noon Eastern Time and the panel will make every effort to address your inquiry. You will also have an opportunity to ask questions of the panel live at the conclusion of the program.

