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September 24, 2018

Public Comments Processing  
Attn: FWS-HQ-ES-2018-0009  
U.S. Fish and Wildlife Service  
MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

**RE: Docket No: FWS-HQ-ES-2018-0009. *Endangered and Threatened Species: Interagency Cooperation***

The National Cotton Council (NCC) appreciates the opportunity to provide comments on this issue. The NCC is the central organization of the United States cotton industry. Its members include producers, ginner, cottonseed processors and merchandizers, merchants, cooperatives, warehousemen and textile manufacturers. A majority of the industry is concentrated in 17 cotton-producing states stretching from California to Virginia. U.S. cotton producers cultivate between 9 and 12 million acres of cotton with production averaging 12 to 18 million 480-lb bales annually. The downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. Farms and businesses directly involved in the production, distribution and processing of cotton employ more than 125,000 workers and produce direct business revenue of more than \$21 billion. Annual cotton production is valued at more than \$5.5 billion at the farm gate, the point at which the producer markets the crop. Accounting for the ripple effect of cotton through the broader economy, direct and indirect employment surpasses 280,000 workers with economic activity of almost \$100 billion. In addition to the cotton fiber, cottonseed products are used for livestock feed and cottonseed oil is used as an ingredient in food products as well as being a premium cooking oil.

The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the "Services"), propose to amend portions of their regulations that implement section 7 of the Endangered Species Act of 1973, as amended. The Services are proposing these changes to improve and clarify the interagency consultation processes and make them more efficient and consistent.

The continuing failure of the consultation process between the Services and the U.S. Environmental Protection Agency (EPA) and the inability to correct the problems (e.g., the failure of the "Counterpart Regulations") are clearly apparent in the conduct between the agencies during the registration and re-registration process of pesticides. These failures have led to a host of lawsuits, unattainable court-ordered deadlines, and cancellations and delays in the labeling of many important and necessary pesticides. These actions are a real threat to the country's ability to produce food, fiber and fuel.

We encourage the Services to move forward with their "Expedited Consultation" program {at§402.14(I)} but to expand it beyond habitat restoration projects with high conservation values and a small incidental take. Many pesticides of the same class have similar chemical profiles, and these could be used for expedited consultations. Also, pesticides that have already been through consultation during a previous registration program could be expedited in a future re-registration of the label. These are two examples that, with mutual agreement from EPA, could facilitate the stalled consultation process for pesticides without any significant endangerment to critical species or their habitats.

The Services also propose to add new paragraphs (h)(3) and (h)(4) to the current § 402.14(h) to allow the Services to adopt all or part of a Federal agency's initiation package in its "Biological Opinions" (BiOps). Additionally, they propose to adopt all or part of their own analyses and findings that are required to issue a permit under section 10(a) of the Act in its biological opinion.

The NCC encourages the Services and sister Federal agencies to cooperate in an effort to expedite their BiOps. As recently shown, some court-ordered deadlines do not give the Services enough time to produce a quality BiOp. A resulting BiOp that lists every possible risk to every possible critical species or habitat is not a reliable document that can be used by EPA for pesticide labeling; therefore, any means that can shorten the repetitive parts of the process, allowing for more specificity in the qualitative sections, is welcome.

The NCC urges the Services to recognize the critical need for streamlining the consultation process while still protecting critical species and habitats. U.S. agriculture is losing valuable pest control products due to the ongoing, inherent failures of the consultation process. This is a situation that needs a definitive solution immediately.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Steve Hensley". The signature is written in a cursive, flowing style.

Steve Hensley  
National Cotton Council