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August 16, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso:

The National Cotton Council (NCC) appreciates your leadership in correcting inconsistencies and problems within the Endangered Species Act (ESA) by drafting the Endangered Species Act Amendments of 2018. For four decades, Congress has failed to act to improve the many problems with ESA and has instead allowed the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the “Services”) unfettered power to do as they please with the law. The result has been inconsistent application of the law, a lack of transparency in the process, questionable science, and the use of the law as a blunt force weapon against farmers and landowners.

When the ESA was created in the 1970s, no one visualized the ultimate reach of the law. Based on very tenuous connections to federal funding provided for countless projects and programs, ESA is now used at the federal level to control everything from what small businesses or homeowners can do on an acre of land to what pesticides can be allowed for use by farms and state and local governments. In the meantime, as the lists of endangered and threatened species continue to grow, the Services are failing to show an associated recovery of species or protection of their habitat.

Under the ESA, the federal government often fails to work cooperatively with state and local governments as well as with private individuals and businesses. Farmers, who work hard to be good stewards of the land and its resources, are often targeted punitively. Federal mitigation requirements and/or fines are expensive and can be very detrimental to a farm. With the abject failure of the Services to recover many

species, the ESA appears more as a means of generating revenue than as a recovery tool for declining species.

Although the Amendments do not cover this issue, a severe problem exists in the Consultation Process between the Services and the U.S. Environmental Protection Agency over the registration and re-registration of pesticides. The Services' inability to properly conduct their side of the process in a timely fashion is resulting in a lack of approved pesticides, multiple lawsuits, and a real threat to the continued production of food, fiber and fuel in the U.S. This long-standing problem highlights the lack of resources at the Services, their inability to work well with other agencies, and the problems that occur when two very different laws (the ESA and the Federal Insecticide, Fungicide & Rodenticide Act) with two different purposes are thrust into an unworkable "working" relationship due to activist lawsuits that use the ESA as a blunt instrument.

We support and applaud the efforts of the Committee to improve the ESA and look forward to working with the Committee to improve the law so that it benefits species protection and landowners.

Sincerely,

A handwritten signature in cursive script that reads "Gary M. Adams". The signature is written in black ink and is positioned below the word "Sincerely,".

Dr. Gary Adams
President & Chief Executive Officer
National Cotton Council