

EPA ordered to review impact of glyphosate-based herbicides on monarch butterflies—but federal court blocks ban

A Ninth Circuit panel ruled against the U.S. Environmental Protection Agency on [July 22], finding the agency must take a second look at whether a glyphosate-based herbicide harms monarch butterflies.

A three-judge panel ruled that while the EPA did follow protocols for how it lists pesticides it failed to consider the impact of approving an herbicide that has been shown to damage milkweed, a plant considered vital to the reproductive abilities of the increasingly endangered monarch butterfly.

“Given the record evidence suggesting monarch butterflies may be adversely affected by 2,4-D on target fields, EPA was required to determine whether any effect was “adverse” before determining whether any effect on the environment was, on the whole, ‘unreasonable,’” wrote U.S. Circuit Judge Ryan Nelson — a Donald Trump appointee — for the majority. “EPA’s failure to do so means that its decision was lacking in substantial evidence on this issue.”

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In this instance, Dow Agrosiences formulated a chemical combination of glyphosate — the active ingredient in Monsanto’s Roundup — and dichlorophenoxyacetic acid. The combination, sold commercially as Enlist Duo, was required because many of the weeds detrimental to farming operations around the nation were developing immunity to glyphosate.

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The ruling does not require the EPA to vacate registration approvals made in 2014 and again in 2017, but merely take a second look at the decision while factoring in the effects on milkweed and monarch butterflies.

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