



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Gary Frazer
Assistant Director for Endangered Species
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, D.C. 20204

RE: Re-initiation of Consultation for Sodium Fluoroacetate (Livestock Protection Collar or LCP)

Dear Mr. Frazer:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA) is re-initiating Endangered Species Act (ESA) section 7(a)(2) consultation under 50 CFR Part 402.16 and 402.46. This request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient **sodium fluoroacetate** to listed birds, mammals and reptiles and any designated critical habitat as appropriate.

This request is prompted by: 1) the listing of additional potentially affected species since the US Fish and Wildlife Service issued its 1993 Biological Opinion¹ (BO) related to this pesticide (see enclosed memorandum and species lists), 2) the findings in the Agency's 2010 Registration Review Problem Formulation for sodium fluoroacetate (enclosed), 3) earlier Agency reviews, including the enclosed 2009 response to a petition to cancel all uses of 1080² and the 1995 Registration Eligibility Decision (RED)³, and 4) EPA's desire to develop with the USFWS, more focused mitigation for those species identified in the 1993 BO.

Specifically, the 2010 Problem Formulation and 2009 petition response note that additional species may be impacted by the use of 1080 beyond those identified in the BO and addressed through current label restrictions. Furthermore, potential changes in the range of listed species that were considered in the BO may have occurred since the BO was issued. The 1995 RED resulted in a determination that the use of pesticides containing sodium fluoroacetate has the potential to directly adversely impact listed mammals, although this determination does not necessarily apply throughout the geographic range of the listed species. Further, the assessment resulted in a determination that there is a potential for effects to the critical habitat of listed mammals for which such habitat has been designated. As a result, the 1995 RED recommended that the 18 use restrictions from the 1993 Biological Opinion (BO), including the listed species identified, be incorporated into the labels. It is these 18 restrictions, incorporated on current labels, EPA wishes to refine.

¹U.S. Department of Interior, 1993. *Effects of 16 vertebrate control agents on threatened and endangered species*. U.S. Fish and Wildlife Biological Opinion, March, 1993.

² USEPA, 2009. *Environmental Protection Agency's Response to the Petition to Cancel All Uses of Sodium Fluoroacetate (1080)*. Office of Pesticide Programs, Washington D.C.. March 6, 2009.

³ USEPA. 1995. *Reregistration Eligibility Decision for Sodium Fluoroacetate*. Office of Pesticide Programs, Washington D.C. January 31, 1995.

Currently, sodium fluoroacetate is a restricted use pesticide in the United States and is registered for use by the U.S. Department of Agriculture and five states (Montana, New Mexico, South Dakota, Texas and Wyoming). Current registrations are products in the form of Livestock Protection Collars (LPCs). The potential effects from the use of sodium fluoroacetate in LPCs is a result of exposure of non-target terrestrial vertebrates through direct contact with punctured Livestock Protection Collars (LPC) and secondary poisoning via consumption of contaminated carcasses. The potentially exposed species are predatory and scavenging mammals and scavenging birds and reptiles.

Based on the information provided here and in the enclosures, EPA is reinitiating consultation. The nation-wide Registration Review assessment for sodium fluoroacetate will consider the conclusions your office reaches in response to this re-initiation. EPA believes the precise geographic scope of potential effects to listed species is dependent upon both the specific locations and sizes of populations of the species in relation to actual use of the pesticide and upon the locations and attributes (e.g. population of prey species) of the various relevant habitats. This location information relative to the species and the attributes of its various types of habitat are not available to EPA. We look forward to the U.S. Fish and Wildlife Service bringing this species-specific information to the consultation process to appropriately characterize the spatial and temporal extent of any potential effects to the species or its habitat.

Please let me know if you have any questions regarding this request or the enclosed materials.

Enclosures

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur-Jean B. Williams". The signature is fluid and cursive, with the first name "Arthur" being the most prominent.

Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division (7507P)

cc: Donald Brady
Richard Keigwin
Steven Bradbury