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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Memorandum

Subject: Effects Determination for Triclopyr BEE for Certain Pacific Anadromous Salmonids

From: Michael Patterson, Ph. D. /s/ 5-10-04
Environmental Field Branch
Field and External Affairs Division

To: Arthur-Jean Williams, Chief
Environmental Field Branch
Field and External Affairs Division

I reviewed data and other information for triclopyr BEE, a registered herbicide named by the Californians for Alternatives to Toxics (CATs) and included in the Consent Decree into which the Agency entered to settle the case brought against it by CATs. Triclopyr BEE is registered nationally for use on rice, rangeland, pastures, rights-of-way, forestry, and turf, including home lawns. The Environmental Fate and Effects Division (EFED) has completed an environmental assessment for the "Reregistration Eligibility Decision (RED) Triclopyr BEE" issued in October, 1998. The assessment concludes that levels of concern were exceeded for endangered freshwater fish and aquatic invertebrates exposed to runoff and drift from agricultural, forestry, and turf treatment sites.

I have adapted the more general findings of the EFED assessment to develop an analysis of the potential for effects on endangered and threatened Pacific salmon and steelhead Evolutionary Significant Units (ESUs) from current uses in California and the Pacific Northwest. My analysis addresses changes in uses and rates that have been put on most labels since the RED was developed. EFED has also developed new EECs for selected use sites that correspond with these changes. OPP's levels of concern are exceeded for direct acute risks and chronic risks from some uses to endangered fish. Some uses also exceed criteria for populations of aquatic invertebrates that may be food for fish. Levels of concern are exceeded for risk to plants in terrestrial and semi-aquatic areas that may serve as cover for fish.. There are a number of mitigating factors that reduce many, but not all concerns.

Based upon the best available information and data, I determined that use of Triclopyr BEE on crops and certain non-crop sites will have no effect on one of the ESUs considered in this assessment and may affect, but is not likely to adversely affect, the remaining 2 ESUs considered in this assessment.

Attachment