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

NOV 29 2002

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Memorandum

From: Larry Turner, Ph. D.
Environmental Field Branch
Field and External Affairs Division

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

Subject: Effects Determination for Fenbutatin Oxide for Pacific Anadromous Salmonids

I reviewed data and other information for fenbutatin oxide, a pesticide named by the Washington Toxics Coalition (WTC) and included in the court order for 'effects determinations' and potential consultation with the National Marine Fisheries Service. A Reregistration Eligibility Decision (RED) document was issued for fenbutatin oxide in September, 1994. This RED discusses the ecological risks of fenbutatin oxide, and I have used these discussions as the primary starting point for my analysis. To develop an analysis of the potential for effects on endangered and threatened Pacific salmon and steelhead, I have adapted the more general findings of the RED to the various ESUs of these salmon and steelhead. I have also considered comments by the primary registrant and sought other new or revised information since the RED was developed. Most of the risks identified in the RED still apply, although fenbutatin oxide was classified as a restricted use pesticide because of ecological effects risk assessment in the RED.

Based on the RED and additional considerations indicated in my analysis and other attached or referenced materials, I conclude that the use of fenbutatin oxide will have no effect on one salmon and steelhead Evolutionarily Significant Units (ESUs), may affect but is not likely to adversely affect one salmon and steelhead ESU, and may affect 23 salmon and steelhead ESUs. For many of the ESUs that may be affected in the Pacific Northwest, the basis for the "may affect" determination is uncertainty about the quantity that may be used on fruit crops; however, there is concern because of the very high toxicity of fenbutatin oxide. I propose that if OPP adopts a no-spray buffer between agricultural sites where fenbutatin oxide may be used and sites where salmon and steelhead occur, or other protections as may be developed by state agencies, jeopardy would be avoided and take from agricultural uses would be minimized. I recommend

working with the states and NMFS to determine the appropriate size of buffers or the nature of other methods of protection.

I have also analyzed the potential risks from the two home-garden use products containing fenbutatin oxide. I have determined that there will be no effect of these products on listed salmon and steelhead.