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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

ORIGINAL SIGNED 10-9-04

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen,

The Office of Pesticide Programs (OPP), U. S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) formal consultation. This consultation request addresses 3 Evolutionarily Significant Unit (ESU) of Coho salmon listed as endangered or threatened and certain uses of one pesticide registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pesticide subject to this request is the active ingredient **hexazinone** which is registered nationally for control of weeds on agricultural crops and forestry. A Reregistration Eligibility Decision (RED) that includes an ecological risk assessment for aquatic fish, invertebrates, and plants, was issued in September 1994. Our long term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to this particular listed salmon and uses identified.

Hexazinone is practically non-toxic to fishes and practically non-toxic to slightly toxic to freshwater and marine invertebrates. OPP does not categorize toxicity to plants; however, the data indicate that hexazinone is toxic to aquatic plants. The Estimated Environmental Concentrations (EECs) were modeled with a Tier 2 model, PRZM-EXAMS, for current labeled application rates. Acute and chronic risk quotients were calculated from these EECs and the available toxicity values indicate no direct risk to endangered fish and no indirect effect to their food supply of invertebrates. Even though hexazinone is toxic to aquatic plants, the risk quotients indicate that there are no indirect effects to Pacific salmon and steelhead from loss of

plant cover. It is our conclusion that hexazinone will not present a direct effect on Pacific salmon and steelhead in these three ESUs through acute mortality or long-term sublethal effects and no indirect effects through loss of their food supply or loss of plant cover. Hexazinone will have no effect on the critical habitat of these ESUs.

Despite our finding of "no effect" I am requesting formal consultation on this determination. My request for such consultation is compelled by the language in a Consent Decree into which the Agency entered with the Californians' for Alternatives to Toxics (CATs), regarding the potential effects of various pesticides' uses on plants and on certain listed salmon or steelhead.

We look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to call me or your staff may contact Jennifer Leyhe, of my staff, at (703) 305-5329.

Enclosure

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch (7506C)

cc: Craig Johnson