



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

**OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES**

September 17, 2007

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

Dear Mr. Arroyo:

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 under 50 CFR Part 402.46, Optional Formal Consultation Procedures for FIFRA Actions and 50 CFR Part 402.47 (special consultation procedures for complex FIFRA actions). This consultation request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient atrazine to the Topeka shiner (*Notropis topeka*). The scope of this assessment is consistent with a settlement agreement that involved litigation brought by the Natural Resources Defense Council against the federal government under the ESA.

Our assessment resulted in a determination that the use of pesticides containing atrazine is likely to adversely affect (LAA) the Topeka shiner. This determination is based on atrazine's potential to result in direct chronic effects, indirect effects resulting from potential effects to aquatic plants, indirect effects resulting from potential effects to terrestrial plants and adverse modification to designated critical habitat PCEs associated with water quality parameters that are linked to abundance of aquatic or terrestrial plants. While our assessment also indicates potential indirect effects from a reduction in abundance of invertebrate food sources and of fish that provide spawning habitat or that may serve as a food source, a determination was made that atrazine is not likely to adversely affect (NLAA) the species based on these endpoints.

This assessment was conducted consistent with the scientific procedures outlined in the Agency's Overview Document<sup>1</sup> and reviewed by the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service.<sup>2</sup> The effects determination was made by staff in the Environmental Fate and Effects Division (EFED) within OPP who have been trained by FWS and certified to make effects determinations. Further, the attached assessment and effects determination has undergone review by our internal Peer Review Panel, which included one or more reviewers also trained by FWS and certified to make effects determinations. As you are aware, after having carefully reviewed the Overview Document, FWS concluded that EPA's ecological risk assessment process "will produce effects determinations that reliably assess the effects of pesticides on endangered and threatened species [] and critical habitat pursuant to Section 7 of the [ESA] and [its] implementing regulations", and that "this approach also will produce all information necessary to initiate formal consultation where appropriate."

As agreed to in the past, the subject assessment and effects determination and appendices may be accessed by your staff from our Web site at <http://www.epa.gov/oppfead1/endanger/effects>. Please let me know if you have any questions regarding this request or the materials we have developed to initiate this consultation.

Sincerely,

*/original signed by A. Williams, 9/17/07/*

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

Cc: Debbie Edwards  
Steven Bradbury

---

<sup>1</sup> U.S. EPA. 2004. Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs. Office of Prevention, Pesticides, and Toxic Substances. Office of Pesticide Programs. Washington, D.C. January 23, 2004.

<sup>2</sup> USFWS/NMFS. 2004. Letter from USFWS/NMFS to U.S. EPA Office of Prevention, Pesticides, and Toxic Substances. January 26, 2004. (<http://www.fws.gov/endangered/consultations/pesticides/evaluation.pdf>)