



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

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

MEMORANDUM

June 28, 2010

SUBJECT: Effects Determinations for Carbaryl Relative to the Delta Smelt and Designated Critical Habitat

FROM: Thomas Steeger, Ph.D., Senior Biologist *Thomas Steeger 6/28/2010*
ERB 4
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the Delta Smelt (DS) and potential adverse modification to designated critical habitat from uses of the insecticide carbaryl. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the DS, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for this assessment are summarized below:

- a "LAA" determination based on direct effects to the DS, a "LAA" determination for indirect effects to the DS based on effects to its prey and an "LAA" determination for indirect effects to the DS based on effects to its habitat (**Table 1-1 and Table 1-2 of the executive summary of the assessment**). Use specific determinations are defined in **Table 1-3 of the executive summary**. Consideration of DS critical habitat indicates a determination of "habitat modification" for aquatic and terrestrial habitats. **The overall DS effects determination for carbaryl use is "LAA."**

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included one other scientist who has been trained by the Services to make such determinations (Dr. Melissa Panger).

Please let me know if you have any questions regarding this assessment and effects determination for carbaryl relative to the CRLF and its designated critical habitat.

cc: Steven Bradbury

Attachments

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL)).

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.