



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 17, 2010

MEMORANDUM

SUBJECT: Effects Determinations for Diquat Dibromide (PC Code 032201) Relative to the Delta Smelt and Designated Critical Habitat for the Delta Smelt

FROM: Christine Hartless, Ph.D. *Christine Hartless* 12-17-10
ERB II
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TO: Arthur-Jean B. Williams, Associate Director
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Attached is the assessment of potential direct and indirect effects to the federally threatened delta smelt (DS, *Hypomesus transpacificus*) arising from FIFRA regulatory actions regarding all registered uses of the herbicide, diquat dibromide (PC Code 032201). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for the DS. The attached ecological risk assessment addresses potential risk to the DS for which diquat dibromide was alleged to be of concern in a complaint made by the Center for Biological Diversity against United States Environmental Protection Agency on May 30, 2007 (Case No: 07-2794-JCS).

The attached assessment was conducted consistent with the Agency's Overview Document¹. Effects determinations for DS in this assessment are summarized below:

Based on the best available information, the Agency makes a May Affect, and likely to Adversely Affect (LAA) determination for DS from the labeled uses of diquat dibromide as described in Table 1-1 (in the attached document). The effects determination is based on potential direct and indirect effects to DS. The LAA determination applies to all currently registered diquat dibromide uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the DS for the use of diquat dibromide.

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 two other scientists

¹ 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.

who have been trained by the Services to make such determinations (Melissa Panger and Greg Orrick).

Please let me know if you have any questions regarding this assessment and effects determination for diquat dibromide relative to the DS and potential modification to designated critical habitat.

Attachments