



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

June 29, 2010

MEMORANDUM

SUBJECT: Effects Determinations for Metolachlor (PC Code 108801) and S-Metolachlor (PC Code 108800) Relative to the Delta Smelt (DS) and California Tiger Salamander (CTS) [Santa Barbara County, Sonoma County, and Central California Distinct Population Segments (DPSs)] and Designated Critical Habitat for the DS and CTS (all 3 DPSs)

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Ed Odenkirchen 6/29/10

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Attached is the assessment of potential direct and indirect effects to the federally threatened delta smelt (DS, *Hypomesus transpacificus*), federally endangered Sonoma and Santa Barbara County Distinct Population Segments of California tiger salamander (CTS, *Ambystoma californiense*), and federally threatened Central California DPS of CTS arising from FIFRA regulatory actions regarding all registered uses of the herbicides metolachlor (PC Code 108801) and S-metolachlor (PC Code 108800). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for DS and all three DPSs of CTS. The attached ecological risk assessment addresses potential risk to DS and CTS (all 3 DPSs) for which metolachlor and S-metolachlor were 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 this assessment are summarized below:

DS: 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 metolachlor and S-metolachlor 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

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.

currently registered metolachlor and S-metolachlor uses in California. Additionally, the Agency has determined that there is a potential for modification of designated critical habitat of the DS from the use of metolachlor and S-metolachlor.

CTS (all 3 DPSs): Based on the best available information, the Agency makes a May Affect, and likely to Adversely Affect (LAA) determination for CTS (all 3 DPSs) from the labeled uses of metolachlor and S-metolachlor as described in Table 1.1 (in the attached document). The effects determination is based on potential direct effects to the terrestrial-phase CTS (all 3 DPSs) and indirect effects to both aquatic and terrestrial-phase CTS (all 3 DPSs). The LAA determination applies to all currently registered metolachlor and S-metolachlor uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the CTS (all 3 DPS) from the use of metolachlor and S-metolachlor.

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

Please let me know if you have any questions regarding this assessment and effects determination for metolachlor and S-metolachlor relative to the DS and CTS (all 3 DPSs) and potential modification to designated critical habitat(s).

Attachments

108801 108800 SF Bay DS and CTS Metolachlor and S-Metolachlor Risk assessment.doc