



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

June 30, 2010

MEMORANDUM

SUBJECT: Effects Determinations for Naled (PC Code 034401) Relative to the California Clapper Rail, San Francisco Garter Snake, San Joaquin Kit Fox, Bay Checkerspot Butterfly, and Valley Elderberry Longhorn Beetle and Designated Critical Habitat for the Bay Checkerspot Butterfly, and Valley Elderberry Longhorn Beetle

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Attached is the assessment of potential direct and indirect effects to the federally threatened Bay Checkerspot Butterfly (BCB, *Euphydryas editha bayensis*), and Valley Elderberry Longhorn Beetle (VELB, *Desmocerus californicus dimorphus*), and the federally endangered California Clapper Rail (CCR, *Rallus longirostris obsoletus*), San Francisco Garter Snake (SFGS, *Thamnophis sirtalis tetrataenia*), and San Joaquin Kit Fox (SJKF, *Vulpes macrotis mutica*) arising from FIFRA regulatory actions regarding all registered uses of the insecticide naled (PC Code 034401). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for the BCB and VELB. The attached ecological risk assessment addresses potential risk to BCB, VELB, CCR, SFGS, and SJKF for which naled 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 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 the CCR based on direct acute and chronic effects and indirect effects to the CCR via effects to fish, aquatic invertebrates, birds, mammals, and terrestrial invertebrates for all uses of naled except control of insect pests related to animal and human health (i.e., scenarios 7, 8, and 9). For control of insect pests

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.

related to animal and human health (i.e., scenarios 7, 8, and 9) there are direct effects and indirect effects to the CCR via effects to fish and aquatic invertebrates, however direct effects to the CCR are insignificant for control of insect pests related to animal and human health (i.e., scenarios 7, 8, and 9). The LAA determination applies to currently registered naled uses in California as described in Table 1-3 and 1-4 (in the attached document).

- Based on the best available information the Agency makes a **“may affect, and likely to adversely affect” (LAA)** determination for the SFGS based on direct and indirect effects to the SFGS for safflower, cole crops, tree nuts, citrus uses (scenarios 1 and 2), and based on indirect effects to the SFGS via effects to fish, aquatic invertebrates, birds, mammals, and terrestrial invertebrates for all other uses of naled. The LAA determination applies to currently registered naled uses in California as described in Table 1-3 and 1-4 (in the attached document).
- Based on the best available information the Agency makes a **“may affect, but not likely to adversely affect” (NLAA)** determination for the SJKF based on no direct acute or chronic effects (or the acute affect is discountable), and insignificant indirect effects from the control of insect pests related to animal and human health uses of naled (i.e., scenarios 7, 8, and 9). Based on the best available information the Agency makes The Agency makes a **“may affect, and likely to adversely affect” (LAA)** determination for the SJKF for all other uses of naled based on the direct acute and chronic effects and indirect effects to the SJKF via effects to birds, mammals and terrestrial invertebrates. The LAA determination applies to currently registered naled uses in California as described in Table 1-3 and 1-4 (in the attached document).
- Based on the best available information the Agency makes a **“may affect, and likely to adversely affect” (LAA)** determination for the BCB for all uses of naled based on direct and indirect effects. The LAA determination applies to currently registered naled uses in California as described in Table 1-3 and 1-4 (in the attached document). Additionally, the Agency has determined that there is potential for modification of designated critical habitat of the BCB for the use of naled as risk to terrestrial plants cannot be precluded.
- Based on the best available information the Agency makes a **“may affect, and likely to adversely affect” (LAA)** determination for the VELB for all uses of naled based on direct and indirect effects. The LAA determination applies to currently registered naled uses in California as described in Table 1-3 and 1-4 (in the attached document). Additionally, the Agency has determined that there is potential for modification of designated critical habitat of the VELB for the use of naled as risk to terrestrial plants cannot be precluded.

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.

Please let me know if you have any questions regarding this assessment and effects determination for naled relative to the BCB, VELB, CCR, SFGS, and SJKF and potential modification to designated critical habitats of the BCB and VELB.

Attachments