



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

September 30, 2010

MEMORANDUM

SUBJECT: Effects Determinations for Permethrin (PC Code 109701) Relative to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) (VELB) and Its Designated Critical Habitat

FROM: Mah T. Shamim, Ph.D., Chief
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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 Valley Elderberry Longhorn Beetle (VELB) (*Desmocerus californicus dimorphus*) arising from FIFRA regulatory actions regarding all registered uses of the insecticide permethrin (PC Code 109701). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for the VELB. The attached ecological risk assessment addresses potential risk to the VELB for which permethrin 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 VELB from the labeled uses of permethrin as described in Table 1-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the VELB. The LAA determination applies to all currently registered permethrin uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the VELB from the use of permethrin.

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

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.

Agency peer review throughout its development. The review panel included another scientist who has been trained by the Services to make such determinations (Ms. Anita Pease).

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

Attachments