



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

September 16, 2011

MEMORANDUM

SUBJECT: Effects Determinations for Acrolein (PC Code 000701) Relative to the Alameda Whipsnake and Designated Critical Habitat for the Alameda Whipsnake

FROM: Thomas Steeger, Ph.D. *Thomas Steeger 9/16/11*
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TO: Anita Fease, Associate Director
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Attached is the assessment of potential direct and indirect effects to the federally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) arising from FIFRA regulatory actions regarding all registered uses of the aquatic herbicide, acrolein (PC Code 000701). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for the Alameda whipsnake. The attached ecological risk assessment addresses potential risk to the snake for which acrolein 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 AW from the labeled uses of acrolein as described in Table 1.1 (in the attached document). The effects determination is based on potential direct and indirect effects to Alameda whipsnake. The LAA determination applies to the registered use of acrolein as an aquatic herbicide in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the Alameda whipsnake from the use of acrolein.

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.

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.

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

Attachments