



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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

March 28, 2012

MEMORANDUM

SUBJECT: Effects Determinations for Diazinon (PC Code 057801) Relative to the Tidewater Goby and Delta Smelt and Designated Critical Habitat for the Tidewater Goby and Delta Smelt

FROM: Thomas Steeger, Ph.D., Senior Science Advisor *Thomas Steeger 3/28/12*
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TO: Anita Pease, 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*) and the federally endangered tidewater goby (TG; *Eucyclogobius newberryi*) arising from FIFRA regulatory actions regarding all registered uses (except for use on cattle ear tags) of diazinon (PC Code 057801). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for DS and TG. The attached ecological risk assessment addresses potential risk to DS and TG for which diazinon 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:

- 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 diazinon 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 diazinon uses in California except for use on cattle ear tags. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the DS from the use of diazinon.

¹ U.S. Environmental Protection Agency. 2004. 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.

- TG: Based on the best available information, the Agency makes a May Affect, and likely to Adversely Affect (LAA) determination for TG from the labeled uses of diazinon as described in Table 1.1 (in the attached document). The effects determination is based on potential direct and indirect effects to TG. The LAA determination applies to all currently registered diazinon uses in California except for use on cattle ear tags. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the TG from the use of diazinon.

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 diazinon relative to the DS and TG and potential modification to designated critical habitat(s).

Attachments