



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 19, 2012

MEMORANDUM

SUBJECT: Effects Determinations for Pendimethalin (PC Code 108501) Relative to the Bay Checkerspot Butterfly and Designated Critical Habitat for the Bay Checkerspot Butterfly

FROM: Stephanie Syslo, Environmental Scientist
ERB 6
Environmental Fate and Effects Division

A handwritten signature in blue ink, reading "Stephanie Syslo", is placed to the right of the "FROM:" line.

TO: Anita Pease, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the federally threatened Bay Checkerspot Butterfly (*Euphydryas editha bayensis*; BCB) arising from FIFRA regulatory actions regarding all registered uses of the herbicide Pendimethalin (PC Code 108501). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for BCB. The attached ecological risk assessment addresses potential risk to BCB for which pendimethalin 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:

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

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

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.

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 pendimethalin relative to the BCB and potential modification to designated critical habitat.

Attachments