



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

March 28, 2013

MEMORANDUM

SUBJECT: Effects Determinations for Deltamethrin (PC Code 097805) Relative to the Bay Checkerspot Butterfly (BCB), Valley Elderberry Longhorn Beetle (VELB), California Tiger Salamander (CTS) [Santa Barbara County, Sonoma County, and Central California Distinct Population Segments (DPS)], Delta Smelt (DS), California Clapper Rail (CCR), California Freshwater Shrimp (CFWS), San Francisco Garter Snake (SFGS), and Tidewater Goby (TG) and Designated Critical Habitat for the BCB, CTS-CC, CTS-SB, TG, DS and VELB

FROM: Mah T. Shamim, Ph.D., Branch Chief
Environmental Risk Branch V
Environmental Fate and Effects Division
Office of Pesticides Program

A handwritten signature in blue ink, reading "M. Shamim", is written over a horizontal line.

TO: Anita Pease, Associate Director
Environmental Fate and Effects Division
Office of Pesticides Program

Attached is the assessment of potential direct and indirect effects to the federally threatened bay checkerspot butterfly (BCB, *Euphydryas editha bayensis*), valley elderberry longhorn beetle (VELB, *Desmocerus californicus dimorphus*), California tiger salamander (CTS, *Ambystoma californiense*), Central California Distinct Population Segment (CTS-CC), and delta smelt (DS, *Hypomesus transpacificus*), and the federally endangered California clapper rail (CCR, *Rallus longirostris obsoletus*), California freshwater shrimp (CFWS, *Syncaris pacificus*), California tiger salamander (CTS, *Ambystoma californiense*) Sonoma County Distinct Population Segment (CTS-SC) and Santa Barbara County Distinct Population Segment (CTS-SB), San Francisco garter snake (SFGS, *Thamnophis sirtalis tetrataenia*), and tidewater goby (TG, *Eucyclogobius newberryi*) arising from FIFRA regulatory actions regarding all registered uses of the insecticide, deltamethrin (PC Code 097805). In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for BCB, CTS-CC, CTS-SB, TG, DS and VELB. The attached ecological risk assessment addresses potential risk to BCB, VELB, CTS-SB, CTS-SC, CTS-CC, DS, CCR, CFWS, SFGS, and TG for which deltamethrin 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 the BCB from the currently marketed uses of deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the BCB. The LAA determination applies to all currently marketed deltamethrin 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 deltamethrin.

VELB: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for the VELB from the currently marketed uses of deltamethrin, as described in Table 3-1 (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 marketed deltamethrin 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 deltamethrin.

CCR: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for the CCR from the currently marketed uses of deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the CCR. The LAA determination applies to all currently marketed deltamethrin uses in California.

CTS (all DPS): Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for CTS (all 3 DPS) from the currently marketed uses of deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to CTS (all 3 DPS). The LAA determination applies to all currently marketed deltamethrin uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the CTS-CC and CTS-SB from the use of deltamethrin.

CFWS: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for CFWS from the labeled uses of deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the CFWS. The LAA determination applies to all currently marketed deltamethrin uses in California.

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.

SFGS: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for SFGS from the labeled uses of deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential indirect effects to the SFGS. The LAA determination applies to all currently marketed deltamethrin uses in California.

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 deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the TG. The LAA determination applies to all currently marketed deltamethrin uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the TG from the use of deltamethrin.

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 deltamethrin, as described in Table 3-1 (in the attached document). The effects determination is based on potential direct and indirect effects to the DS. The LAA determination applies to all currently marketed deltamethrin uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the DS from the use of deltamethrin.

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 deltamethrin relative to the BCB, VELB, CTS-SB, CTS-SC, CTS-CC, DS, CCR, CFWS, SFGS, and TG and potential modification to designated critical habitats.

Attachments

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