



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 19, 2009

MEMORANDUM

SUBJECT: Effects Determinations for Atrazine Relative to the California Red-Legged Frog, the Delta Smelt, and their Designated Critical Habitat

FROM: Stephanie Syslo, Risk Assessment Process Leader (RAPL)
ERB III
Environmental Fate and Effects Division

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2/19/09

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF), the delta smelt (DS), and potential modification to designated critical habitat from uses of the herbicide atrazine. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses on the CRLF, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹). This assessment also addresses one species (DS) for which atrazine was alleged to be of concern in a separate suit, Center for Biological Diversity (CBD) vs. EPA et al. (Case No. 07-2794-JCS).

The attached assessment was conducted consistent with the Agency's Overview Document². 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 determination for the CRLF and the DS from the labeled use of atrazine. The effects determination is based on potential direct effects to terrestrial phase CRLFs and potential indirect effects to the CRLF and the DS. The LAA determination applies to the following uses for both species: corn, sorghum, macadamia nuts, guava, residential uses, forestry, and turf. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the CRLF and the DS from the use of the chemical.

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL).

² 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.

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. The review panel included two other scientists who have been trained by the Services to make such determinations (Anita Pease & Dr. Edward Odenkirchen).

Please let me know if you have any questions regarding this assessment and effects determination for atrazine relative to the CRLF, the DS, and their designated critical habitat.

Attachments