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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Bryan Arroyo
Acting Assistant Director for Endangered Species
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20204

Dear Mr. Arroyo:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) formal consultation under 50 CFR Part 402.46, Optional Formal Consultation Procedures for FIFRA Actions. This consultation request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient **azinphos methyl**, to the California red-legged frog (CRLF) (*Rana aurora draytonii*). Our assessment resulted in a determination that the use of pesticides containing azinphos methyl is likely to adversely affect the CRLF. This determination is based on azinphos methyl's potential to directly affect terrestrial phases of the species and indirectly affect both the aquatic and terrestrial phases of the CRLF in core and critical habitat areas. Azinphos methyl was determined to directly affect the CRLF in terrestrial habitats as a result of both acute and chronic exposures. The potential indirect effect identified was a reduction in prey base in both aquatic and terrestrial habitats. Further, based on potential alteration of one or more primary constituent elements for aquatic and terrestrial phases of the species, EPA has also determined that use of azinphos methyl may result in effects to critical habitat.

This assessment was conducted consistent with the scientific procedures outlined in the Agency's Overview Document[1] and reviewed by the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service[2]. The effects determination was made by staff in the Environmental Fate and Effects Division (EFED) who have been trained by FWS and certified to make effects determinations. Further, the attached

[1] U.S. EPA. 2004. Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs. Office of Prevention, Pesticides, and Toxic Substances. Office of Pesticide Programs. Washington, D.C. January 23, 2004.

[2] USFWS/NMFS. 2004. Letter from USFWS/NMFS to U.S. EPA Office of Prevention, Pesticides, and Toxic Substances. January 26, 2004. (http://www.fws.gov/endangered/consultations/pesticides/evaluation.pdf)

assessment and effects determination have undergone review by our internal Peer Review Panel, which included one or more reviewers also trained by FWS and certified to make effects determinations. As you are aware, after having carefully reviewed the Overview Document, FWS concluded that EPA's ecological risk assessment process "will produce effects determinations that reliably assess the effects of pesticides on endangered and threatened species [] and critical habitat pursuant to Section 7 of the [ESA] and [its] implementing regulations", and that "this approach also will produce all information necessary to initiate formal consultation where appropriate."

The scope of this assessment is consistent with a stipulated injunction which resolved litigation brought by the Center for Biological Diversity against EPA under the Endangered Species Act. As a result, this assessment focuses only on the California red-legged frog. EPA acknowledges that use of pesticides containing azinphos methyl is not limited to the geographic scope of this assessment and that in the future, potential risks to other listed species will need to be evaluated by EPA.

While our determination is that pesticides containing azinphos methyl are likely to adversely affect certain phases of the CRLF within core and critical habitat areas, this determination does not apply throughout these geographic areas. EPA believes the precise geographic scope of potential effects is dependent upon both the specific locations and sizes of CRLF populations (for direct effects and indirect effects resulting from effects to prey base), in relation to actual use of azinphos methyl. Geographic scope of potential effects also is dependent upon specific locations and attributes (e.g., populations of prey species) of the various habitat types within the core and critical habitat areas (for indirect effects resulting from habitat effects), in relation to actual use of azinphos methyl. This location information regarding the species and its various types of habitat are not available to EPA. We look forward to the U.S. Fish and Wildlife Service bringing this species-specific information to the consultation process to appropriately characterize the spatial and temporal extent of any potential effects to the species or its habitat.

As agreed to in the past, the subject assessment and effects determination and appendices may be accessed by your staff from our Web site at http://www.epa.gov/oppfead1/endanger/effects within the next several days. Please let me know if you have any questions regarding this request or the materials we have developed to initiate formal consultation.

Enclosures

Sincerely,

/original signed by A. Williams on July 19, 2007/

Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division (7507P)

Cc: Debbie Edwards
Peter Caulkins