



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

OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

June 20, 2008

MEMORANDUM

SUBJECT: Effects Determinations for Disulfoton Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Tom Bailey, Chief, ERB 3 *Tom G. Bailey*  
Environmental Fate and Effects Division

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) and potential modification to designated critical habitat from uses of the insecticide disulfoton. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only 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. EPA<sup>1</sup>).

The attached assessment was conducted consistent with the Agency's Overview Document<sup>2</sup>. Effects determinations for this assessment are summarized below:

For all current uses except Easter Lillies and coffee, which are not grown in the proximity of CRLFs or their critical habitat, a "LAA" determination was made based on potential direct effects to the CRLF, and a "LAA" determination for indirect effects to the CRLF was made based on potential effects to its prey (Table 1 of the Executive Summary of the assessment). Consideration of CRLF critical habitat indicates a determination of "habitat modification" for aquatic and terrestrial habitats. The overall CRLF effects determination for disulfoton use is "LAA."

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 (Dr. Melissa Panger and Dr. Edward Odenkirchen).

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

<sup>2</sup> 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.

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

cc: Steve Bradbury  
Debbie Edwards

Attachments