



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Effects Determination for Molinate Relative to the California Red-legged Frog and Other Listed Species and their Designated Critical Habitat

FROM: Donna Randall
ERB 2
Environmental Fate and Effects Division

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

Attached is a memorandum from the Special Review and Reregistration Division (SRRD) and the Registration Division (RD) detailing the cancellation order for molinate and confirming that all products containing molinate have been cancelled. As such, a No Effect (NE) determination has been made with respect to the potential direct and indirect effects to the California red-legged frog (CRLF) and potential effects to its designated critical habitat from uses of molinate. This determination, based on best available information, 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).

The Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species. Since molinate has been cancelled throughout the United States and as such, is no longer registered for use, the determination of NE also applies to all listed species and to designated critical habitat of all listed species.

Consistent with an Alternative Consultation Agreement between EPA and the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained to make such determinations. Additionally, this determination was subjected to review by other scientists within the Office of Pesticide Programs.

Please let me know if you have any questions regarding this assessment and effects determination for molinate as it relates to the CRLF or as it relates to all other federally listed threatened or endangered species and designated critical habitat.

Attachment

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



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

PC Code: 041402

DATE: November 10, 2008

SUBJECT: Confirmation of Molinate (041402) Cancellation

FROM: Wilhelmena Livingston, Chemical Review Manager
Special Review Branch
Special Review and Reregistration Division (7508P)

AND

Joanne Miller, Product Manager
Herbicide Branch
Registration Division (7505P)

THRU: Anne Overstreet, Team Leader
Special Review Branch
Special Review and Reregistration Division (7508P)

TO: Holly Galavotti and Dana Spatz
California Red Legged Frog Steering Committee
Environmental Fate and Effects Division (7507P)

In response to your request for details on the cancellation of molinate, this memo serves as confirmation from SRRD and RD that this active ingredient has been canceled. Therefore, a Red Legged Frog risk assessment will not need to be conducted for molinate.

On April 7, 2004, EPA issued a cancellation order announcing its approval of the requests submitted by the technical registrants, Syngenta Crop Protection Inc., and Helm Agro U.S. Inc. to amend and voluntarily cancel the registrations of all of their products containing (S-ethyl hexahydro-1H-azepine-1-carbothioate (molinate) effective June 30, 2008.

Use Restrictions

- No use of end-use products containing molinate will be permitted after the 2009 growing season (August 31, 2009).

Remaining Stocks

- If there are products left in the channels of trade after the 2009 growing season (August 31, 2009), the registrants will discuss with EPA what steps should be taken to address these stocks.
- From June 30, 2008 until August 31, 2009, the registrants may receive and transfer products containing molinate within or across state lines for the purpose of facilitating the use of existing stocks. This can include the transfer of products with voluntarily canceled registrations across state lines, i.e. from the MidSouth rice growing region to California or vice versa subject to the limitations above.

On July 30, 2008, EPA issued an amendment to the April 7, 2004, Cancellation Order to clarify the following provisions for the disposition of existing stocks.

Amended Order

- Specifically, persons other than the registrant (distributors and retailers) may sell and distribute products containing molinate until July 1, 2009. After July 1, 2009, all sale and distribution is prohibited, except for the purposes of disposal or export. End users may continue to use existing stocks until August 31, 2009, provided that the use complies with previously EPA approved product label requirements for the respective products. Thereafter, all use shall be prohibited except that existing stocks held by end users may be transported for purposes of disposal.