



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MEMORANDUM

February 18, 2009

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

FROM: Thomas Steeger, Ph.D., Senior Biologist *Thomas Steeger 2/18/09*
ERB IV
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TO: Arthur-Jean B. Williams, Associate Director
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Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF) and potential adverse modification to designated critical habitat from uses of the pre-emergent herbicide norflurazon. 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. EPA¹).

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 (LAA) determination for the CRLF from the use of norflurazon. Additionally, the Agency has determined that there is the potential for modification of CRLF designated critical habitat from the use of the chemical. These conclusions are based on potential effects of norflurazon to the terrestrial-phase CRLF and its food items, including aquatic non-vascular plants, small mammals and terrestrial-phase frogs.

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 norflurazon relative to the CRLF and its designated critical habitat.

Attachments

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.