




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

OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

October 19, 2009

**MEMORANDUM**

**SUBJECT:** Effects Determinations for Thiobencarb Relative to the California Red-Legged Frog and Delta Smelt and Their Designated Critical Habitat

**FROM:** Jean Holmes, DVM, MPH   
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Environmental Fate and Effects Division

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

Attached is an ecological risk assessment to evaluate potential direct and indirect effects on individuals of the Federally Threatened California Red-legged Frog (*Rana aurora draytonii*; CRLF) and Delta Smelt (*Hypomesus transpacificus*; DS) arising from FIFRA regulatory actions regarding all registered uses of thiobencarb in California. In addition, this assessment evaluates whether the action is expected to result in modification of designated critical habitat for the CRLF and/or DS. This ecological risk assessment has been prepared consistent with the settlement agreement in *Center for Biological Diversity (CBD) vs. EPA et al.* (Case No. 02-1580-JSW (JL)) which addresses the CRLF and was entered in Federal District Court for the Northern District of California on October 20, 2006. This assessment also addresses the DS for which thiobencarb 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 Document<sup>1</sup>. Effects determinations for this assessment are summarized below.

- CRLF: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for the CRLF from the labeled uses of thiobencarb as described in Table 1-1 (see attached document). The effects determination is based on potential direct and indirect effects to terrestrial-phase CRLF and potential direct and indirect effects to aquatic-phase CRLF. The LAA determination applies to all currently registered thiobencarb uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the CRLF from the use of thiobencarb.
- DS: Based on the best available information, the Agency makes a May Affect, and Likely to Adversely Affect (LAA) determination for the DS from the labeled uses of thiobencarb as described in Table 1-1 (see attached document). The effects determination is based on potential

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<sup>1</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.

direct and indirect effects to the DS. The LAA determination applies to all currently registered thiobencarb uses in California. Additionally, the Agency has determined that there is the potential for modification of designated critical habitat of the DS from the use of thiobencarb.

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 thiobencarb relative to the CRLF and DS and their designated critical habitat.

Attachments