



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

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

October 17, 2008

MEMORANDUM

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

FROM: Melissa Panger, Ph.D., Biologist
ERB4

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Megan Thyne, Environmental Protection Specialist
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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 defoliant tribufos. 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 tribufos. Additionally, the Agency has determined that there is the potential for modification of CRLF designated critical habitat from the use of the chemical. This is based on the potential for direct effects (to both aquatic and terrestrial-phase CRLF), indirect effects due to potential decreases in aquatic and terrestrial prey items, and the potential for modification of designated critical habitat due to habitat degradation and potential loss of aquatic and terrestrial prey items. A summary of the risk conclusions and

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.

effects determinations for the CRLF and its critical habitat is presented in **Tables 1.1** and **1.2** of the attached assessment.

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), we 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 three other scientists who have been trained by the Services to make such determinations (*i.e.*, Edward Odenkirchen, Anita Pease, and Betsy Behl).

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

cc: Steven Bradbury
Debbie Edwards

Attachments