



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

OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

October 16, 2008

MEMORANDUM

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

FROM: Mah Shamim, Branch Chief  
ERB 5  
Environmental Fate and Effects Division

*M. Shamim* 10/16/08

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 fungicide Ziram. 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:

- A "Likely to Adversely Affect" ("LAA") conclusion was determined for direct and indirect effects to the aquatic-phase CRLF and the terrestrial phase CRLF for Ziram. Consideration of CRLF critical habitat indicates a determination of "habitat modification" for aquatic and terrestrial habitats.

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 included one other scientist who has been trained by the Services to make such determinations (Dr. Jean Holmes).

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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 Ziram relative to the CRLF and its designated critical habitat.

cc: Steven Bradbury  
Debbie Edwards

Attachments