

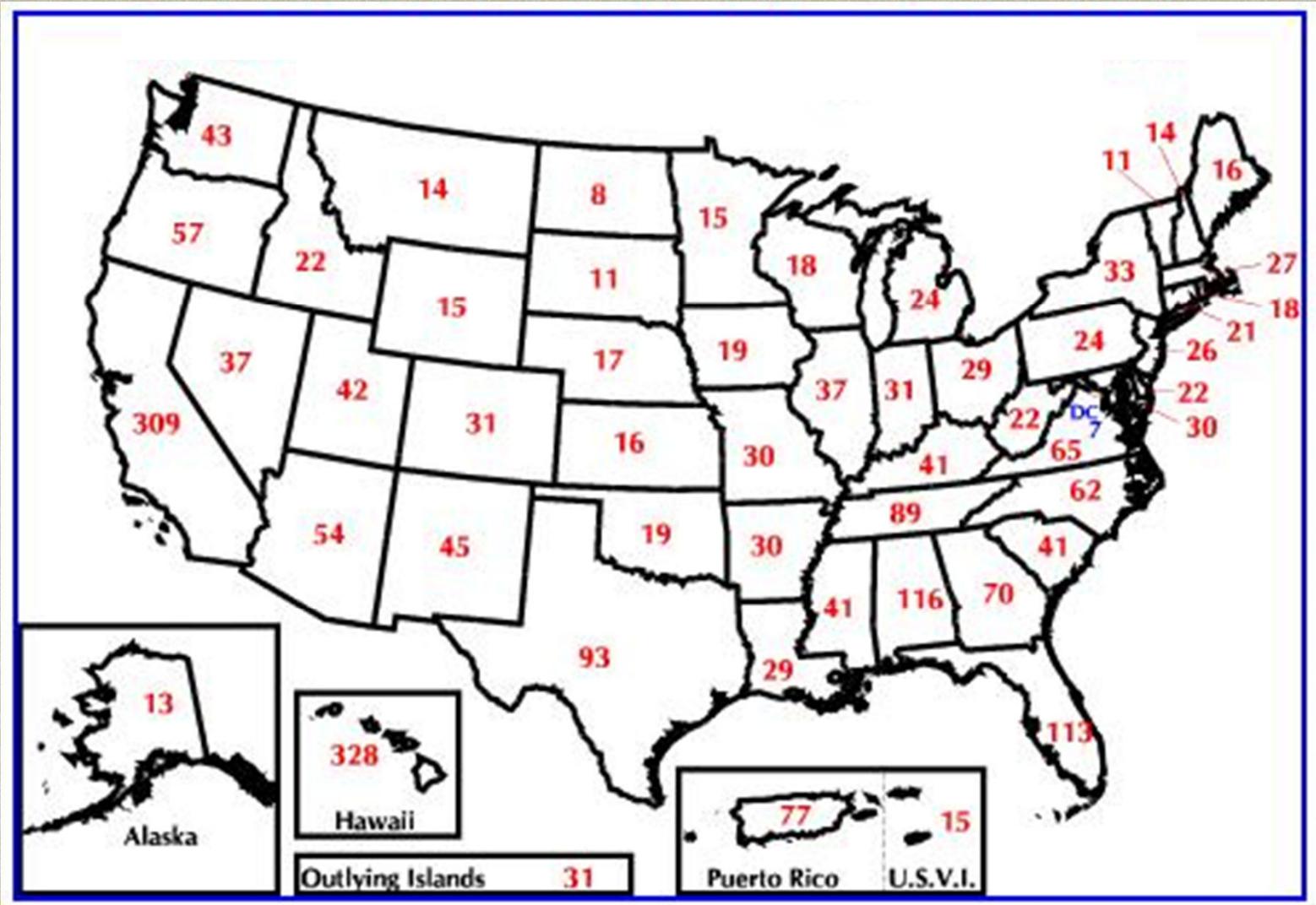
# Endangered Species and Pesticides



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# Endangered Species in the U.S.





# Endangered species in Mariposa County



California wolverine



succulent owl's clover



Sierra Nevada yellow-legged frog



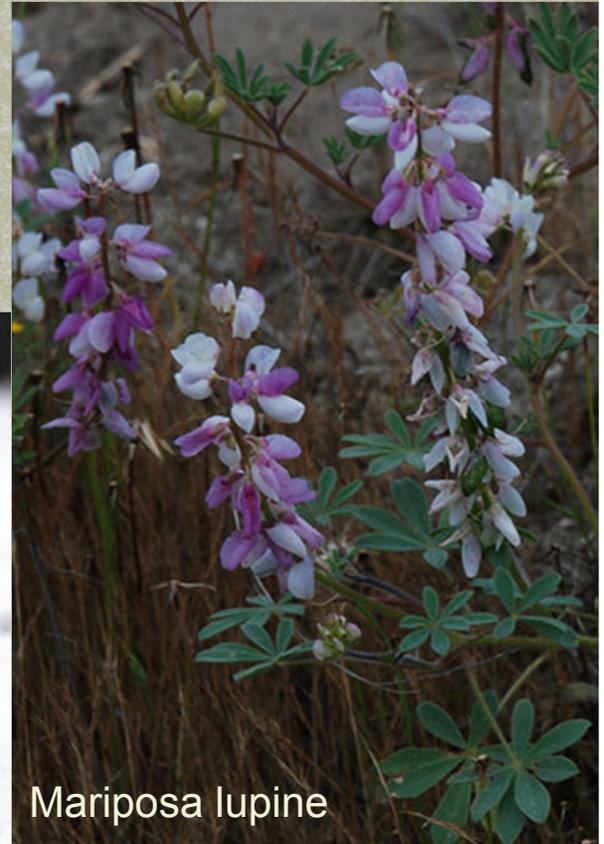
California tiger salamander



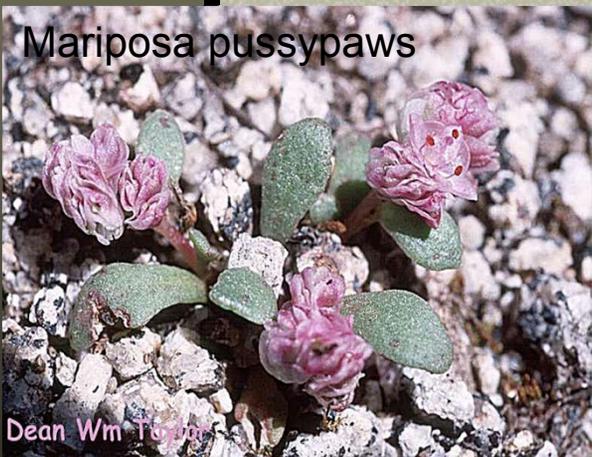
great gray owl



Yosemite toad



Mariposa lupine



Mariposa pussypaws

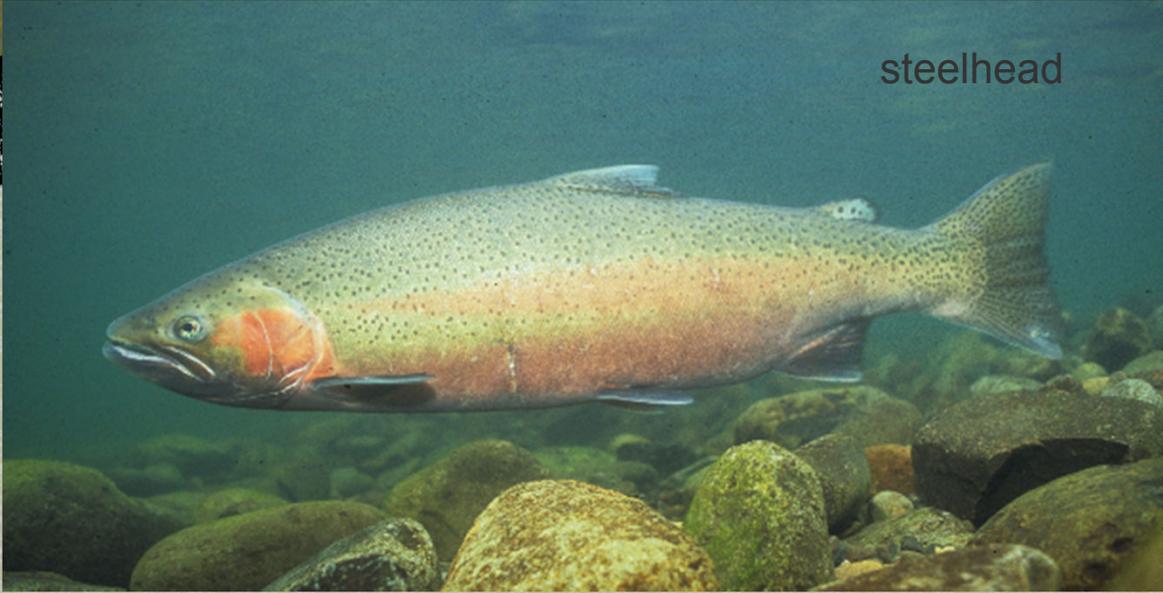
Dean Wm Turner



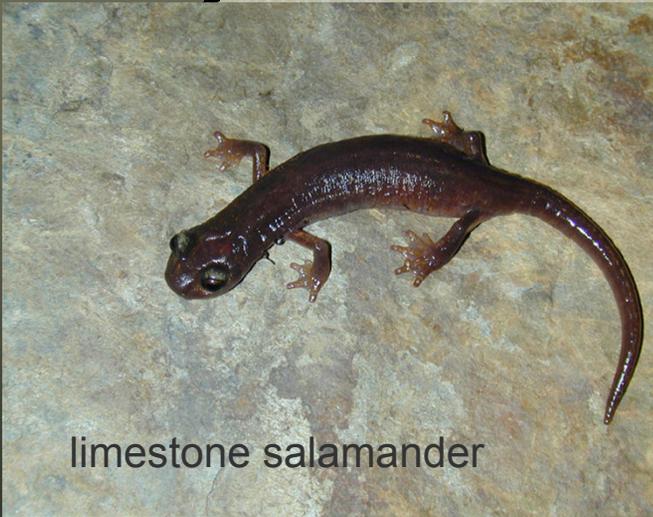
Sierra Nevada red fox



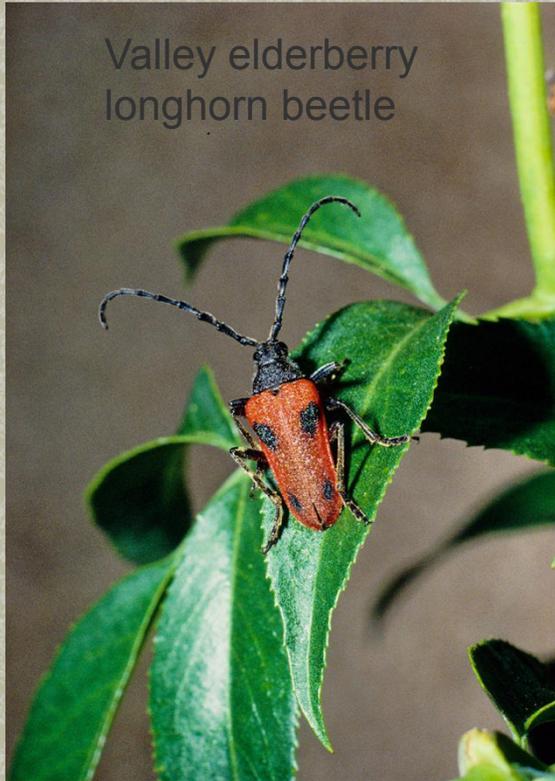
willow flycatcher



steelhead



limestone salamander



Valley elderberry  
longhorn beetle



Merced clarkia



## DPR's Endangered Species Program

- Our focus is on endangered species/pesticides issues. Based on U.S. EPA's federal endangered species protection program (ESPP).
- Rodenticides, insecticides, herbicides, and fungicides.
- Develop pesticide use limitations to protect endangered species. Our emphasis is on avoidance measures to keep pesticides out of endangered species' habitat.
- Use limitations are developed jointly with USEPA, USFWS, CDFG, CDFA, CACs, and other organizations.



## DPR's Endangered Species Program

- Current activities:

- a) **PRESCRIBE** online database application.
- b) Habitat mapping and data conversion to TRS grid in support of **PRESCRIBE**.
- c) Public outreach and applicator training.
- d) Conflict resolution.
- e) Make publications and training materials available to CACs, PAPA, CAPCA, etc., through direct mailing and DPR's web site.



## Pesticides and Endangered Species

- Many endangered species and their habitats are deceptively plain.
- Some endangered insect species are dependent on host plants for their life cycle. Herbicide impacts to host plant impact the insects.
- Furthermore, indiscriminate use of insecticides can impact those endangered insect species.





## Example: Valley elderberry longhorn beetle and its host plant – elderberry tree



- The valley elderberry longhorn beetle depends on the elderberry tree in every phase of its life cycle.
- As elderberry trees begin flowering in spring, these beetles begin to emerge from their tunnels bored through the tree's pith; roaming the trees until late June, eating foliage and possibly flowers; until they mate.

# Herbicides and Endangered Species

- In some instances, endangered plants can be found along public roads and rights of way, where roadside maintenance would likely affect them.
- Some herbicides have aquatic toxicity and may affect endangered species living in aquatic habitats such as rivers, creeks, vernal pools, etc.



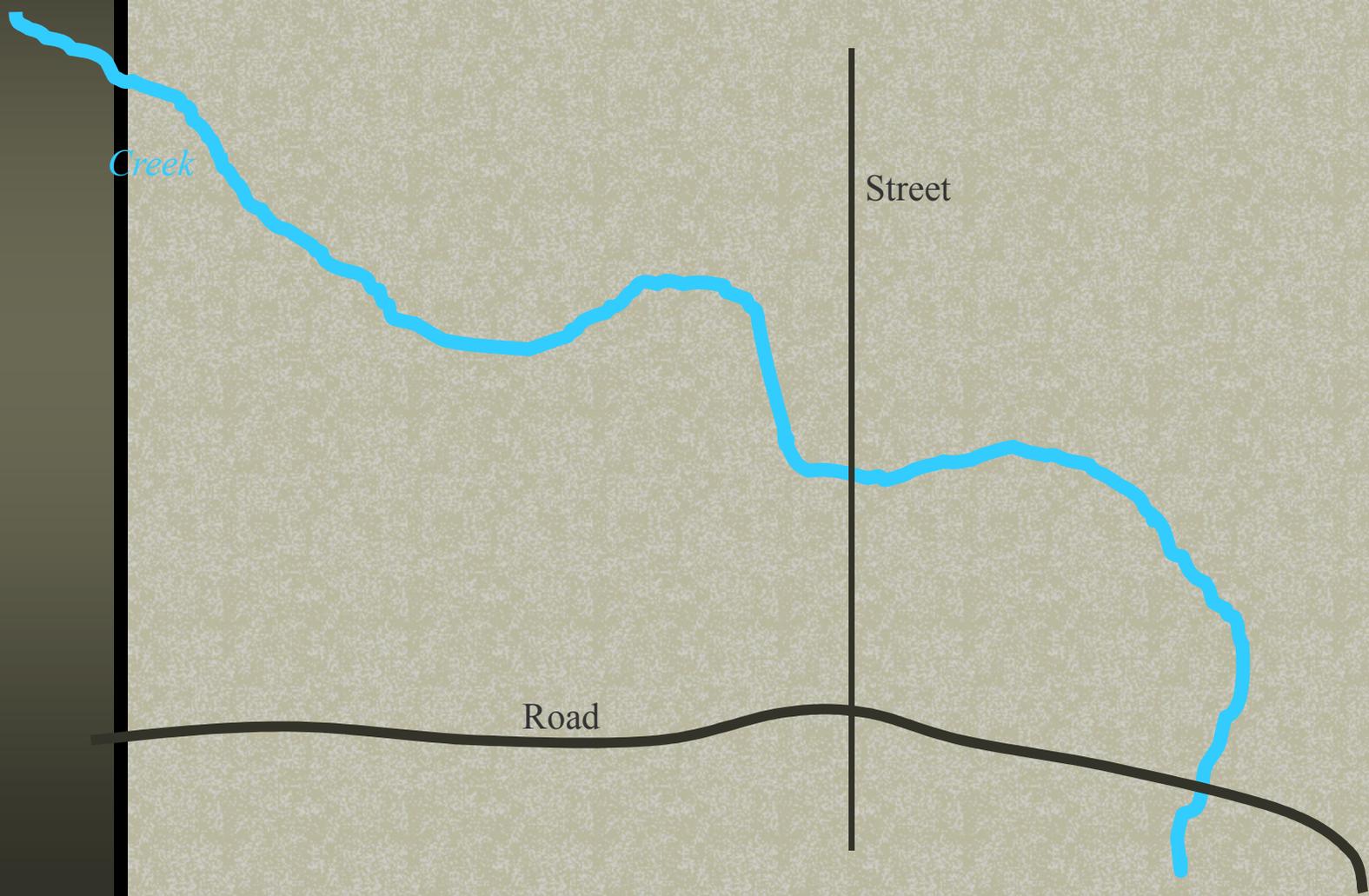


# Protecting Endangered Species





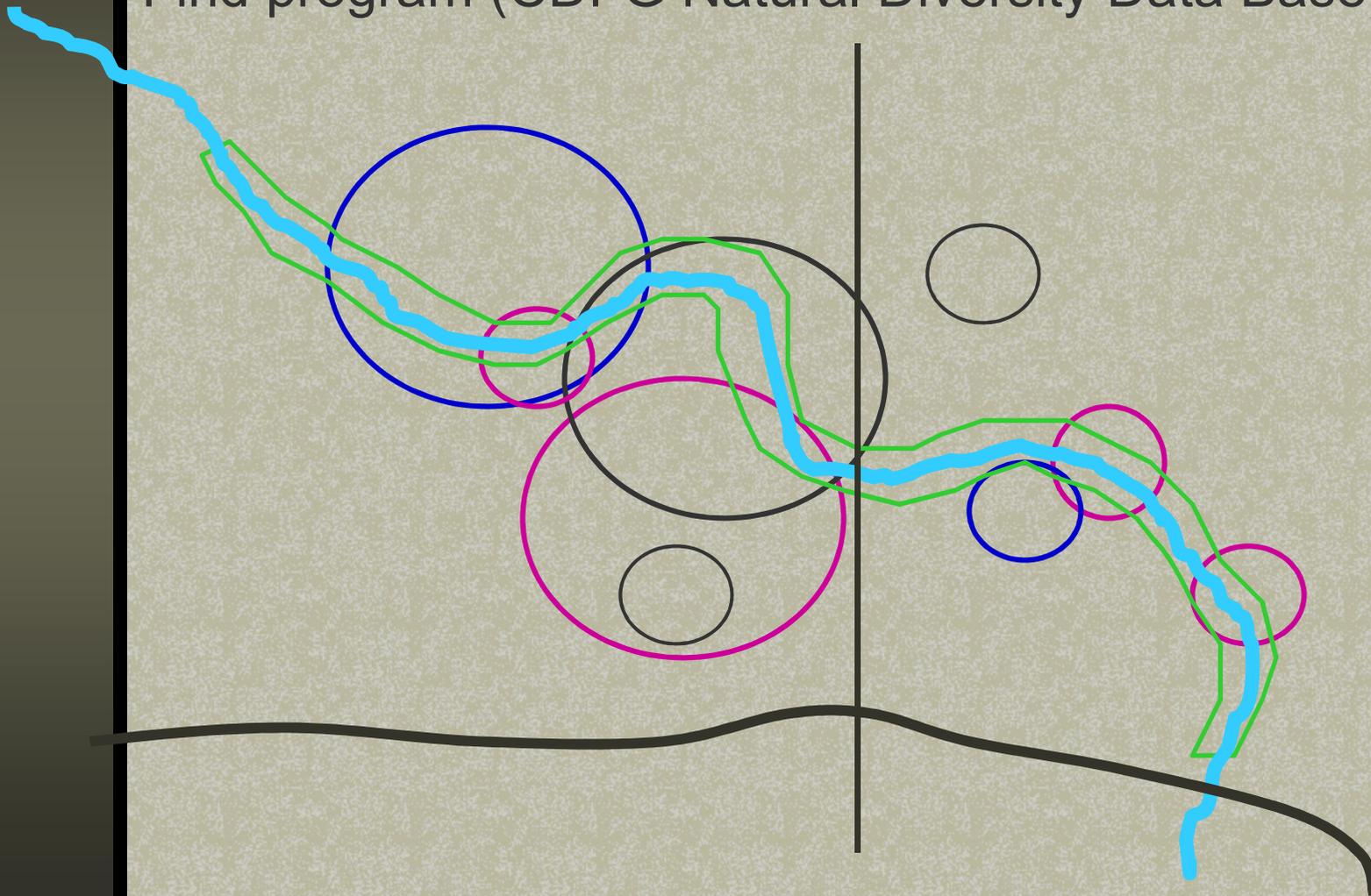
# CNDDB Endangered Species Habitat Conversion to Township/Range/Section





# Endangered Species Habitat Conversion to Township/Range/Section

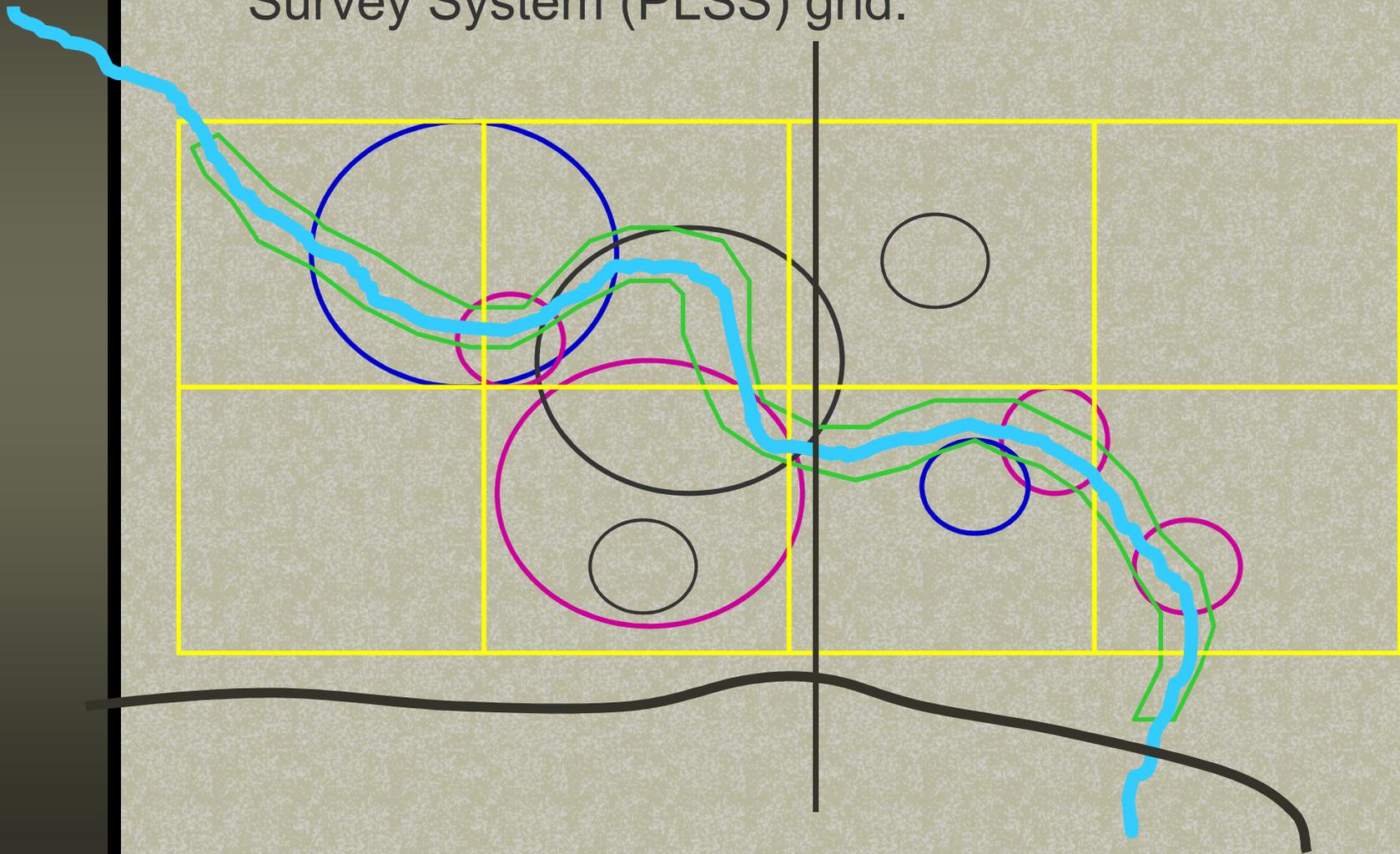
- Add endangered species location polygons from Rare Find program (CDFG Natural Diversity Data Base)



# Endangered Species Habitat

## Conversion to Township/Range/Section

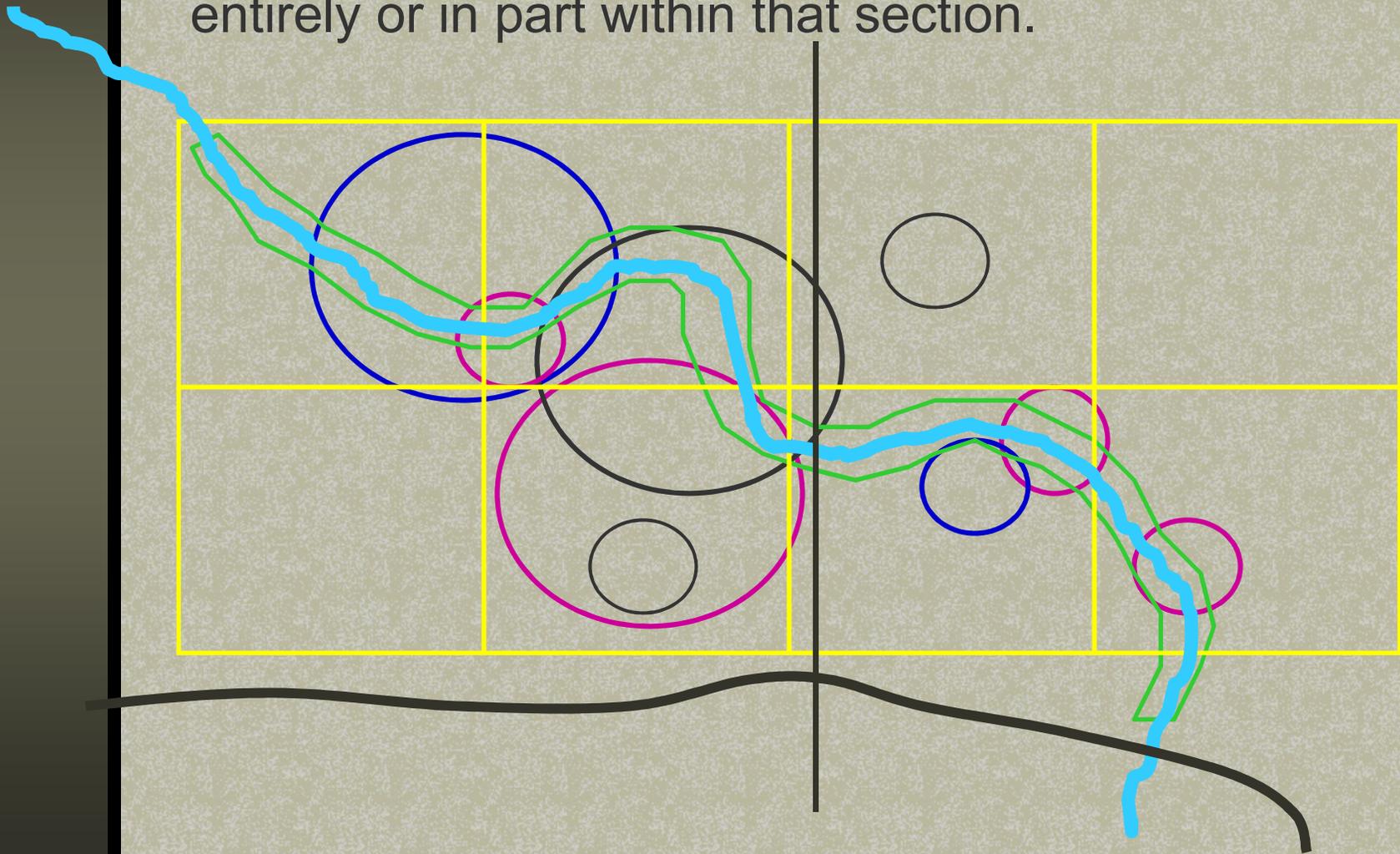
Overlay NDDDB Data with the California Public Land Survey System (PLSS) grid.



# Endangered Species Habitat

## Conversion to Township/Range/Section

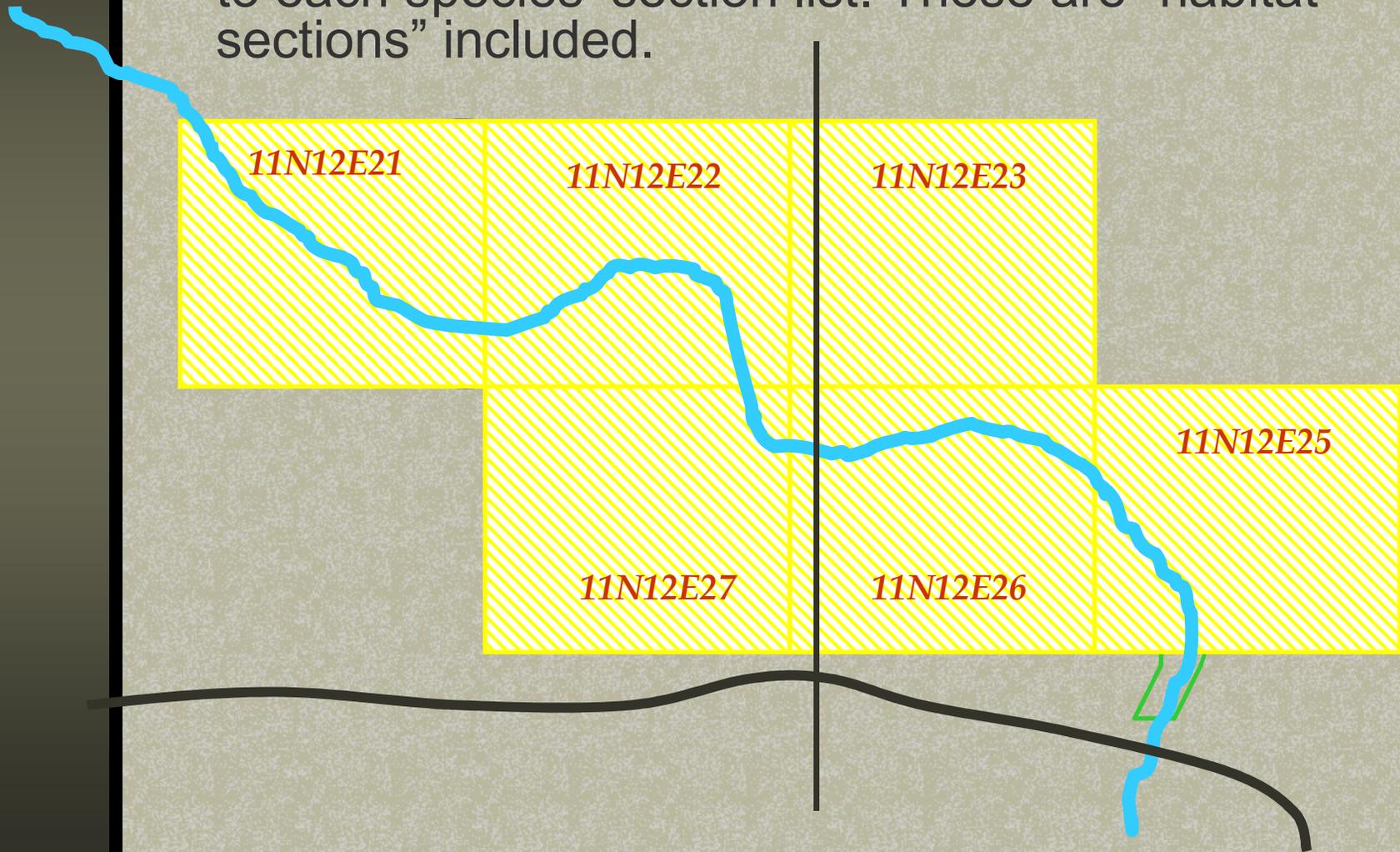
- A species' habitat is included in a section if contained entirely or in part within that section.



# Endangered Species Habitat

## Conversion to Township/Range/Section

- The corresponding T/R/S coordinates are appended to each species' section list. These are "habitat sections" included.





DPR's Pesticide  
Classification Process for  
Protection of Endangered Species

**HERBICIDES**

## Active Ingredients Tables

Active ingredients of pesticides covered by this bulletin are listed in separate tables on the following pages by classification as herbicides, insecticides, fungicides or rodenticides. The active ingredients table for each pesticide class specifies the activity category of each active ingredient and one or more hazard classes that are subsequently used to determine appropriate pesticide use limitations.

### Herbicide Exposure Categories

Herbicides are grouped by activity categories (a-e) that broadly define mode of action and use patterns that in turn determine potential routes of exposure to listed species. The activity category of an herbicide is the exposure component that is used with the hazard class of the pesticide and the taxonomic group of the species to define which pesticide use limitations (if any) to apply.

Activity Category	Description
<b>a</b>	Broad spectrum foliar active herbicides with systemic or contact activity and without pre-emergent or residual soil activity.
<b>b</b>	Herbicides with foliar activity on broadleaved plants (dicots) only.
<b>c</b>	Herbicides with foliar activity on grasses (monocots) only.
<b>d</b>	Broad spectrum herbicides with residual soil activity.
<b>e</b>	Broad spectrum, seedling stage, pre-emergent herbicides.

Herbicides

## Activity Category

- Products are grouped by activity categories that broadly define their mode of action and use patterns that in turn determine potential routes of exposure to listed species.

## Active Ingredients (Herbicides)

Active Ingredients	Hazard Class		
	Aquatic Animals (AQ)	Plants	
		Dicot (PD)	Monocot* (PM)
2,4-D		X	
2,4-D, butoxyethanol ester	X	X	
2,4-D, dimethylamine salt		X	
2-(2,4-DP), dimethylamine salt		X	
4(2,4-DB), dimethylamine salt		X	
alachlor		X	X
atrazine		X	X
benefin	X	X	X
bensulfuron methyl		X	X
bensulide		X	X
bentazon, sodium salt		X	X
bromacil		X	X
bromoxynil	X	X	X
butylate		X	X
cacodylic acid		X	X
carfentrazone-ethyl		X	X
chlorsulfuron		X	
chlorthal-dimethyl		X	X
clethodim			X
clopyralid		X	
copper	X		
copper ethanolamine complex	X		

\* and gymnosperms

Herbicides

## Active Ingredients' Hazard Class

- Each AI is classified by potential hazard class to Aquatic Animals and/or Plants (Dicots or Monocots).

## Species Descriptions

### CALIFORNIA RED-LEGGED FROG



Photo: John Brode, CDFG

Scientific Name: *RANA AURORA DRAYTONII*

Federal Status: Threatened

**Species Description:**

Up to 5 in. long, undersides of adults largely red; backs have black flecks and blotches, on a brown, gray, olive, or reddish background color; tadpoles range from 0.6 to 3.1 long, are dark brown and yellow with darker spots.

**Habitat Description:**

REQUIRES 11-20 WEEKS OF PERMANENT WATER FOR LARVAL DEVELOPMENT. MUST HAVE ACCESS TO ESTIVATION HABITAT. LOWLANDS & FOOTHILLS IN OR NEAR PERMANENT SOURCES OF DEEP WATER WITH DENSE, SHRUBBY OR EMERGENT RIPARIAN VEGETATION.

**Hazard Class:**

**AQ, FS**

### CHINOOK SALMON (SRWR-ESU)



Photo: NMFS

Scientific Name: *ONCORHYNCHUS TSHAWYTSCHA*

Federal Status: Threatened

**Species Description:**

Chinook are largest of the salmon, adults often exceed 40 pounds. They use a variety of freshwater habitats, but it is more common to see them spawn in larger mainstem rivers than other salmon species.

**Habitat Description:**

OCCURS IN THE SACRAMENTO RIVER BELOW IMPASSABLE BARRIERS. ENTERS THE RIVER NOVEMBER TO JUNE AND SPAWNS FROM LATE APRIL TO MID-AUGUST.

**Hazard Class:**

**AQ**

## Hazard Class

This relates to the Active Ingredients table, and shows which types of hazards may impact a given species.

## Use Limitation Codes (Herbicides)

The following table identifies use limitation codes for each combination of hazard class (AQ, PM or PD) and herbicide activity category (a-e). Use the hazard class row(s) that corresponds with both (1) the pesticide (from the Active Ingredients table) and (2) the hazard class (taxonomic group) of the species in the section to be treated (as found in the Species Descriptions table) and the activity category column(s) that corresponds with the herbicide(s) you intend to use. If either (1) the hazard class (taxonomic group) of one or more species does not match at least one of the hazard class(es) of the herbicide you intend to use or (2) if the combination of activity category and hazard class results in a double dash (--), then no use limitations apply. Note all applicable codes (11-19). These codes are translated in the Use Limitations table (p 27)

Hazard Class	Herbicide Activity Category				
	a	b	c	d	e
AQ	11, 17	11, 17	11, 17	11, 15, 16, 17	11, 17
PM	11, 17	--	11, 17	11, 16, 17, 19	11
PD	11, 17	11, 17	--	11, 16, 17, 19	11

## Use Limitation Codes

- Combine Hazard Class and Activity Category to determine the Use Limitation(s) that apply to the Active Ingredient being selected.



## DPR's Pesticide Use Limitations

- Methods of application, restrictions, or prohibitions that apply to any given Active Ingredient being considered for use in proximity of Endangered Species (ES) habitat.
- This is the “prescription” for use of any Active Ingredient (AI) considering the proximity of an application to ES habitat, AI's Activity Category, and its Hazard Class to that species.
- *Most use limitations are Avoidance Measures, to keep the AI out of a species' habitat.*



# DPR's Pesticide Use Limitations for Protection of Endangered Species



- Use Limitation code 11:  
Do not use in currently occupied habitat except (1) if specified in the Species Details, or (2) in organized habitat recovery programs, or (3) for selective control of invasive exotic plants.



## DPR's Pesticide Use Limitations for

# Protection of Endangered Species

- Use Limitation code 15: Provide a 20 foot minimum strip of vegetation (on which pesticides should not be applied) along rivers, creeks, streams, wetlands, vernal pools and stock ponds or on the downhill side of fields where run-off could occur. Prepare land around fields to contain run-off by proper leveling, etc. Contain as much water “on site” as possible. The planting of legumes, or other cover crops for several rows adjacent to off-target water sites is recommended. Mix pesticides in areas not prone to run-off such as concrete mixing/loading pads, disked soil in flat terrain or graveled mix pads, or use a suitable method to contain spills and/or rinsate. Properly empty and triple-rinse pesticide containers at time of use.



## DPR's Pesticide Use Limitations for

# Protection of Endangered Species

- Use limitation code 16: Conduct irrigations efficiently to prevent excessive loss of irrigation waters through run-off. Schedule irrigations and pesticide applications to maximize the interval of time between the pesticide application and the first subsequent irrigation. Allow at least 24 hours between application of pesticides and any irrigation that results in surface run-off into natural waters. Time applications to allow sprays to dry prior to rain or sprinkler irrigations. Do not make aerial applications while irrigation water is on the field, unless surface run-off is contained for 72 hours following the application.



## DPR's Pesticide Use Limitations for

# Protection of Endangered Species

Use limitation code 17: For spray able or dust formulations: when the air is calm or moving away from habitat, commence applications on the side nearest the habitat and proceed away from the habitat. When air currents are moving toward habitat, do not make applications within 200 yards by air or 40 yards by ground upwind from occupied habitat. The county agricultural commissioner may reduce or waive buffer zones following a site inspection, if there is an adequate hedgerow, windbreak, riparian corridor or other physical barrier that substantially reduces the probability of drift.



# DPR's Pesticide Use Limitations for Protection of Endangered Species

- Use limitation # 19: Do not apply within 30 yards upslope of habitat, unless a suitable method is used to contain or divert runoff waters.



Bringing It All Together...

## PRESCRIBE



DPR's Online Database  
Application for Protection  
of Endangered Species



# P.R.E.S.C.R.I.B.E.

- Pesticide
- Regulation
- Endangered
- Species
- Custom
- Real-time
- Internet
- Bulletin
- Engine



## PRESCRIBE Data Sources

- Habitat data mainly from Dept. of Fish and Game's (DFG) Natural Diversity Data Base (NDDDB). Additional data from U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS)
- Pesticides toxicology data from U.S. EPA Federal Consultations, DFG Pesticide Investigations Unit, and DPR.
- Species sensitivity from FWS, DFG, and published references.
- Use limitations from FWS Biological Opinions, and local (county) plans developed by DPR when necessary (public meetings).



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## Department of Pesticide Regulation Endangered Species Project

  
  
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### PRESCRIBE Online Database Application

[Back to Endangered Species Project Main Page](#)

Welcome to Pesticide Regulation's Endangered Species Custom Realtime Internet Bulletin Engine (PRESCRIBE). The PRESCRIBE online database application was developed to help pesticide applicators find out if they have any endangered species in the vicinity of their application site, and the use limitations applicable to the pesticide product(s) they intend to use.

This site provides information consistent with the U.S. Environmental Protection Agency (U.S. EPA)'s Interim Measures Bulletins for Protection of Endangered Species for user-selected sites and pesticides. Habitat data is from the Department of Fish and Game (DFG) Natural Diversity Database, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Pesticide toxicology follows U.S. EPA standards and advice of DFG Pesticide Investigations Unit. Habitat protection measures are from U.S. Fish and Wildlife Service biological opinions and local plans developed through the cooperation of the County Agricultural Commissioners and Sealers Association, the California Department of Fish and Game and the California Department of Food and Agriculture. This program is implemented by the Department of Pesticide Regulation on behalf of U.S. EPA under Section 7(a)(1) of the Endangered Species Act.

[Start a PRESCRIBE query](#)

If you have any questions regarding PRESCRIBE, please contact us at:  
[pmoreno@cdpr.ca.gov](mailto:pmoreno@cdpr.ca.gov).

Last modified: Wednesday, March 30, 2005

[Back to Top of Page](#)

Printing hint: With some browsers, you will need to set your printer to "landscape" format to print the whole page.

This page tells the user:

- What PRESCRIBE means.
- What type of information it provides.
- What the information sources are.
- DPR's implementation under Endangered Species Act.

California Home Wednesday, August 8, 2007

Welcome to **California**

---

**Department of Pesticide Regulation**  
**California Pesticide Information Portal**

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**Endangered Species Custom Bulletin**

Select County |

[About PRESCRIBE \(Endangered Species Bulletin\)](#)

**Step 1. Select County**

To begin, select a county where your pesticide use will occur then click on the Select button.

**Available Counties (58):**

19 LOS ANGELES	▲
20 MADERA	
21 MARIN	
22 MARIPOSA	
23 MENDOCINO	
24 MERCED	▼

**NOTE: You must specifically select one or more county(s) before making a Meridian/Township/Range/Section (MTRS) selection.**

**Counties Selected (1):**

22 MARIPOSA
-------------

**To continue, click on Next.**

Version 2006.11 (2005 PUR Data Update)

[Back to Top of Page](#)

# PRESCRIBE: Step 1

- Make sure PRESCRIBE is selected as the Data Source.
- The user selects a County from the pick list, then clicks on "Next". In this example, we have selected Mariposa county.

Welcome to *California*[DPR Home](#)[CalPIP Home](#)[My Selections](#)Data Source: [?](#)

PRESCRIBI

Endangered  
Species BulletinLocation [?](#)[County](#)» [MTRS](#)[Zip Code](#)Product [?](#)[Name Search](#)Advanced  
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## Endangered Species Custom Bulletin

## Select Township-Range-Section

**Step 2: Choose one or more townships and sections; hold down the Ctrl key for multiple selections.**

From available townships under the county(s) you've chosen, select the Township-Range blocks (COMTR), and then the associated Sections (COMTRS)

Available COMTR  
Township and Range  
under selected county  
(s) (60):
  
  
  
  
  


Select

Township(s) Selected  
(1):

Unselect Unselect All

Available COMTRS  
Sections within  
selected Township-  
Range (36):
  
  
  
  
  


Select

Section(s) Selected  
(2):
  


Unselect Unselect All

To continue, click Next.

Next

Reset

Start Over

Version 2006.11 (2005 PUR Data Update)

## PRESCRIBE: Step 2

- On Step 2, the user is asked to select the Township(s) and section(s) where pesticides will be used. For this example we have picked township 06S18E, and sections 11 and 14.

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## Endangered Species Custom Bulletin

## Species Located

Step 3. Non-target species in selected section(s) by status:

- [\[T\] MARIPOSA PUSSYPAWS](#)
- [\[R\] MARIPOSA LUPINE](#)

Species Status Key:

[E] = Endangered

[T] = Threatened

[PE] = Proposed Endangered

[PT] = Proposed Threatened

[R] = Rare, Not Currently Listed

To continue, click Next to select the products that you intend to use.

Version 2006.11 (2005 PUR Data Update)

## PRESCRIBE Step 3

- On Step 3 we get a list of Species found in the selected sections, in this case Mariposa pussypaws and Mariposa lupine. The list has active links to species' information. By clicking on each species' name, we can access that information in detail.

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Data Source:

PRESCRIBI

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## Department of Pesticide Regulation California Pesticide Information Portal

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### Endangered Species Custom Bulletin

#### Species Details



© Rick York and CNPS

Photo by: Rick York, CNPS

### MARIPOSA PUSSYPAWS

**Scientific Name:** *CALYPTRIDIMUM PULCHELLUM*

**Species Description:** A small, compact, rosette forming, annual herb with smooth, slender, prostrate stems 4-8 in. long, with smooth spatula-shaped leaves and rose-colored, four-petaled flowers appearing in loose panicles between May and August.

**General Habitat Information:**

CISMONTANE WOODLAND.

**Specific Habitat Information:**

ON GRANITE DOMES, RESTRICTED TO EXPOSED SITES. 400-1100M.

**Habitat Location Information Source:** DFG Natural Diversity Database, NMFS, 2002

**USE THE BACK BUTTON ON YOUR BROWSER TO CONTINUE**

# PRESCRIBE Species Details

- This section provides the user with basic biology and habitat information for each species found in our query. In this case, Mariposa Pussypaws.

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Data Source:

PRESCRIBI

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## Endangered Species Custom Bulletin

## Select Product / Labels

## Step 4. Product Search

To identify the products that you intend to use, please enter product name or keyword into the Search Box. When you hit the Search button, you will see a list of search results in the Available Products box below. Click on the product name and click Select to select the product.

**Enter full or partial product name to search :** (Use '%' for wildcard between strings. Enter a '\' in front to indicate the first word of a label. Put a '\' at the end to indicate the last word of a label. )

Search

[List All Available](#)

Click to Display Available Product Labels by Letter:

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Misc

Product [Registration Number]s found by searching **Crossbow** (6) :[CROSSBOW HERBICIDE \[ 62719- 260-AA- 55467\]](#)[CROSSBOW L \[ 62719- 260-AA- 34704\]](#)[CROSSBOW WEED AND BRUSH KILLER \[ 62719- 67-AA\]](#)[CROSSBOW WEED AND BRUSH KILLER \[464-589-ZB\]](#)[CROSSBOW \[ 62719- 260-AA- 5905\]](#)[CROSSBOW \[62719-260-AA\]](#)

Select

[Select All](#)

Selected Product [Registration Number]s (1):

[CROSSBOW HERBICIDE \[ 62719- 260-AA- 55467\]](#)

Unselect

[Unselect All](#)

To continue, click **Next** or **Submit** to query the use limit on the products you've chosen for the species identified in your locations.

[Next](#)[Reset](#)[Start Over](#)[Submit](#)

## PRESCRIBE: Step 4

Product Search. This step links the query to our Chemical Database to look up products by their commercial name. In this example, we are looking for the herbicide "Crossbow". If we don't know the exact name, we can click on the first letter of its name, scroll down the list, and click "select".

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### Endangered Species Custom Bulletin

#### Endangered Species Pesticide Use Limits

##### Step 5. Use Limit Codes for Selected Products

Pesticide use limitations for the products that you have selected, applicable to the species identified in your locations, if they exist, are listed below. Scroll to the bottom of the page to see a description/instruction of the use limits.

For protection of the following species:

- [\[T\] MARIPOSA PUSSYPAWS](#)
- [\[R\] MARIPOSA LUPINE](#)

That occur in the following selected sections:

County	Township	Range	Sections
22 Mariposa	06S	18E	11 , 14

When using selected products:

Product	Use Limits
CROSSBOW HERBICIDE	11 , 17

That contain these active ingredients (chemicals):

- TRICLOPYR, BUTOXYETHYL ESTER
- 2,4-D, BUTOXYETHANOL ESTER

Observe Use Limits for Selected Products:

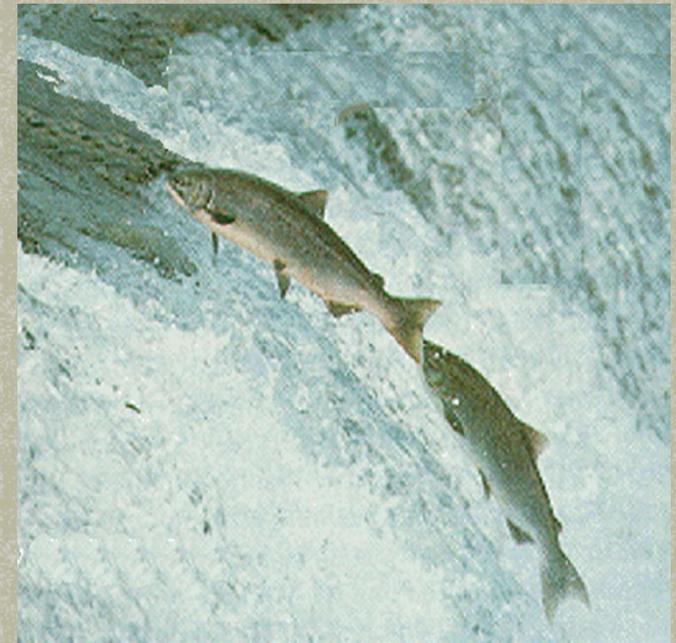
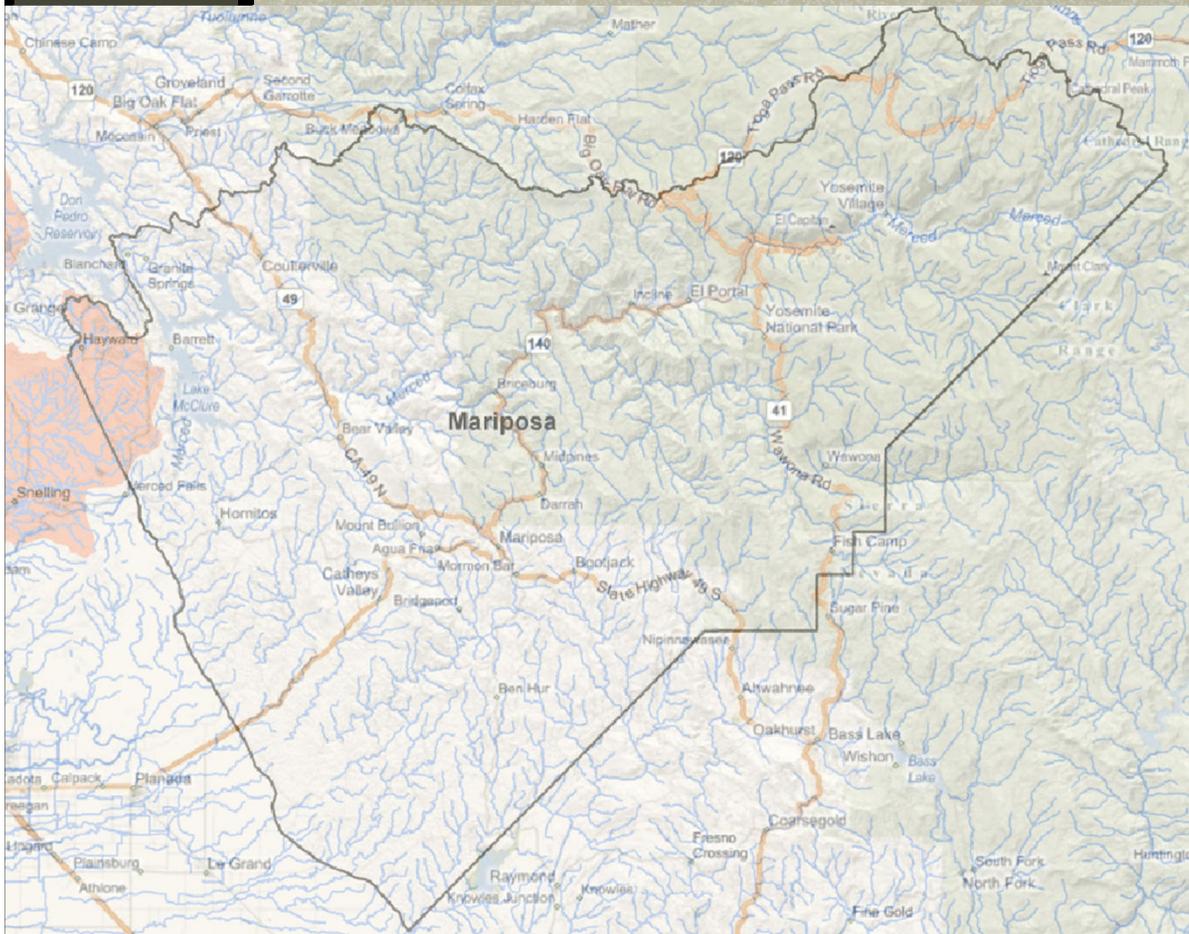
Code	Use Limitations
11	Do not use in currently occupied habitat except: (1) as specified in Habitat Descriptors, (2) in organized habitat recovery programs, or (3) for selective control of invasive exotic plants.
17	For sprayable or dust formulations: when the air is calm or moving away from habitat, commence applications on the side nearest the habitat and proceed away from the habitat. When air currents are moving toward habitat, do not make applications within 200 yards by air or 40 yards by ground upwind from occupied habitat. The county agricultural commissioner may reduce or waive buffer zones following a site inspection, if there is an adequate hedgerow, windbreak, riparian corridor or other physical barrier that substantially reduces the probability of drift.

## PRESCRIBE Step 5

- On Step 5, the Use Limit Codes for the selected Product(s) are given, along with a summary of the information entered in our query.
- All the information and Use Limitations can be printed in one or two pages.



# Exceptions to DPR's Pesticide Use Limitations in PRESCRIBE (Mariposa County)



Court-ordered Buffers for  
Protection of Salmonids  
(2004)



Any Questions?





EARTHJUSTICE

Because the earth needs a good lawyer

## Salmonid Court Order

1  
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U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

01-CV-00132-ANS

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON TOXICS COALITION,  
NORTHWEST COALITION FOR  
ALTERNATIVES TO PESTICIDES, PACIFIC  
COAST FEDERATION OF FISHERMEN'S  
ASSOCIATIONS, and INSTITUTE FOR  
FISHERIES RESOURCES,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY,  
and MIKE LEAVITT, ADMINISTRATOR,

Defendants,

v.

AMERICAN CROP PROTECTION  
ASSOCIATION, et al.,

Intervenor-Defendants.

CASE NO. 01-0132C

ORDER

This matter is before the Court on Plaintiffs' motion for further injunctive relief. Having considered the briefs and arguments of the parties, and the entire record in this matter, and based on the Court's orders dated July 16, 2003 and August 8, 2003, and the oral argument held on August 14, 2003, the Court finds that further injunctive relief is appropriate to prevent potential adverse effects of certain

ORDER - 1

- Lawsuit brought about by Washington Toxics Coalition represented by Earthjustice.
- US Western District Court ruled in favor of plaintiffs.
- Imposes prohibitions for use of 38 active ingredients 100 yds by air, and 20 yds by ground from Salmon Supporting Waters (SSW)
- Effective date 2/5/04.



## Active Ingredients Affected (Salmon)

- 1,3-dichloropropene
- 2,4-D BiOp 4
- Acephate
- Azinphos-methyl BiOp 3
- Bensulide BiOp 3
- Bromoxynil
- Captan BiOp 4
- Carbaryl BiOp 2
- Carbofuran BiOp 2
- Chlorothalonil BiOp 4
- Chlorpyrifos BiOp 1
- Coumaphos
- Diazinon BiOp 1
- Diflubenzuron
- Dimethoate BiOp 3
- Disulfoton BiOp 3
- Diuron BiOp 4
- Ethoprop BiOp 3
- Fenamiphos BiOp 3
- Fenbutatin-oxide



## Active Ingredients Affected (cont.)

- Lindane
- Linuron BiOp 4
- Malathion BiOp 1
- Methamidophos BiOp 3
- Methidathion BiOp 3
- Methomyl BiOp 2
- Methyl parathion BiOp 3
- Metolachlor
- Metribuzin
- Naled BiOp 3
- Oxyfluorfen
- Pendimethalin
- Phorate BiOp 3
- Phosmet BiOp 3
- Prometryn
- Propargite
- Tebuthiuron
- Triclopyr (BEE) BiOp 4
- Trifluralin



# Pesticide Programs Excluded from Salmonid Court Order

- Public Health Vector Control Programs.
- Noxious Weed Programs \*\*
- NMFS-Authorized Programs.

\*\* (Some safeguards required, see next slides)



## Safeguards Required for Noxious Weed Programs

- Aerial application cannot occur within 100 yards of Salmon Supporting Waters (SSW);
- Broadcast spraying cannot occur within 20 yards of SSW or when wind speed  $> 5$  mph;
- Chemical spraying cannot occur within 15 feet of SSW or when wind speed  $> 5$  mph;
- Only those pesticides registered for aquatic application can be used within 15 feet of SSW;

More...



## Safeguards Required for Noxious Weed Programs (cont.)

- Pesticides cannot be used when precipitation is occurring or is forecast to occur within 24 hours;
- All spraying operations must be overseen by a certified applicator;
- For 2,4-D and triclopyr, only the amine formulations can be used.

# Info Sources: Salmonids

<http://www.epa.gov/espp/litstatus/wtc/index.htm>

U.S. ENVIRONMENTAL PROTECTION AGENCY



## Pesticides: Endangered Species Protection Program



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### Endangered Species Case - Washington Toxics Coalition v. EPA

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Under the Endangered Species Act, EPA must ensure that its registration of a pesticide will not result in likely jeopardy to the continued existence of federally listed threatened or endangered species or destroy or adversely modify their designated critical habitat. In addition the Agency must consult, as appropriate, with the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) if a pesticide's use may affect listed species or designated critical habitat.

This Web page provides information on the Washington Toxics Coalition v. EPA case, related to protection of Pacific salmon and steelhead, and links to the biological opinions issued by the NMFS and EPA's responses.

#### Background on this court case

On February 17, 2004, EPA announced the availability of the January 22, 2004, ruling of the U.S. District Court for the Western District of Washington in the case of Washington Toxics Coalition (WTC) v. EPA in a [Federal Register](#) notice. The Court established buffer zones around certain water bodies in California, Oregon, and Washington where the court ordered that specific pesticides could not be used. Generally, for ground pesticide applications, the court order establishes a 20-yard buffer zone; for aerial pesticide applications, the court order establishes a 100-yard buffer zone adjacent to salmon-supporting waters. These buffers are in effect until EPA completes its consultation obligations including finding that a pesticide has no effect on the species, receipt of a biological opinion from NMFS, or a finding by EPA that the pesticide is not likely to adversely affect the species with no affirmative rejection of that finding by NMFS.

Chief Judge Coughenour issued this order in response to the WTC's July 16, 2003, motion for injunctive relief to establish buffer zones as an interim measure to reduce the likelihood of jeopardy to 26 species of salmon and steelhead.

The Agency met its December 1, 2004, deadline to complete the review of the 55 pesticides as ordered by the court on July 2, 2002. For 37 pesticides, EPA determined there may be effects to one or more of the listed Pacific salmon or steelhead and therefore initiated consultation with the National Marine Fisheries Service.

#### Links to the Federal Register Notices and Court Orders:

- [March 24, 2004, Federal Register notice](#) on point of sale notification.
- [February 17, 2004, Federal Register notice](#) announcing the availability of the Court ruling.
- [January 22, 2004, Court Order \(PDF\)](#) (31 pp, 754K)
- [August 8, 2003, Court Order \(PDF\)](#) (22 pp, 957K)
- [July 16, 2003, Court Order \(PDF\)](#) (5 pp, 231K)
- [July 2, 2002, Court Order \(PDF\)](#) (21 pp, 1.03MB)

#### Quick Resources

- [EPA Seeks Input on NMFS' Draft Measures to Protect Endangered Pacific Salmon from 12 Pesticides](#)
- [NMFS April 20, 2009, Final Biological Opinion under the Endangered Species Act, Issued for Carbofuran, Carbaryl and Methomyl to Protect Salmon and Steelhead in California, Idaho, Oregon, and Washington \(PDF\)](#) (20 pp, 888.73k, [about PDF](#))
- [EPA Plans New Use Limitations on Carbaryl, Carbofuran, and Methomyl to Protect Salmon and Steelhead in California, Idaho, Oregon, and Washington \(PDF\)](#) (20 pp, 888.73k, [about PDF](#))
- [Manufacturers Decline to Adopt Pesticide Use Limitations to Protect Endangered Species \(PDF\)](#) (3 pp, 163k)
- [EPA Gives Pesticide Manufacturers Two Weeks to Commit to Modifications to Protect Endangered Species \(PDF\)](#) (5pp, 100KB)
- [NMFS November 18, 2008, Final Biological Opinion under the Endangered Species Act, Issued for Chlorpyrifos, Diazinon, and Malathion \(PDF\)](#) (484 pp, 11.04MB)

September 11, 2009, Press Release: New Limitations on Pesticide Uses Will Protect Salmon

EPA September 10, 2009,

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