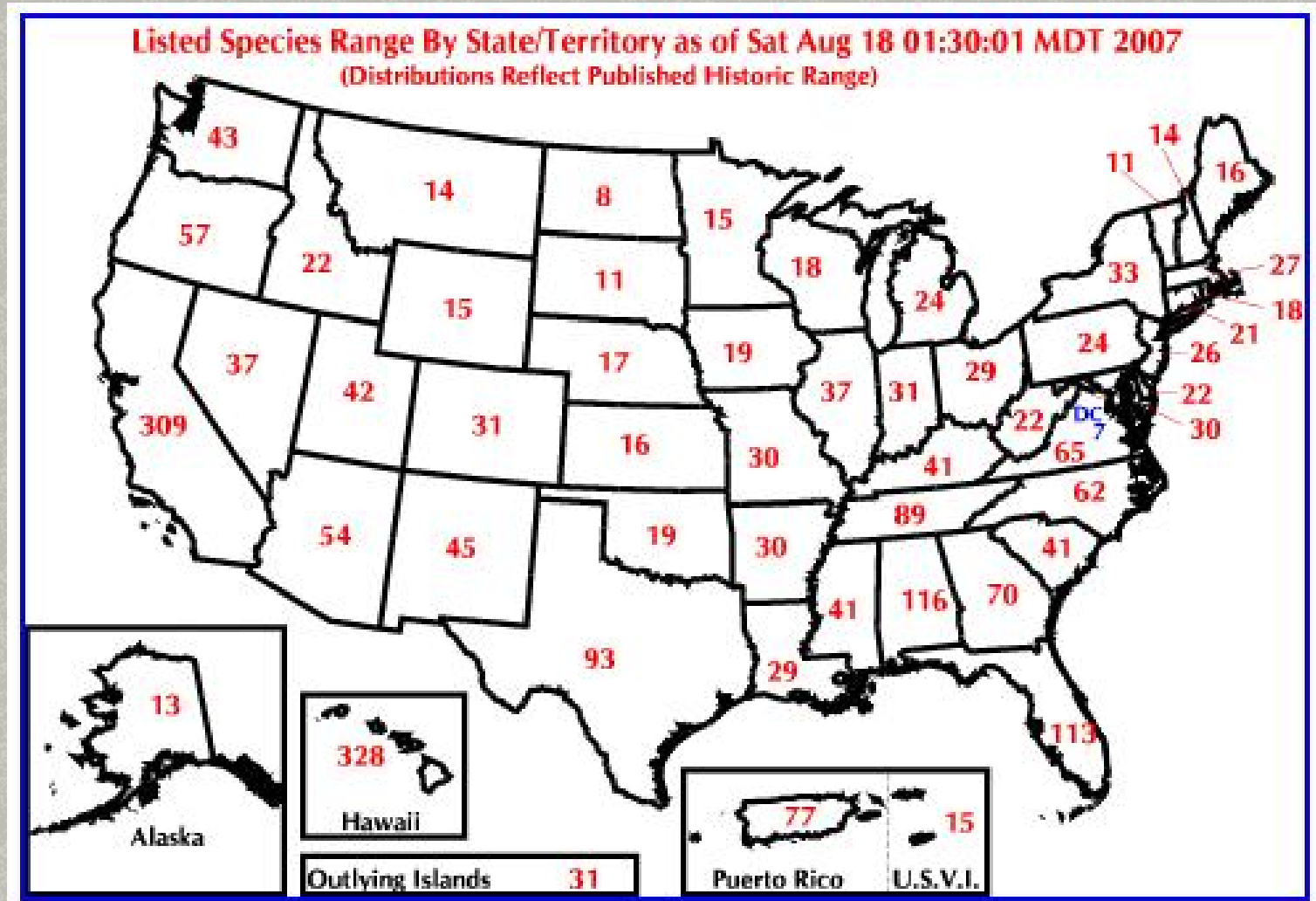


Use of Herbicides Near Threatened and Endangered Species' Habitats



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Endangered Species in the U.S.





DPR's Endangered Species Project

- Our focus is on endangered species/pesticides issues. Based on U.S. EPA's federal endangered species protection program (ESPP).
- Include all pesticide categories: 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.
- Initially a voluntary program, it is currently in the process of becoming enforceable as U.S. EPA completes field implementation of the ESPP.



Herbicides 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.
- Some of species' habitats are found in alkali or serpentine soils. These areas don't look very "attractive". The average person might not think such locations would harbor endangered species.

Palos Verdes Blue Butterfly



- Small butterfly, 1 inch wingspan. Male's wings are iridescent blue w/black borders on top. Female's are dark gray brown with blue shimmer. Gray underwings with black spots ringed in white on both sexes.
- Found only in the sea-facing hills of Palos Verdes Peninsula in Los Angeles county.
- Host plant: Southern California Locoweed (*Astragalus trichopodus* var. *lonchus*)
- Misuse of herbicides that might affect their host plant is a concern.

Palmate-bracted Bird's Beak



- Status: Endangered.
- Found in Alameda, Colusa, Fresno, Glenn, Madera, and Yolo Counties.
- Some locations are adjacent to farmland, and herbicide applications were being performed in very close proximity to the sites.
- Intentional Plowing...



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.

Milo Baker's Lupine

- Current status: Species of Special Concern.
- Occurs along roadsides in Round Valley near Covelo (Mendocino Co.) and in Bear Valley (Colusa Co.).
- Threatened by urbanization, road improvement, and herbicides.
- CalTrans currently developing MOU with CDFG.



California Red-Legged Frog



- Adult CRLFs can disperse upstream and downstream of their breeding habitat to forage and seek temporary terrestrial retreats.
- Some herbicides, fungicides, and insecticides pose hazards to its aquatic life stages.
- Stipulated Injunction of 2006 affects use of 66 AIs in 33 counties.



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
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.

Herbicides

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
a	Broad spectrum foliar active herbicides with systemic or contact activity and without pre-emergent or residual soil activity.
b	Herbicides with foliar activity on broadleaved plants (dicots) only.
c	Herbicides with foliar activity on grasses (monocots) only.
d	Broad spectrum herbicides with residual soil activity.
e	Broad spectrum, seedling stage, pre-emergent 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 for Protection of Endangered Species



- Use Limitation code 11:
Do not use in currently occupied habitat except (1) as specified in the species' habitat descriptions, (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.



PRESCRIBE



**DPR's Online Database
Application for Protection
of Endangered Species**



P.R.E.S.C.R.I.B.E. WHAT?

Pesticide

Regulation

Endangered

Species

Custom

Rea-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.

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.



[DPR Home](#)
[CalPIP Home](#)
My Selections ?
 Data Source: ?
PRESCRIBI ▼
Endangered Species Bulletin

Location ?
 » [County](#)
[MTRS](#)
[Zip Code](#)

Product ?
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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.

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
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Department of Pesticide Regulation California Pesticide Information Portal

Search

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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):

22 M01N22E
22 M01S17E
22 M01S18E
22 M01S21E
22 M01S22E
22 M01S23E

Select

Township(s) Selected (1):

22 M06S18E

Unselect

Unselect All

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

22 M06S18E 01
22 M06S18E 02
22 M06S18E 03
22 M06S18E 04
22 M06S18E 05
22 M06S18E 06

Select

Section(s) Selected (2):

22 M06S18E 11
22 M06S18E 14

Unselect

Unselect All

To continue, click Next.

Next

Reset

Start Over

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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Data Source:

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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.

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

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.

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

PRESCRIBI

[Endangered
Species Bulletin](#)[Location ?](#)[County](#)[MTRS](#)[Zip Code](#)[Product ?](#)[Name Search](#)[Advanced](#)[Map Viewer ?](#)[Help](#)[Contact CalPIP](#)[About DPR](#)[DPR Site Index](#)

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Endangered Species Custom Bulletin

Species Details



© Rick York and CNPS

Photo by: Rick York, CNPS

MARIPOSA PUSSYPAWS

Scientific Name: *CALYPTRIDIVM 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: Endangered Species information

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

[DPR Home](#)[CalPIP Home](#)[My Selections](#)

Data Source:

PRESCRIBI

[Endangered Species Bulletin](#)[Location](#)[County](#)[MTRS](#)[Zip Code](#)[Product](#)[Name Search](#)[Advanced](#)[Map Viewer](#)[Help](#)[Contact CalPIP](#)[About DPR](#)[DPR Site Index](#)

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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 'v' in front to indicate the first word of a label. Put a 'v' at the end to indicate the last word of a label.)

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]

Selected Product [Registration Number]s (1):

CROSSBOW HERBICIDE [62719- 260-AA- 55467]

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

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”.

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



**Court-ordered Buffers for
Protection of Salmonids
(2004)**



**Stipulated Injunction for
Protection of California
Red-legged frog (2006)**



Any Questions?





EARTHJUSTICE

Because the earth needs a good lawyer

Salmonid Court Order

- 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.

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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. C01-0132C

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



Active Ingredients Affected (Salmon)

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



Active Ingredients Affected (cont.)

- Lindane
- Linuron
- Malathion
- Methamidophos
- Methidathion
- Methomyl
- Methyl parathion
- Metolachlor
- Metribuzin
- Naled
- Oxyfluorfen
- Pendimethalin
- Phorate
- Prometryn
- Propargite
- Tebuthiuron
- Triclopyr (BEE + TEA)
- Trifluralin

The rest of the active ingredients originally included in the lawsuit have been removed from this list. They were found by EPA to have no effect on salmonids.



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.



Pesticides: Endangered Species Protection Program

United States Environmental Protection Agency

GO

[EPA Home](#) > [Pesticides](#) > [Environmental Effects](#) > [Endangered Species Protection Program](#) > [Court Issues Order in Endangered Species Case - Washington Toxics Coalition v. EPA](#) > Questions and Answers on the Washington Washington Toxics Coalition Endangered Species Litigation

Questions and Answers on the Washington Washington Toxics Coalition Endangered Species Litigation

Order from the Court

In response to a citizen suit filed under the Endangered Species Act against EPA by a group of environmental organizations (Washington Toxics Coalition, et.al. v. EPA), the United States District Court for the Western District of Washington issued on January 22, 2004, an order enjoining, vacating and setting aside EPA's authorization of the use of certain pesticides generally, within 20 yards for ground applications and 100 yards for aerial applications, adjacent to salmon supporting waters in California, Oregon and Washington. Further, the Court ordered EPA to generate and facilitate the availability of a notification of potential hazards to salmonids in major urban areas in the affected states. The Court Order, which became effective February 5, 2004, and information to help pesticide users understand the Order, is available at www.epa.gov/espp. The United States is now reviewing the order in detail and considering legal options.

1. [What is EPA currently doing to protect endangered species?](#)
2. [What has EPA done about the 55 pesticides identified in the litigation?](#)
3. [What is EPA doing about those determinations where the pesticide "may affect" the species?](#)
4. [Why did the Judge issue this Order?](#)
5. [What does it mean that the Court "vacated" the registration of certain pesticides within buffer zones around Pacific Salmonid supporting waters?](#)
6. [Is it a violation of FIFRA to use a subject pesticide within the buffer zones?](#)
7. [Are these pesticide harmful to fish?](#)
8. [Why do the buffer zones apply to these particular pesticides?](#)
9. [Do the buffer zones in the Court's Order apply to FIFRA actions involving the subject pesticides that are approved after the effective date of Court's Order, including section 18 and section 24\(c\) actions?](#)
10. [What waters are considered "salmon supporting waters"?](#)
11. [Does the court order apply only to agricultural uses of these products?](#)
12. [When will EPA finish reviewing these pesticides?](#)
13. [When EPA finishes reviewing these pesticides, will the court ordered buffer zones be lifted?](#)
14. [How will I know if the court changes the buffer zones, areas and pesticide uses subject to the injunction?](#)
15. [What is EPA's process for protecting endangered and threatened species?](#)

List of Species

Pesticide Use
Limitations (by
County)

ESPP Database

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Poster



California Red-legged Frog Injunction

- Lawsuit brought about by Center for Biological Diversity vs. U.S. EPA
- This injunction is the result of the settlement reached in California's Northern District Court.
- Imposes prohibitions for use of 66 active ingredients 200 feet by air, and 60 feet by ground from California red-legged frog's aquatic and upland habitats occurring in 33 counties.
- Effective date 10/20/06.



Active Ingredients Affected (CRLF)

- 1,3-dichloropropene
- 2,4-D
- Acephate
- Alachlor
- Aldicarb
- Atrazine
- Azinphos-methyl
- Bensulide
- Bromacil
- Captan
- Carbaryl
- Chloropicrin
- Chlorothalonil
- Chlorpyrifos
- Chlorthaldimethyl
- Diazinon
- Dicofol
- Diflubenzuron
- Dimethoate
- Disulfoton
- Diuron
- Endosulfan



Active Ingredients Affected (CRLF)

- EPTC
- Esfenvalerate
- Fenamiphos
- Glyphosate
- Hexazinone
- Imazapyr
- Iprodione
- Linuron
- Malathion
- Mancozeb
- Maneb
- Metam Sodium
- Methamidophos
- Methidathion
- Methomyl
- Methoprene
- Methyl parathion
- Metolachlor
- Molinate
- Myclobutanil
- Naled
- Norflurazon



Active Ingredients Affected (CRLF)


- Oryzalin
- Oxamyl
- Oxydemeton-methyl
- Oxyfluorfen
- Paraquat dichloride
- Pendimethalin
- Permethrin
- Phorate
- Phosmet
- Prometryn
- Propanil
- Propargite
- Propyzamide
- Rotenone
- Simazine
- SSS-tributyl phosphorithiolate
- Strychnine
- Thiobencarb
- Triclopyr (BEE + TEA)
- Trifluralin
- Vinclozolin
- Ziram



Pesticide Programs Excluded from CRLF Injunction

- Public Health Vector Control Programs.
- Noxious Weed Programs **
- Endangered Species Act-Approved Uses.


** (Some restrictions required, see next slides)



Restrictions to be followed by Invasive Species and Noxious Weed Control Programs

- Application of pesticides shall be limited to localized spot treatments using hand held devices and may not occur within 15 feet of CRLF aquatic breeding or non-breeding aquatic critical habitats as defined by FWS (4/13/2006); or 15 feet of Aquatic Features for CRLF within the 564 sections mentioned;

more →



Restrictions to be followed by Invasive Species and Noxious Weed Control Programs

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



Web sites related to CRLF Injunction

- Stipulated Injunction and Order Information posted on U.S. EPA's Web site:

<http://www.epa.gov/oppfead1/endanger/stipulated-injunction.htm>

- U.S. EPA's website with maps of counties affected by the injunction:

<http://www.epa.gov/oppfead1/endanger/litigation/redleg-frog/steps-info.htm>

- Injunction information on DPR's Website:

http://www.cdpr.ca.gov/docs/es/rl_frog/index.htm

