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

**OFFICE OF**
**PREVENTION, PESTICIDES AND**
**TOXIC SUBSTANCES**

ORIGINAL SIGNED 12-1-04

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th Floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), U. S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses 26 Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is **2,4-dichlorophenoxyacetic acid (2,4-D)**, which is an herbicide used to control various weeds in crop and some non-crop sites. 2,4-D is a widely used herbicide, with primary uses on corn, barely, pasture, wheat, and rice, along with many other crops. It is also registered for use on golf courses and other turf, residential areas, rights-of-way, aquatic weed control, and other uses. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility.

2,4-D has higher laboratory toxicity for aquatic plants than it does fish and aquatic invertebrates. OPP has determined that most effects of concern would occur indirectly on listed salmon and steelhead, though direct effects are also possible. These effects would also vary for different uses and ESUs. 2,4-D acids and amine salts used on rice and in aquatic weed control are toxic to plants that endangered salmon and steelhead may utilize for cover. As a result, OPP has further determined that 2,4-D acid and amine salt use on rice may affect but is not likely to adversely affect four ESUs, and will have no effect on 22 ESUs. 2,4-D butyoxyethyl ester used in aquatic weed control may affect endangered salmon and steelhead directly and indirectly in all the ESUs.

I am requesting your concurrence on our determination that use of 2,4-D acid and amine salts in rice may affect but is not likely to adversely affect four ESUs. The specific determinations for each ESU are summarized in a table at the end of the enclosed assessment. I am further requesting formal consultation on our determination that 2,4-D butoxyethyl ester may affect all 26 ESUs.

The primary threats for the ESUs subject to this consultation have been the continued development of the western states for a variety of human-related activities, including residential and commercial development, agriculture, and forestry, along with genetic swamping of certain ESUs by unrelated hatchery stocks. These activities have resulted in barriers to upstream and downstream migration, loss of available water, reduced water quality, physical modification of aquatic and riparian habitat. Excessive harvesting may also have played a role in their decline. Listing of these salmon and steelhead ESUs has sensitized the public to the need to provide protection. As a result, California has included them in their “Interim Measures” county bulletins for protecting endangered and threatened species, thus providing protection from pesticide use. Washington state has formed a task force which is working with NMFS and others to address pesticide use in that state. Oregon has developed specific projects that involve pesticide use and salmon and steelhead. We are unaware of any specific measures in place in Idaho that address pesticides.

OPP developed an analysis of the effects of 2,4-D on ecological non-target organisms as part of its broad effort to re-register existing pesticides. In this review, potential effects on fish were of concern with direct application of 2,4-D to water for aquatic weed control. Therefore, some protective measures may be appropriate.

OPP is currently working towards a final endangered species program which is expected to become final in several months. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such county bulletins, along with pesticide label references to these bulletins, that OPP intends as its primary means of implementing and enforcing its protections for salmon and steelhead and other listed species.

We look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to call me at (703) 305-5239.

Enclosures

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch (7506C)

cc: Craig Johnson