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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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) formal consultation. This consultation request addresses 1 Evolutionarily Significant Unit (ESU) of Coho salmon listed as endangered or threatened and certain uses of one pesticide registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pesticide subject to this request is the active ingredient **2,4-Dichlorophenoxyacetic acid, 2-ethylhexyl ester (2,4-D EHE)** which is registered for forest tree uses within the range of the Northern California/Southern Oregon coastal Coho salmon. 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 this particular listed salmon and uses identified.

2,4-D EHE is registered for forestry and forest tree uses to enhance conifer release. The mechanism of action is believed to be an increase in cell wall plasticity, biosynthesis, and the production of ethylene. These alterations are believed to increase cell division beyond supportable levels and to damage vascular tissues. It must also be noted that the chemical can be used for many other purposes in forested areas, including trail preservation, campground clearance, and weed control near outbuildings. It is approved for use in clearing rights-of-way, roadsides, and cleared areas.

2,4-D EHE is one of a large family of compounds derived from the base 2,4-D. The compounds, and all derivatives, are currently under review by the agency for preparation of a Reregistration Eligibility Decision (RED). In reviewing available data 2,4-D EHE appears to be a transient chemical under natural conditions (< 1 day), degrading to 2,4-D acid. Previous reports have noted the 2,4-D acid is essentially non-toxic to animals. The highest RQ values relative to this review were <0.02 (estuarine fish) which does not exceed the agencies Level of Concern for endangered species. These findings, despite the calculated use in Oregon, lead to the conclusion that 2,4-D EHE will have no effect on the species of concern.

Despite our finding of "no effect" from the forestry and forest tree uses of this pesticide to the Northern California/Southern Oregon coastal Coho salmon, I am requesting formal consultation on this determination. My request for such consultation is compelled by the language in a Consent Decree into which the Agency entered with the Californians' for Alternatives to Toxics (CATs), regarding the potential effects of various pesticides' uses on plants and on certain listed salmon or steelhead.

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, or your staff may contact Dr. Michael Patterson, of my staff, at (703) 605-0649.

Enclosure

Sincerely,

/s/ May 10, 2004

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

cc: Craig Johnson