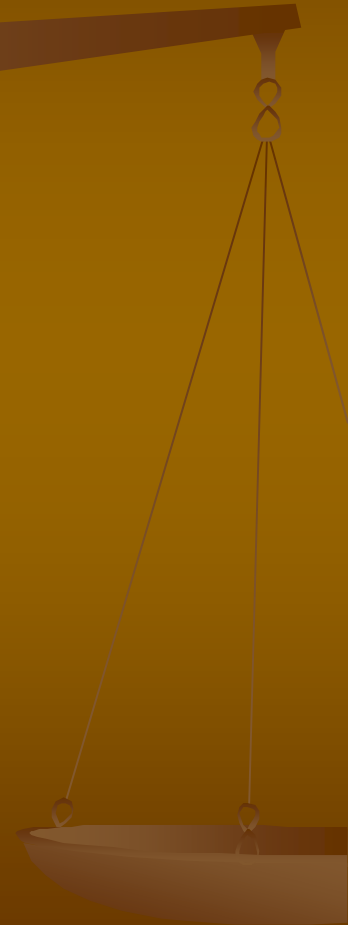


***Western Plant Health Association  
CA Red Legged Frog Settlement***



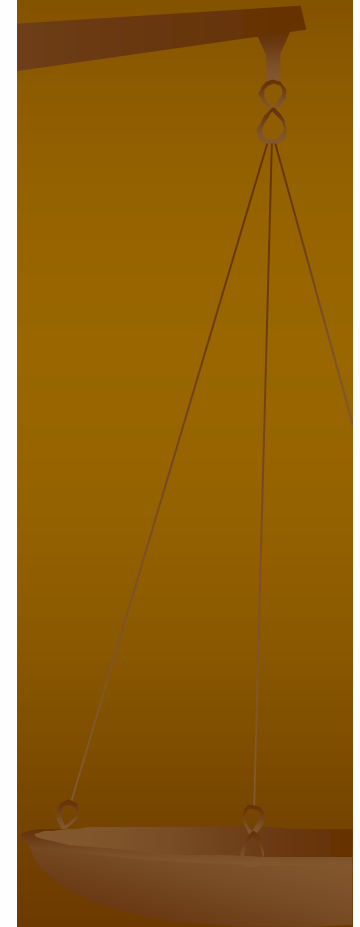
# CA Red Legged Frog Settlement

- *The Red Legged Frog lawsuit was brought by the Center for Biological Diversity vs. U.S. EPA. CropLife America, WPHA, and other interested interveners.*
- *The suit alleged that U.S. EPA failed to solicit U.S. Fish & Wildlife Service (FWS) in a formal consultation on the risks from 66 pesticides to the CA Red Legged Frog under the Endangered Species Act (ESA)*

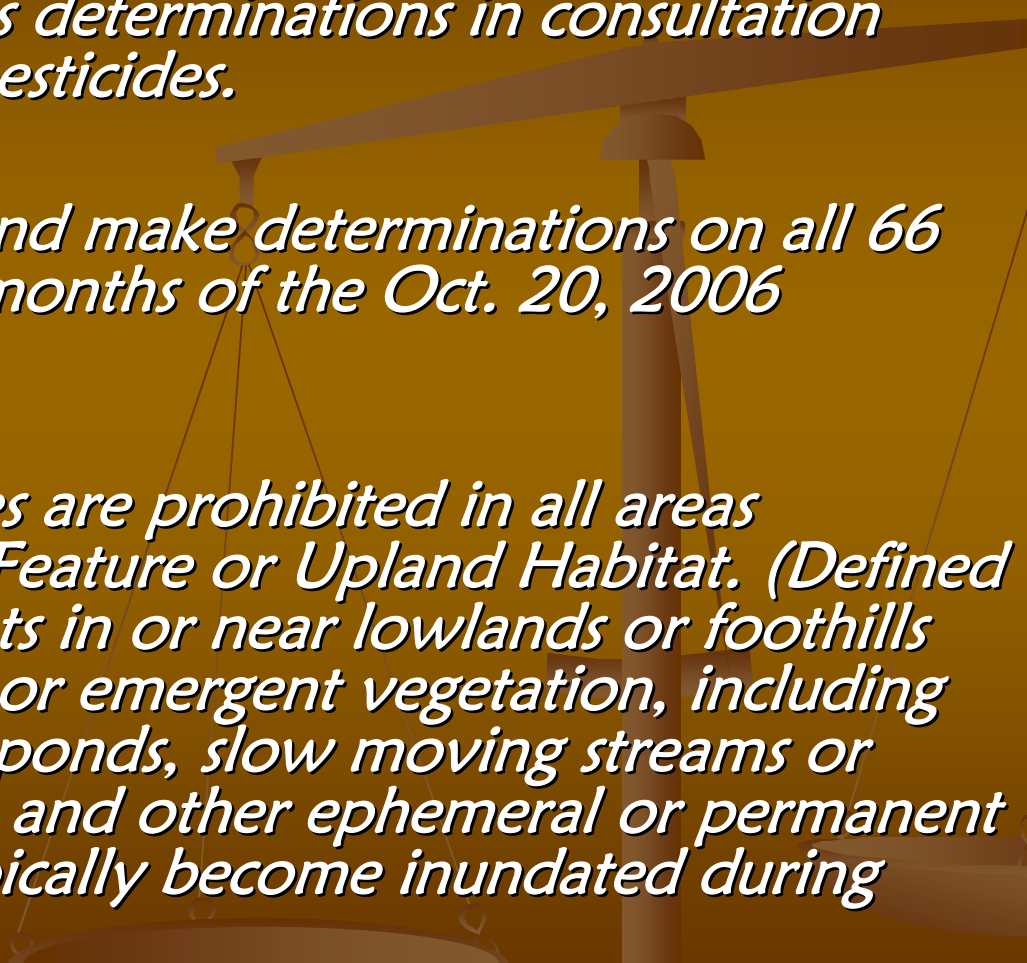
# *Red Legged Frog Settlement Terms*

- *A settlement was reached between the parties on October 20, 2006. Thirty-three counties may be impacted by the settlement.*
- *Settlement imposes prohibitions for the use of 66 active ingredients, including a buffer of 200' for aerial applications, and 60' for ground applications in the frog's aquatic & upland habitats.*

**Counties Included in the Stipulated  
Injunction and Order (10/20/2006) for the  
Protection of California Red-legged Frog**



# Red Legged Frog Settlement Terms

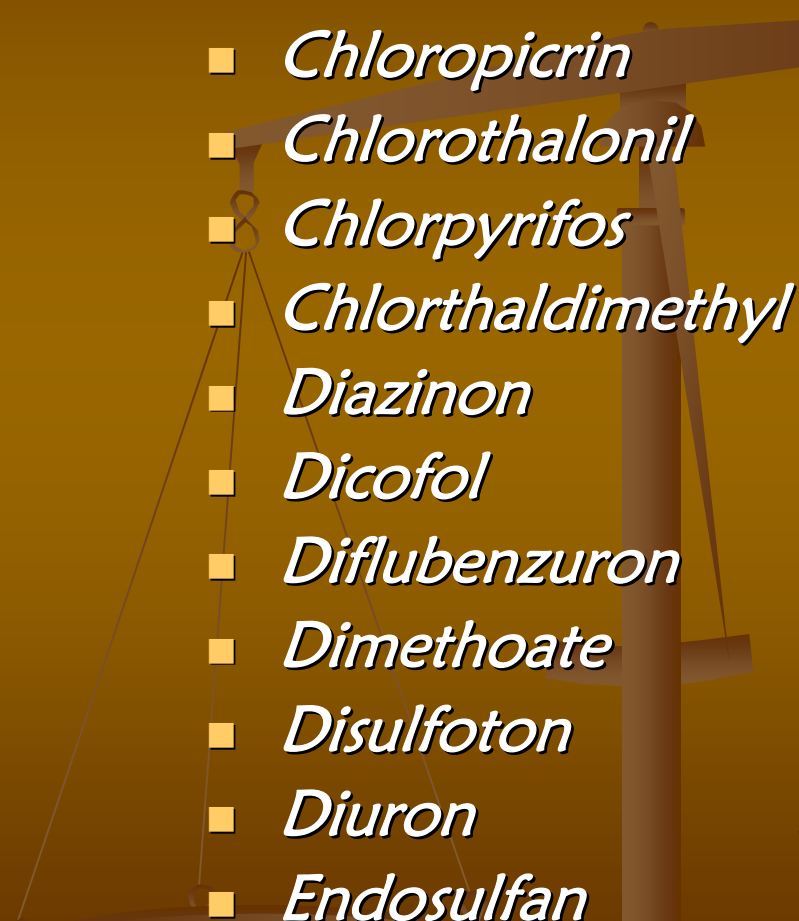
- *EPA shall make effects determinations in consultation with FWS on all 66 pesticides.*
  - *EPA must complete and make determinations on all 66 pesticides within 36 months of the Oct. 20, 2006 settlement date.*
  - *Use of listed pesticides are prohibited in all areas described as Aquatic Feature or Upland Habitat. (Defined as; fresh-water habitats in or near lowlands or foothills with dense, shrubby, or emergent vegetation, including natural or manmade ponds, slow moving streams or pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains.)*
- 

# *Red Legged Frog Settlement Terms*

- *Use is also prohibited in all areas described as Aquatic breeding, non-breeding aquatic or Upland critical habitat as described for Red Legged Frogs by FWS on 4/13/06. (Defined as; areas that are both within 200' of the mean high-water mark of an "aquatic feature" and meet the definition of upland habitat described by FWS on 4/13/06.)*
- *EPA's authorization of any use of the 66 pesticides is prohibited in all Aquatic Features & Upland Habitats found in 564 sections of CA.*
- *As EPA goes through formal consultation with FWS on the 66 pesticides and FWS issues a biological opinion including "not likely to adversely affect" statements for pesticides, they will in turn be removed from the list.*

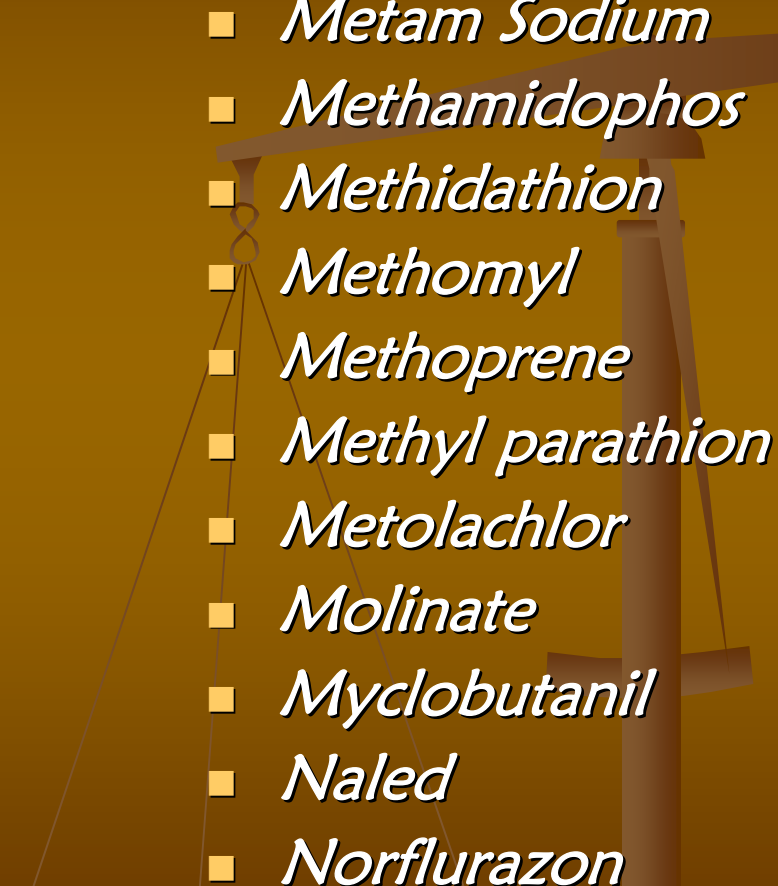
# *Red Legged Frog Settlement*

## *Active Ingredients Affected*

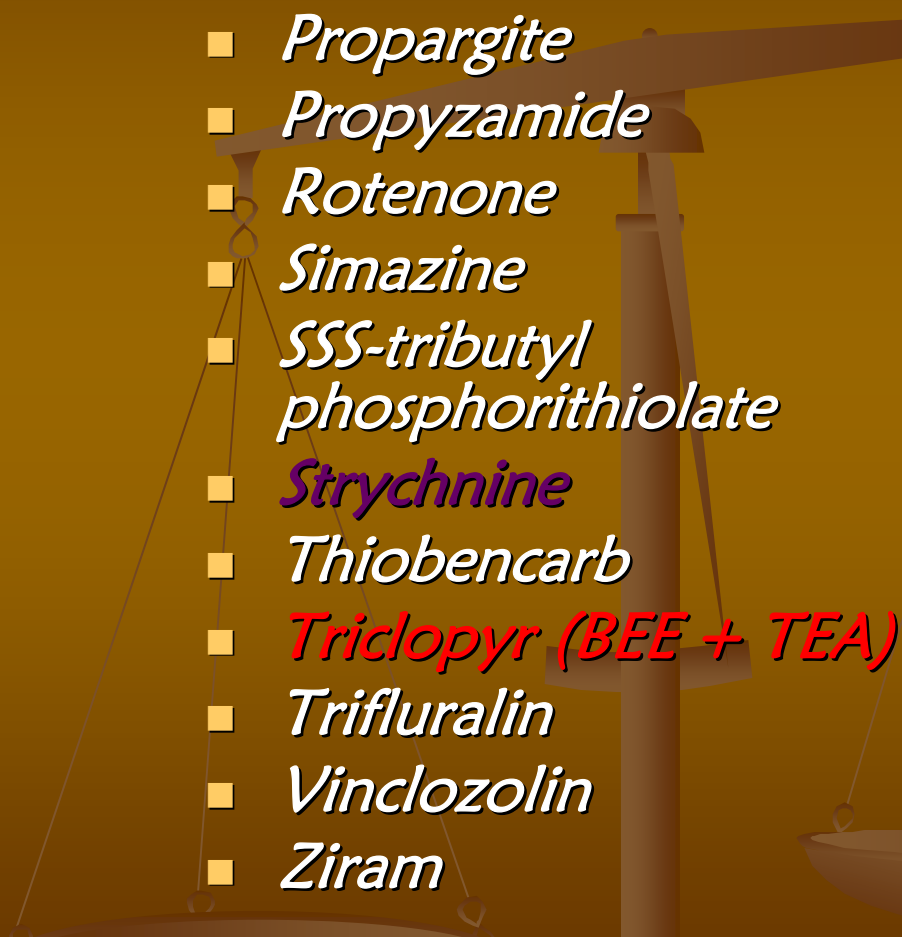
- 
- *1,3-dichloropropene*
  - *2,4-D*
  - *Acephate*
  - *Alachlor*
  - *Aldicarb*
  - *Atrazine*
  - *Azinphos-methyl*
  - *Bensulide*
  - *Bromacil*
  - *Captan*
  - *Carbaryl*
  - *Chloropicrin*
  - *Chlorothalonil*
  - *Chlorpyrifos*
  - *Chlorthaldimethyl*
  - *Diazinon*
  - *Dicofol*
  - *Diiflubenzuron*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

# *Red Legged Frog Settlement*

## *Active Ingredients Affected*

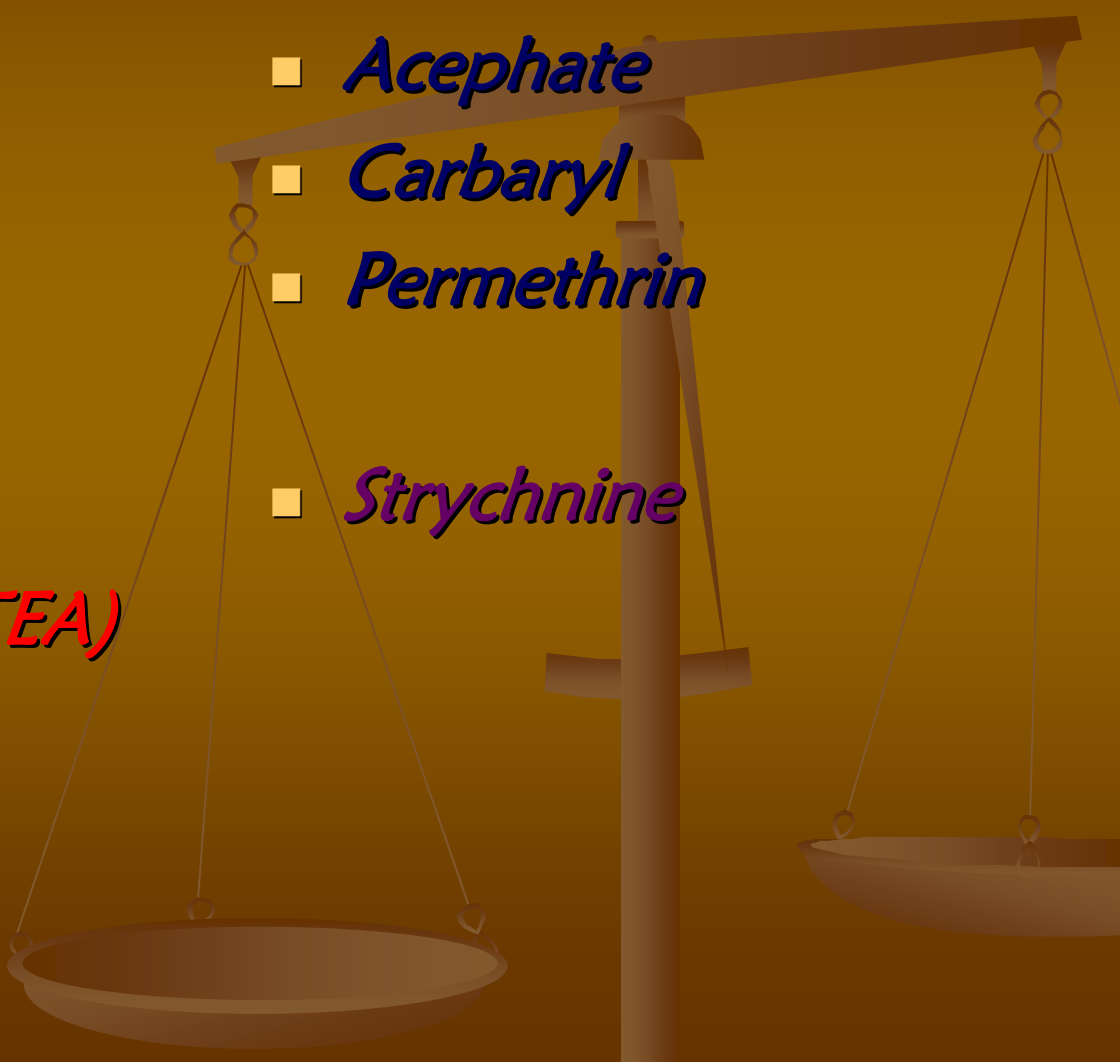
- 
- *EPTC*
  - *Esfenvalerate*
  - *Fenamiphos*
  - *Glyphosate*
  - *Hexazinone*
  - *Imazapyr*
  - *Iprodione*
  - *Linuron*
  - *Malathion*
  - *Mancozeb*
  - *Maneb*
  - *Metam Sodium*
  - *Methamidophos*
  - *Methidathion*
  - *Methomyl*
  - *Methoprene*
  - *Methyl parathion*
  - *Metolachlor*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

# *Red Legged Frog Settlement Active Ingredients Affected*

- 
- *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*

# *Red Legged Frog Settlement*

## *Forestry Active Ingredients Affected*

- *2,4-D*
  - *Atrazine*
  - *Glyphosate*
  - *Hexazinone*
  - *Imazapyr*
  - *Triclopyr (BEE + TEA)*
  - *Acephate*
  - *Carbaryl*
  - *Permethrin*
  - *Strychnine*
- 

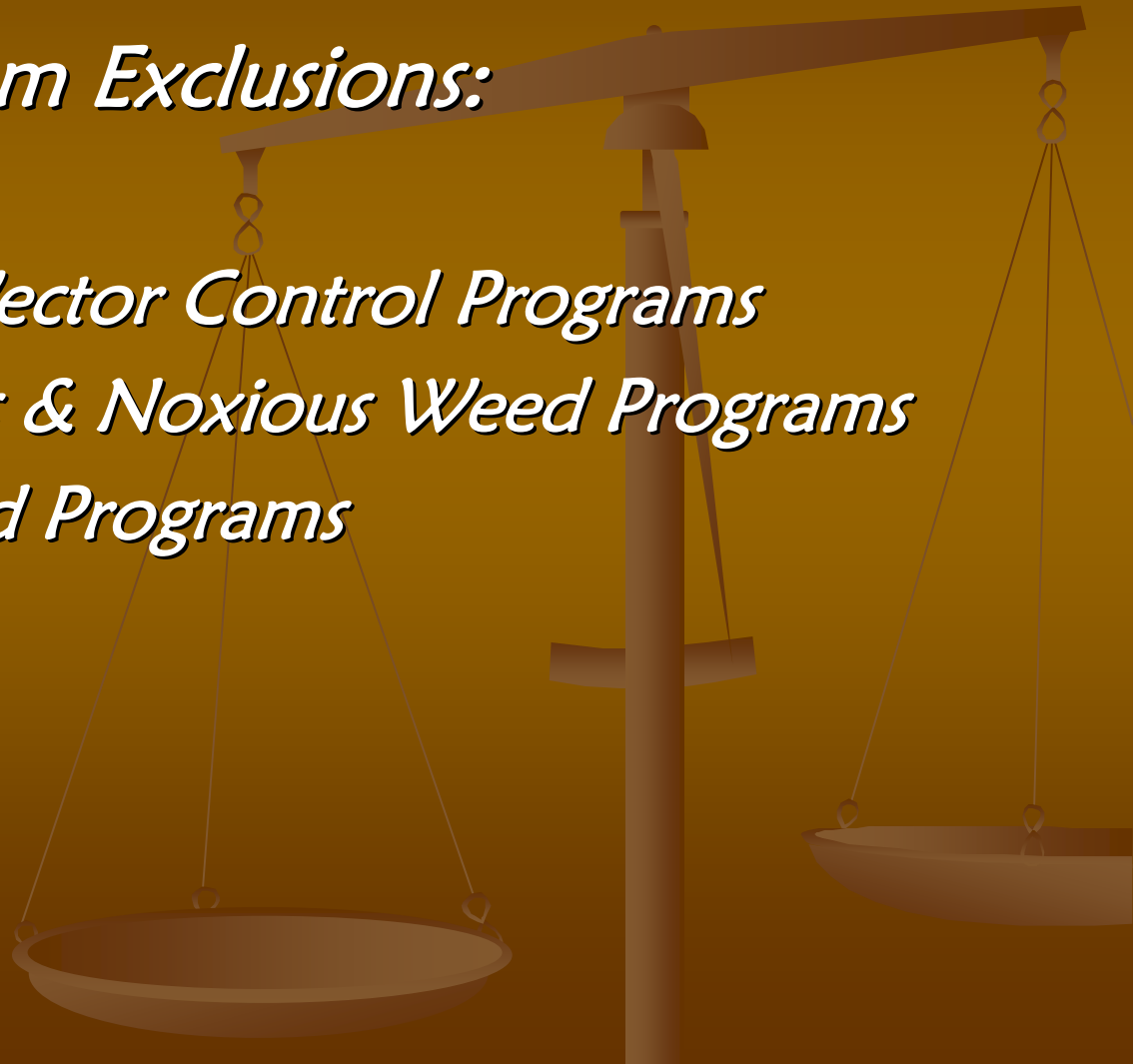
# ***Red Legged Frog Settlement Buffer Areas***

- *Ground Use Buffers: All areas within 60' from the edge of aquatic breeding, non-breeding aquatic or upland critical habitat. All areas within 60' from the edge of Aquatic Features or Upland Habitats for Red Legged Frogs within listed sections.*
- *Aerial Use Buffers: All areas within 200' from the edge of aquatic breeding, non-breeding aquatic, or upland critical habitat for Red Legged Frogs. All areas within 200' from edge of Aquatic Features or Upland Habitats for Red Legged Frogs within listed sections.*

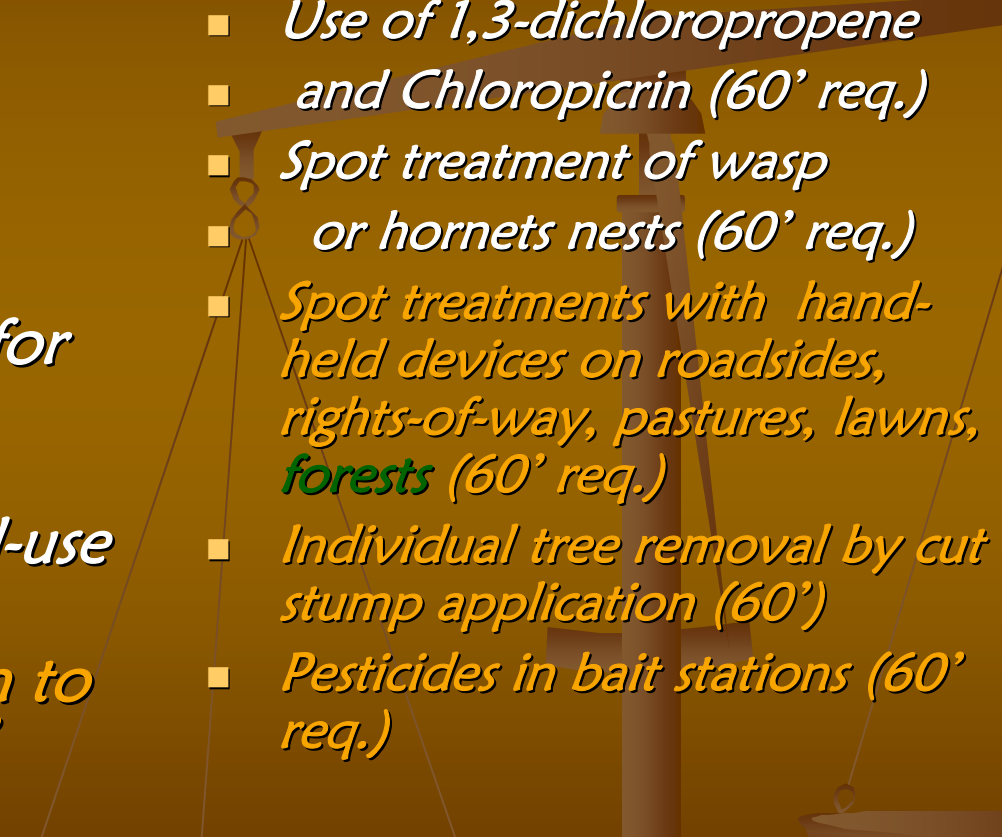
# *Red Legged Frog Settlement Exclusions*

- *Pesticide Program Exclusions:*

- *Public Health Vector Control Programs*
- *Invasive Species & Noxious Weed Programs*
- *FWS-Authorized Programs*



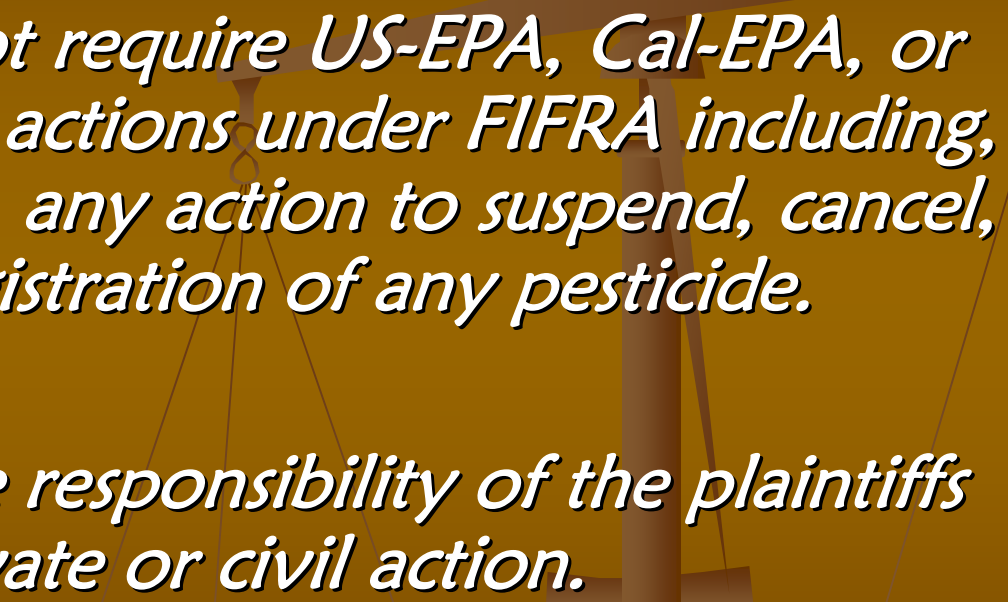
# Red Legged Frog Settlement Exceptions

- *Indoor Uses*
  - *Tree injection*
  - *Cattle Ear Tags*
  - *Home potted plants*
  - *Flea and Tick collars for dogs and cats*
  - *Pesticide use in manufacturing of end-use products*
  - *Basal bark application to individual plants (60' req.)*
  - *Use of 1,3-dichloropropene and Chloropicrin (60' req.)*
  - *Spot treatment of wasp or hornets nests (60' req.)*
  - *Spot treatments with hand-held devices on roadsides, rights-of-way, pastures, lawns, **forests** (60' req.)*
  - *Individual tree removal by cut stump application (60')*
  - *Pesticides in bait stations (60' req.)*
- 

# Red Legged Frog Settlement Requirements

- *EPA must develop a bilingual (English & Spanish) brochure describing (1) unique biology of frogs = susceptibility to pollution (2) its habitat needs, (3) Status of Red Legged Frog (4) tips to reduce potential exposure to pesticides (5) stating that court has issued an injunction (6) listing of counties where injunction applies (7) include small map of CA highlighting counties where injunction applies, (8) referring interested parties to EPA's website for full text of court order and additional maps of areas where injunction applies.*
- *The front cover of the brochure will incorporate the following: "Frogs and Pesticide Hazards – Some pesticide products may harm frogs or their habitat". Additionally, a prominent graphic of the California Red-legged Frog must also be included on the cover of the brochure.*
- *The front cover of the brochure will incorporate the following: "Frogs and Pesticide Hazards – Some pesticide products may harm frogs or their habitat". Additionally, a prominent graphic of the California Red-legged Frog must also be included on the cover of the brochure.*

# *Red Legged Frog Settlement Scope of Order*

- *The order does not require US-EPA, Cal-EPA, or CDPR to take any actions under FIFRA including, but not limited to, any action to suspend, cancel, or modify the registration of any pesticide.*
  - *Enforcement is the responsibility of the plaintiffs to the case by private or civil action.*
- 

# *Red Legged Frog Settlement*

*Our thanks to the CA  
Department of  
Pesticide Regulations  
for their assistance in  
developing this  
information.*

