

# In lawsuit, SOS says EPA ducks its duties

## Groups want court to force agency to assess spring's pesticide risk

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AMERICAN-STATESMAN STAFF

The Save Our Springs Alliance sued the U.S. Environmental Protection Agency on Monday to force it to determine whether six pesticides detected in water at Barton Springs are harming endangered salamanders.

The lawsuit, filed in federal court in Washington, alleges that the EPA has repeatedly failed to consider the extent to which common pesticides might be harming endangered species.

The Endangered Species Act requires the EPA to ensure that pesticides don't jeopardize the existence of endangered species. The EPA also is responsible for authorizing pesticide use nationwide.

The SOS Alliance and the Center for Biological Diversity, a Tucson, Ariz.-based group that joined in the lawsuit, are asking the court to force the EPA to assess the risks and determine appropriate safeguards in consultation with the U.S. Fish and Wildlife Service.

The wildlife service repeatedly has cautioned the EPA about the potential risks pesticides pose to Barton Springs salamanders, particularly the herbicide atrazine, but EPA officials have ignored those warnings, said SOS Alliance Deputy Director Brad Rockwell.

President "Bush's EPA is looking out for

toxic polluters rather than the health of Texans and their natural heritage," said Daniel Patterson, a scientist with the center. "As goes the salamander, so goes human health."

EPA spokesman Dave Bary at the regional headquarters in Dallas said the staff there had not heard about the lawsuit and could not comment without reviewing the complaint.

A spokesman for the EPA's Washington headquarters could not be reached late Thursday afternoon.

The groups cite tests of water at Barton Springs by the U.S. Geological Survey in 2000. For the first time, tests detected a variety of water-soluble pesticides at the popular swimming hole; some of the levels detected exceeded those shown to harm amphibians. A later test at Upper Barton Springs, above the pool, detected atrazine exceeding the federal drinking water limit.

The groups also are asking the court to issue an injunction that, until the EPA completes a full assessment, would restrict pesticide use in the Barton Springs watershed that could harm the salamanders.

Possibilities include limits on the use of certain pesticides near streams and other areas where water enters the aquifer that feeds the springs, said Brian Litmans, a lawyer representing the en-

vironmental groups. The groups might also seek special warning labels on pesticide products sold to consumers, such as the weed killers that contain atrazine.

The other pesticides cited in the lawsuit are diazinon, simazine, carbaryl, prometon and metolachlor.

A federal judge in Seattle last week approved such measures as part of a similar lawsuit alleging that the EPA has failed to protect endangered salmon runs from pesticides.

U.S. District Judge John Coughenour banned the application of 38 pesticides within 100 yards of Northwest salmon streams and required stores in major West Coast cities that sell seven of the most toxic chemicals to post signs reading "Salmon Hazard."

Other pending lawsuits allege that the EPA has been lax in regulating pesticide effects on sea turtles in the Chesapeake Bay area and red-legged frogs in California.