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Pesticide ruling puts frog first

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A judge this week struck a blow to Bush administration efforts to simplify the federal approval of pesticides, saying that the Environmental Protection Agency must consider whether pesticides will harm the red-legged frog before approving those pesticides for use.

U.S. District Court Judge Jeffrey S. White ordered the EPA to consult with U.S. Fish and Wildlife Service biologists on whether dozens of different pesticides are harmful to the frog.

A Bush administration rule change in July 2004 allowed the EPA to approve pesticides without consulting with federal wildlife agencies.

Rich Hood, an EPA spokesman in Washington, declined to comment on the judge's ruling, saying that it involved "pending litigation."

Although this week's ruling applies only to the frog, it sets a regional legal precedent that would apply to any of the hundreds of endangered species of plants and animals in California.

The red-legged frog, a native to the Mother Lode and other parts of California, is believed to be the frog featured in Mark Twain's story "The Celebrated Jumping Frog of Calaveras County."

Various factors, including encroachment of humans into red-legged frog turf and displacement by non-native American bullfrogs, has greatly reduced the red-legged frog's numbers. No red-legged frog had been seen in Calaveras County for 34 years until 2003 when a rancher's children found a few of them.

Last year, a study by environmental studies professor Carlos Davidson, then of California State University, Sacramento, found that frog populations across the state had declined the most in areas with the highest exposure to farm pesticides over the 17 years from 1974 to 1991.

That study used state records of pesticide applications and records of prevailing wind patterns to map pesticide exposure for more than a thousand sites that were historically home to frogs and toads.

Prevailing Central Valley winds spread air pollution east into the foothills and Sierra Nevada.

Judge White's ruling cites research by Davidson as evidence that the EPA must consider what pesticides do to frogs.

The decision resolves the lawsuit against the EPA by the Center for Biological Diversity. However, more court proceedings are possible. White ordered the federal agencies by Nov. 18 to report to him on their progress in scheduling the studies needed.

“We think it is going to be very hard for the Fish and Wildlife Service to reach a conclusion that these pesticides are not going to affect the species,” said Jeff Miller, a wildlife advocate for the Center for Biological Diversity. “And I think it is going to force them to do some studies to get the information to actually figure out what the effects of these chemicals are.”

Now, for example, the EPA has been approving pesticides based on each chemical’s individual effects. No study is done of what happens when a bunch of different chemicals combine.

“Out in the real world, we’ve got multiple pesticides getting out into waterways,” Miller said.

Scientists for years have been warning that extremely low levels of some pesticides appear to interfere with the reproduction of frogs and other creatures.

Record Sacramento Bureau Chief Hank Shaw contributed to this report.