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NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Pesticide limits sought for frog

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A conservation group wants a federal judge to order pesticide-free zones around the habitat of California's celebrated but dwindling population of red-legged frogs.

The Center for Biological Diversity sought buffer zones, consumer warnings and a timetable for government compliance in papers filed Monday with U.S. District Judge Jeffrey White of San Francisco. White ruled in September that the Environmental Protection Agency had violated its legal duty to determine whether 66 pesticides were harming the frog or its habitat.

"We owe it to future generations to ensure that toxic chemicals do not destroy the frog or the wetlands it depends on," said Brent Plater, a lawyer for the conservation group. "These pesticide-application buffer zones are reasonable and effective protection."

Besides the buffer zones -- 200 feet around streams and ponds inhabited by the frog, and an additional 300 feet for aerial spraying -- the conservationists asked White to require notices at stores and labels on products warning consumers that the pesticides may harm amphibians.

They also asked the judge to give the EPA three years to consult with biologists at the U.S. Fish and Wildlife Service and make sure the pesticides are not jeopardizing the frog.

The red-legged frog, the title character in Mark Twain's "The Celebrated Jumping Frog of Calaveras County," has disappeared from nearly three-quarters of its natural range and has declined to 10 percent of its original population. The main culprit is farm development, which has destroyed the frog's habitat. The federal government listed it as a

threatened species in 1996.

In 2001, the government designated several places in the Bay Area as critical habitat, with restrictions on development. They included wetlands and waterways in Marin, Sonoma, Napa and Solano counties, and coastal watersheds in San Mateo and Santa Cruz counties. Also listed were portions of the Sierra foothills and Coast Range.

Plater said the Bush administration has since proposed a much smaller critical habitat zone.

The Center for Biological Diversity filed suit in 2002, accusing the EPA of ignoring studies linking pesticides with the decline of amphibians.

White, an appointee of President Bush, said in his September ruling that the conservation group had submitted

studies showing that 47 of the 66 pesticides named in its lawsuit could harm the frog. It also produced an expert's report suggesting the other 19 chemicals might be contributing to the species' decline.

The judge told the EPA to assess the effects of the pesticides. The agency referred inquiries Tuesday to the Justice Department, whose representatives were unavailable for comment.

A lawyer for pesticide companies said the proposed protective measures were largely unnecessary.

"The problem is not pesticides," said Kenneth Weinstein, who represents manufacturers of some of the 66 products. "There may in some instances be a contributing factor (to the frog's decline), but unfortunately it's civilization that's intruding."

He said the companies have studied their own products and found that most do not exceed toxic levels that the EPA has determined to be harmful to frogs. Weinstein also cited a September 2002 letter from the California Department of Pesticide Regulation that found only that there was "increasing, but not conclusive, evidence" of a link between pesticide use in the San Joaquin Valley and the decline of amphibians in the Sierra.