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Nonprofit threatens to sue EPA over pesticides

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A national nonprofit dedicated to protecting endangered species has threatened to sue the U.S. Environmental Protection Agency over what it says is a lax approach to regulating use of pesticides that may be jeopardizing several Bay Area wildlife populations.

The Center for Biological Diversity, which has an office in San Francisco, announced Tuesday that it has informed the EPA of its intent to file a lawsuit.

Center spokesman Jeff Miller alleges that the agency has failed to comply with certain requirements of the Endangered Species Act, including that it consult with the U.S. Fish and Wildlife Service whenever a pesticide that could affect endangered species is up for registration or re-registration.

The nonprofit contends the agency, under the Bush Administration, failed to take into account all possible impacts on Bay Area endan-

gered species when it authorized the use of at least 60 toxic pesticides.

"As it stands, the EPA just carte blanche registers these pesticides and never takes a hard look at what the impacts are on species," Miller said.

Dave Ryan, press officer for the EPA headquarters in Washington, D.C., said Tuesday that the agency had just received the notice and was not yet ready to respond.

"We haven't had a chance to review their materials, so any comments now would be speculative," Ryan said.

The lawsuit would seek temporary restrictions on the use of pesticides that may be negatively impacting 11 local endangered species until the effect of those pesticides has been studied more thoroughly.

One of the worst pesticides in question, Miller said, is atrazine, used in both agricultural settings and households. Like many other pesticides, he said, atrazine seeps into the ground and ends up in creeks

and eventually San Francisco Bay.

Such chemicals pose substantial hazards to already struggling wildlife populations, he said.

In San Mateo County, the San Francisco garter snake is one of the species at risk, Miller said. In both San Mateo and Santa Clara counties, the Bay checkerspot butterfly may be harmed by pesticides, he said.

In Alameda County, the center's list of vulnerable species includes the California tiger salamander (also found in Santa Clara County) and the Alameda whipsnake.

All three counties are home to the salt marsh harvest mouse and the California clapper rail, also endangered.

"These are all incredibly vulnerable species," Miller said. "None of these are species we should allow poisons to be getting into their habitat."

The EPA has 60 days to respond to the notice before the Center for Biological Diversity files suit in federal district court in San Francisco.

