

# San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Thursday, May 20, 2010

## Federal court restricts use of 75 pesticides

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A federal court this week restricted the use of 75 pesticides in eight Bay Area counties and ordered the Environmental Protection Agency to study the impacts the chemicals have on wildlife.

The injunction, issued Monday in U.S. District Court in San Francisco, was an effort to protect 11 endangered snakes, insects, birds, fish, mammals, crustaceans and amphibians that live in areas where spraying occurs.

"All of these species were chosen because there is evidence of potential harm," said Jeff Miller, a conservation advocate for the Center for Biological Diversity, which sued the EPA in 2007. "These pesticide use restrictions will protect some of the Bay Area's most vulnerable wildlife."

The order, part of a settlement agreement, prevents registered pesticide applicators, including municipalities, farmers and wineries, from using the 75 pesticides for five years in areas where the listed species reside.

It does not restrict individuals from using the pesticides on their gardens or around their homes. Instead, it requires the EPA to mandate that warnings be placed on all products that contain the chemicals advising people that the pesticide can be harmful to wildlife.

EPA administrators in San Francisco referred inquiries Wednesday to their

Washington office, where officials could not be reached for comment.

Miller said the lawsuit was filed because EPA officials consistently ignored their obligation under the Endangered Species Act to consult with the U.S. Fish and Wildlife Service to determine whether pesticides being considered for registration harm listed species or their habitat.

"They just don't do those consultations," Miller said. "That has been their M.O. They register pesticides and just blow off that requirement."

The injunction set a deadline of Sept. 30, 2014, for the EPA to determine how the pesticides affect wildlife and to develop permanent regulations in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma counties.

Sonoma and Napa counties showed the highest use of pesticides, according to

a report by the center. San Francisco had the lowest pesticide use and was not included in the injunction.

An estimated 10 million pounds of pesticides are used in the Bay Area annually. Environmentalists say pesticide pollution has contributed to the collapse of fish populations, including the delta smelt, longfin smelt and chinook salmon.

The ruling protects the Alameda whipsnake, bay checkerspot butterfly, California clapper rail, California freshwater shrimp, California tiger salamander, delta smelt, salt marsh harvest mouse, San Francisco garter snake, San Joaquin kit fox, tidewater goby and valley elderberry longhorn beetle.

A similar settlement in 2006 prohibited use of 66 pesticides near California red-legged frog habitat.

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San Francisco garter snake, a protected species (Amy Frankel / San Francisco Zoo).