

Courthouse News Service

Red-Legged Frog's Friends Settle Claims Over Poison

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SAN FRANCISCO (CN) - Environmentalists and the U.S. government agreed to end - for now - a years-long stalemate over pesticides that poison the California red-legged frog.

In 2011, the Center for Biological Diversity claimed that the U.S. Fish and Wildlife Service and the Environmental Protection Agency blew off their non-discretionary duty - and a court order - to protect the threatened California red-legged frog from pesticide poisoning. FWS listed the frog as threatened and put it on the Endangered Species in 1996.

The environmentalist group said the two agencies failed to complete consultation proceedings on a list of 64

pesticides the EPA determined might cause harm to wildlife. The interagency consultation was required under terms of a 2005 ruling for the group, where the court found that the EPA failed to consult with FWS about use of harmful pesticides.

Between 2007 and 2009 the EPA requested formal consultation from FWS on the 64 pesticides it had determined might pose a risk to the California red-legged frog. In 2009, Fish and Wildlife refused to consult on 41 of the poisons, including diazinon, malathion and glyphosate, the active ingredient in the Monsanto herbicide Roundup.

The Center for Biological Diversity claimed that the agencies have failed to complete consultation on the other 23 pesticides as well.

After three years of litigation, however, the environmentalists and the agencies settled Tuesday for an official consultation on the effects of just seven of the original 64 pesticides - glyphosate, malathion, simazine, pendimethalin, permethrin, methomyl and myclobutanil.

The agencies have one year to complete their consultation for two of the pesticides, presumably the two most controversial - glyphosate and malathion. All seven must be examined within two years, according to the settlement signed by U.S. District Judge Jeffrey White.

Additionally, Fish and Wildlife must set up a dedicated webpage summarizing the settlement, reminding consumers that pesticide use restrictions remain in effect, and acknowledging that the EPA has found that 62 of the poisons “may affect” and are “likely to adversely affect” the California red-legged frog.

Fish and Wildlife has also agreed to display a map of California highlighting where the frog lives and, subsequently, where pesticide restrictions remain in effect on the webpage.

The agreement also fast-tracks the resolution of potential disputes, and stipulates that the parties will discuss attorneys' fees for the Center for Biological Diversity.

For their part, the environmentalists agreed to wait two years before suing the agencies over the remaining 57 pesticides.

"We're hopeful the analysis required by this agreement will stop the use of harmful pesticide in the red-legged frog's most vulnerable habitats and open the door to its recovery," Center for Biological Diversity Justin Augustine said. "It's long overdue."

Augustine added that Californians use more than 200 million pounds of pesticides each year, and frogs take the brunt of the poisoning.

"Because they're so sensitive to chemical contaminants, frogs are an important barometer of the health of our ecosystems," Augustine said. "Pesticides found in red-legged frog habitat can also contaminate our drinking water, food, homes and schools, posing a disturbing health risk."

The California red-legged frog - made famous in Mark Twain's "The Celebrated Jumping Frog of Calaveras County" - once freely roamed the state in great numbers. Today, their numbers have declined 90 percent and the species is no longer found in 70 percent of its former range.

The most severe declines have been observed in the Sierra Nevada mountain range, east of California's highly agricultural - and pesticide-laden - Central Valley.