

Patricia D. Hastings

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Sent: Friday, January 30, 2004 5:19 PM
Subject: Pesticide-free buffers near streams and rivers home to any of the 26 endangered or threatened species of salmon or steelhead

Courtesy of Bob Belding. Note that the buffers are in place until the EPA finalizes a plan to protect the fish.

Sent: Friday, January 30, 2004 10:36 AM
Subject: Limits imposed on pesticides (affects PNW fruit growers)

Jan. 23 - The use of pesticides near salmon-bearing rivers and streams in the Northwest was banned yesterday by a federal judge, who also required retail stores in urban areas to post warnings about the most commonly used and potentially dangerous chemicals.

The ruling, which covers Washington, Oregon and California, was hailed by environmentalists, who cited research showing that pesticides are washing into streams and that even low levels can harm protected salmon runs.

"This is truly a landmark decision that is a huge step forward to getting the most dangerous pesticides out of our streams so salmon can have clean water to thrive in," said Erika Schreder, staff scientist with the Washington Toxics Coalition.

The coalition and other environmental groups said the Seattle judge's decision sets a precedent for how the Environmental Protection Agency protects endangered species from pesticides.

Pesticide makers and farmers, however, said the fallout could be dire.

"It will ... impact any farmer who has water on his property and could have a devastating economic impact on agriculture," said Dean Boyer, spokesman for the Washington Farm Bureau.

U.S. District Judge John Coughenour ordered the EPA to create pesticide-free buffers around streams and rivers that are home to any of the region's 26 species of threatened or endangered salmon and steelhead. The order will remain in place until the agency adopts permanent rules to protect fish.

In two weeks, it will be illegal to spray pesticides -- ranging from industrial products to household weed killers -- within 20 yards of the waterways, which include many major Western Washington rivers and creeks.

For aerial applications, the buffer expands to 100 yards. **The ban applies to 38 pesticides. The suit addressed only these three states because less scientific data was available elsewhere.**

The buffers will do little to curb the flow of pesticides in urban areas where concrete and other impervious surfaces dominate the landscape, environmentalists argued.

That's why the judge ordered pesticide producers to post notices in stores near urban salmon streams, warning consumers that the products pose a threat to fish. The warnings focus on seven pesticides commonly found in urban waterways: carbaryl, 2,4-D, diazinon, diuron, malathion, triclopyr BEE and trifluralin.

The EPA and Justice Department yesterday declined to comment on the ruling.

In Washington, the effect is expected to be greatest for growers of tree fruits, such as apples, pears and cherries, farming groups said.

"There are areas where a 300-foot buffer is going to take out orchards," said Heather Hansen, director of Washington Friends of Farms and Forests, which represents pesticide applicators and farmers. "People are going to be out of business. If you can't protect the fruit from insects, you cannot ship it."

An EPA study in December 2002 found the buffers would have "minimal economic impact to growers," because many fields are farther than that from salmon streams. The study determined that California rice growers stood to suffer the worst loss -- about \$3.5 million -- because they rely on aerial spraying.

In all, the study estimated that the buffers would trigger crop losses in the three states totaling about \$4.8 million.

Environmentalists and fishing groups sued the EPA over its pesticide regulations three years ago. In July 2002, Coughenour ordered the agency to consult with the National Marine Fisheries Service, which oversees salmon recovery, on the effects of 54 pesticides suspected of harming fish. Last summer, he ordered the creation of buffers. The ruling yesterday marks their official adoption.

Besides the toxics coalition, the groups that sued the EPA are the Northwest Coalition for Alternatives to Pesticides, Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources.

Salmon are struggling to survive in some Puget Sound-area waterways. In recent years, volunteers and researchers have been patrolling local creeks, finding numerous salmon dying -- while still full of eggs and sperm. Pesticides are among the pollutants scientists believe might be prematurely killing the fish.

And the concern isn't just for pesticide exposures that are lethal outright.

Internationally, scientists have found that certain pesticides at non-lethal levels can still disrupt basic functions in fish by deadening their ability to smell. In salmon, that sense is key to basic functions, such as avoiding predators, hunting prey, finding their birth streams and triggering spawning.

In the Seattle area, federal researchers have measured pesticides in suburban streams at levels that can harm aquatic life. Twenty-five different pesticides and related compounds were found in samples collected in 2000. The water was most often toxic after rainstorms, leading researchers to suspect that the chemicals were washing off yards and landscaping.

Of the 54 pesticides the EPA is reviewing, 34 compounds have been screened. Half were found to "possibly or likely harm" one or more of the listed salmon species. The research looks at any potential harm to all of the more than two dozen protected fish. It examines effects on all of the salmon's life stages, plus insects, plants and other fish.

These results are then shared with NMFS. The agencies then decide what protections are needed for the fish.

The buffers and warnings are temporary measures intended to protect salmon while the consultations are done. Screening of the remaining compounds should be completed by the end of this year, said EPA's Arty Williams, chief of the environmental field branch in Washington, D.C.

The restrictions would be dropped for pesticides deemed safe.

The agency also plans to do an even broader review, examining the effects of hundreds of pesticides on all endangered species, Williams said.

All of this could take years, said Patti Goldman, an Earthjustice attorney who represented the plaintiffs. And that's why the ruling is so significant.

"It puts protections in place now," she said, "instead of waiting for decades."

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