

MEETING SUMMARY
PEST MANAGEMENT ADVISORY COMMITTEE
March 25, 2004

The forty-sixth meeting of the Pest Management Advisory Committee (PMAC) was held on Thursday, March 25, 2004, at the Department of Pesticide Regulation, 1001 I Street, First Floor Training Rooms 1 and 2, Sacramento, California, 95814.

MEMBERS/ALTERNATES PRESENT (Based on Sign-In Sheets):

Paul E Helliker, Director - Dept. of Pesticide Regulation
Paul Gosselin, Chief Deputy Director - Dept. of Pesticide Regulation
Jennifer Ryder Fox for Mark Shelton - California State Polytechnic University, San Luis Obispo
Maxwell Norton - UC Cooperative Extension Merced County
Barbara Todd for Steve Shaffer - California Department of Food and Agriculture
Karen Heisler - U. S. Environmental Protection Agency (EPA), Region 9
Rebecca Sisco, UC Davis - Western Region IR-4 Program
Mark Tognazzini - California Agricultural Commissioners and Sealers Association
Rick Roush, UC- Statewide IPM Program
Barry Wilson, UC Davis - Dept. of Environmental Toxicology
Mark Cady - Community Alliance for Family Farmers
Rick Melnicoe, UC Davis - Director, Dept. of Environmental Toxicology
Robert Ehn - California Plant Health Association
Laurie Nelson - Consumer Specialty Products Association
Robert Curtis - California League of Food Processors
Cynthia Cory - California Farm Bureau Federation
Anne Katten - California Rural Legal Assistance Foundation
Shirley Batchman for Joel Nelsen - California Citrus Mutual
Pete Price - Price Consulting
William Thomas - Livingston & Mattesich
Christine Bruhn, UC Davis - Director, Center for Consumer Research
Cliff Ohmart - Lodi Woodbridge Wine Grape Commission
Dawit Zeleke - Nature Conservancy Program for Strategic Pest Management

ABSENT MEMBERS (Based on Sign-In Sheets):

Robert Bugg, UC Davis - SAREP
Terri Olle, Californians For Pesticide Reform
Robert Baker, Pest Control Operators of California

INTERESTED PARTIES PRESENT (Based on Sign-In Sheets):

Carolyn Bricky, Protected Harvest
Andrea Caroe, Protected Harvest
Claudia Reid, UC
John Pearson, CSI

DPR Staff:
Veda Federighi
Chris Reardon
Glenn Brank

Jared Saylor, Inside CalEPA
Artie Lawyer, TSG
Pam Marrone, AgraQuest

Bob Elliott
Jay Schreider
Randy Segawa
Sandy Ratliff
Ann Prichard

AGENDA ITEMS

1. INTRODUCTION OF NEW MEMBERS AND OTHERS IN ATTENDANCE AND AMENDMENT TO MEETING SUMMARY/AGENDA.

Paul Helliker (Paul) opened the meeting with introductions. The committee expressed an interest in discussing or getting an update on the State Implementation Plan, Discharge Waiver, and Metam Sodium. If time permits, Paul will provide a brief update on the items.

2. ENVIRONMENTAL JUSTICE POLICY

Helliker introduced the topic of environmental justice, and provided a brief background on environmental justice in California. The history, background, and comprehensive report by the Advisory Committee on Environmental Justice to Cal/EPA is on Cal/EPA's web site: <http://www.calepa.ca.gov/EnvJustice/Committee/>.

Environmental Justice Definition: "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (California Government Code Section 65040.12)

Draft Document Highlights...

BACKGROUND:

California Environmental Protection Agency Mandates

California law mandates broad responsibilities for California Environmental Protection Agency (Cal/EPA) and its boards, departments, and offices (BDOs) to incorporate environmental justice goals into their policies and programs. The law requires the formation of an interagency working group made up of the Cal/EPA Secretary, BDO chiefs, and the director of the State Office of Planning and Research (OPR). It also mandates formation of an external advisory group to the working group. These groups are to assist Cal/EPA in developing an agencywide environmental justice strategy and to provide procedural recommendations to ensure meaningful public participation in Cal/EPA activities.

Cal/EPA is specifically required by statute to do the following:

1. Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations of the state.

2. Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations in the state.
3. Ensure greater public participation in the Agency's development, adoption, and implementation of environmental regulations and policies.
4. Improve research and data collection for programs within the agency relating to the health and environment of people of all races, cultures, and income levels, including minority and low-income populations of the state.
5. Coordinate efforts and share information with the U.S. Environmental Protection Agency.
6. Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the Agency.
7. Consult with and review any information received from the working group on environmental justice established to assist Cal/EPA in developing an agency-wide strategy that meets the above requirements.

Development of the Cal/EPA Environmental Justice Strategy must include the following activities, as required by Public Resources Code Section 71113:

1. Examine existing data and studies on environmental justice and consult with state, federal, and local agencies, and affected communities.
2. Identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
3. Develop procedures for the coordination and implementation of intra-agency environmental justice strategies.
4. Collect, maintain, analyze, and coordinate information relating to environmental justice.
5. Develop procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. Develop guidance for determining when it is appropriate for Cal/EPA or its BDOs to translate crucial public documents, notices, and hearings relating to human health or the environment for limited English-speaking populations.
6. Make a draft available to the public and hold public meetings to receive and respond to public comment before finalizing the strategy.

DPR Implementation

This is an implementation plan for incorporating environmental justice principles into Department of Pesticide Regulation (DPR) programs, policies, and activities. DPR's environmental justice policy follows Cal/EPA's Environmental Justice Strategy.

We restate that environmental justice is the *fair treatment* and *meaningful involvement* of all people regardless of race, culture, and income with respect to the development, implementation, and enforcement of DPR regulations and policies. *Fair treatment* means that no one group of people, regardless of race, culture, or socioeconomic status, should bear a disproportionate share of negative health or environmental consequences resulting from pesticide use, or the execution of DPR programs and policies. *Meaningful involvement* means that: (1) potentially affected persons have an appropriate opportunity to participate in decisions that affect their environment and/or health; (2) the public's contribution can influence DPR's decision; (3) the concerns of all participants involved will be considered in

the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected.

DPR Environmental Justice Plan Elements

Goal 1: DPR will provide and promote opportunities for communities and the public to be meaningfully involved in environmental decision making.

- Outreach and Involvement
- Hiring and Training

Goal 2: DPR will integrate environmental justice values and perspectives into the development, adoption, implementation, and enforcement of pesticide laws, regulations, and policies.

- Program Development and Implementation
- Program Enforcement.

Goal 3: DPR will assess the health and environmental risk of pesticides in a way that acknowledges any potential disproportionate impacts on communities of color and low-income populations.

- Assessing Risk

Goal 4: DPR will continue to reduce pesticide risks to all Californians, with particular focus on workers and children.

- Reducing Risk
- Enhancing Worker Protection
- Protecting Children

End of Draft Document Highlights

Discussion:

- DPR's draft implementation plan is a working document that included last year's comments, and it is available online. Also available online is an environmental assessment survey that people can use to send in their comments and input.
- DPR plans to invite the impacted communities and stakeholders for a more focused dialogue and get feedback from them, hopefully on the scope of environmental justices – what does the committee think DPR should do, what elements not in the document should be in there, what are foreseeable changes in the way of doing this, and what suggestions on where DPR should be going.
- Comments are still accepted and will continue to be accepted anywhere in the development phase of the document.
- The document is anticipated to be finalized in July – midsummer.
- Cal/EPA has a strategic environmental justice that is seeking to finalize about the same time (July – midsummer).
- Secretary Terry Tamminen is very committed and has asked an internal advisory committee for recommendations on things that we can do. Secretary Tamminen wants us to take two or three things that we have the resources for and the ability to do, so we start on right now and move forward more. Secretary Tamminen will be announcing the first three he has selected, and we'll do the same thing on our end.

Does DPR have enough exposure data.

- DPR does the best job than any regulating agency in taking a cautious approach in not allowing products in the market place that will have a negative impact on a healthy environment. DPR evaluates toxicology of different compounds before they are released to the environment as a cautionary approach. When it comes to debating what type of environmental data DPR uses and how it is used, DPR will continue to have these types of discussions with PMAC and all the other constituents.

What is the next step?

- Our next step is to be clearer on what we are going to do with relations to the counties on our expectations about how to incorporate environmental justice through their programs, that we are responsible for overseeing it.

What is the structure? How do you plan to measure these goals?

- Outreach/Involvement – This is the structure of plan; having this meeting today and meeting with groups throughout California and collaborating with other BDOs who are in different stages of development of their own plans, and having discussions about them with their stakeholders.

What is the thinking behind the coordination with other BDOs?

- The BDOs are trying to achieve a better job of identifying where there might be discrepancies in impacts of pesticide use in California and how to react/respond to that in order to eliminate the disjointed impact. In addition, all BDOs are trying to assess the Advisory Committee recommendations and how those impact their programs.

Has there been a research done to identify how big this issue is and what the real issue is?

- The Legislative mandated advisory committee recommendations & document is on the Cal/EPA website. It gives a good background on what the Legislature went through to establish this program and what the needs are that the legislation was trying to address. Specific issues are what we're trying to rectify with this (draft policy document).

Does the plan also apply for the opposite direction? Are there plans to reach the ethnic groups about the chemicals that they use?

- Yes, part of the process is making sure we are able to reach out to all the groups in California that may be affected by pesticide use whether its their own use, or use by others. Whether you are talking about legal or illegal use of pesticides, we do address surveillance and inspections on farms.

3. RISK ASSESSMENT PRIORITIZATION PROCESS

Jay Schreider gave an overview of the proposed Risk Assessment Prioritization Initiation Process. The goal for Jay's presentation is to inform the committee how DPR prioritizes active ingredients for the initiation of risk assessments and to discuss changes it is contemplating to implement.

The issue that has been with DPR since even before Cal/EPA was born: How do we select active ingredients for the initiation of risk assessments? Do we make those selections in a logical and straightforward manner? One of the things that became clearer to DPR since last year was that DPR has a lot of pieces in place for the selection and initiation, but they were not in a clearly defined process that makes sense to the public and other stakeholders. What we have tried to accomplish with the Risk Assessment Prioritization and Initiation Process document was to more clearly and logically organize and describe the process.

Jay presented the step-by-step process in PowerPoint. The prioritization process is posted online at our web site: http://www.cdpr.ca.gov/docs/prec/RISK_Process.PDF.

4. CALIFORNIA PERFORMANCE REVIEW/PROPOSED REGISTRATION PROCESS CHANGES

Paul Helliker gave an overview of the California Performance Review (CPR). CPR focuses on four topics: (1) Reorganization of state boards, commissions (and potentially agencies and departments), (2) Procurement reform, (3) Performance-based budgeting, and (4) Program activity improvements. More information on CPR is available on the CPR web site: <http://cpr.ca.gov/>.

The ultimate goal of the California Performance Review is to restructure, reorganize and reform state government to make it more responsive to the needs of its citizens and business community.

Reorganization of State Boards – The California Performance Review will consolidate common functions and responsibilities in single departments, ensure departments with analogous subject matter responsibilities are grouped together for efficient and effective leadership by cabinet secretaries, eliminate and or restructure many boards and commissions, reduce the total number of departments and Agencies to facilitate more transparent and effective governance. Additionally, the Review will eliminate or modify control processes so that they facilitate, rather than strangle, innovation and improvements.

In Performance-Based Budgeting, the various activities of a program are actually “costed out” and those costs are then linked to the actual services provided and results achieved. This approach to budgeting brings sunshine to the true costs and benefits of a program which is the first step in conducting both a cost-benefit analysis of a program and a comparison of program performance in California to program performance elsewhere. It transforms the budget process into a genuine management tool.

Improved Services and Productivity

California must pursue a customer-focused transformation in government operations to provide timely, convenient, responsive and cost-effective services, benefits and information to the public.

- Improved Program Activities. How do we do a better job of doing what we do? Do we need to do the things we do? And how can we do them better and differently? That's the one that we've been going through since the department was created. There was the Challenge & Change report (1991) and the Western Crop Protection Association (1995). New Point (2001) came and analyzed our five principal business processes in the context of looking at how we can improve these so that we can do business on the Internet. We had AB 780 report (2003) where a number of you were actually involved in reviewing the Department's operations and making recommendations to the Legislature about what funding that program should be. And now we have yet another opportunity with CPR to analyze what we do and find ways we can do them better.
- We want to exhilarate the process, and we have put out an additional document called the "Registration Reform Initiative" which builds around some of the work we have done in all those reports that I mentioned just now. We also want to make some policy regulation changes to the registration program that would potentially legislate that we would exhilarate the process of making decisions on the registration data in California

Pesticide Product Registration Reform Initiative

DRAFT

August 2, 2004

Goals of the Registration Reform Initiative:

- Shorten the timeframe for registration decisions
- Eliminate unnecessary workload and costs for registrants and DPR
- Expedite the introduction of lower-risk pesticides
- Eliminate activities unrelated to protection of public health and the environment

Results of the Registration Reform Initiative

The pesticide product registration process in California has served both the people in the state and those who rely on pesticides to assure products sold are effective and would not pose an unacceptable risk. Some of the processes put in place were to address topics that were neglected by U.S. EPA. Over the past decade, many positive changes have occurred at U.S. EPA that will allow DPR to revisit how it conducts the registration evaluation process, with a goal of ensuring timely decisions while enhancing protection of people and the environment.

As DPR implements changes in its business processes, department staff will be freed up to reduce the backlog in registration decisions and improve the overall timeliness of

registration reviews. DPR also expects to expand its work sharing activities with U.S. EPA. DPR has had tremendous success in sharing review work with U.S. EPA on a select number of new active ingredients and evaluating residues for IR-4 projects. These areas of cooperation could be expanded to work sharing opportunities in the biopesticides and antimicrobial categories.

Reforms Actions Taken

Accept U.S. EPA Reviews – DPR has clarified its policy of accepting U.S. EPA data evaluation reports. Under the new policy, registrants would need to include with their data submission a copy of the U.S. EPA written evaluation of that study. DPR will then review the U.S. EPA evaluation and only refer to the underlying data on an as-needed basis. This policy would result in a reduction in evaluation time since less time is needed to review U.S. EPA's evaluation than the entire study. Unfortunately, only some registration requests will benefit from this policy because U.S. EPA reviews data for a portion of the products submitted for registration.

California Conditions – DPR established a policy of requiring that environmental fate dissipation studies be conducted in California or under California-like conditions. In most instances, the same studies that the registrant submits to U.S. EPA will fulfill California requirements. As background, the statute governing this requirement comes from Food and Agricultural Code section 13143, which mandates that registrants conduct field dissipation studies under California or similar use conditions. When the statute was enacted, U.S. EPA did not have specific environmental fate data that would meet California standards. Previously, DPR has required that one of the two studies submitted be conducted in California. Fortunately, DPR's experience with the types of data required by U.S. EPA and generated by the registrants allows it to adjust its policy, but still be consistent with the statute. The new policy requires that only that the environmental fate studies be conducted either in California or under California-like conditions. Unless the studies are conducted under conditions categorically unrelated to California conditions, DPR would require the additional data under existing authority. The change in policy will not affect the scientific determination of whether or not an active ingredient will pose a risk to groundwater. However, registrants will no longer be required to conduct additional and unnecessary studies.

Residue Data – For decades, the review of residue data reflective of California uses was a key element of the pesticide registration program. The residue review involves determining whether the labeled uses of a specific pesticide on a specific crop will result in residues at the time of harvest above the established tolerance or health standard. The effort in California was particularly critical at a time when the tolerances set by U.S. EPA were not based on acceptable risks and the states had the authority to set tolerances. Today both situations have changed. Since passage of the Food Quality Protection Act (FQPA), U.S. EPA has set tolerances specifically to ensure that the uses pose a reasonable risk of no harm. Additionally, federal statutes have preempted states from establishing tolerance. What has not changed is that DPR and U.S. EPA both continue to conduct reviews of pesticide residue

data. The methodology of reviewing residue data is generally similar between U.S. EPA and California. DPR proposes to no longer require the submission of residue data.

Registration Status e-Notification Pilot Project – DPR has conducted a pilot project that provides electronic updates to registrants on the status of their registration requests. DPR will launch a full-scale implementation of this system, which will result in better and more timely information to registrants and a reduction in the time DPR staff spend answering queries from registrants. The information provided by this system will allow the registrants to resolve registration review issues expeditiously and better gauge when their products will be available for the California marketplace.

Accelerate Review of Products Certified for Organic Production - Since the passage of the National Organic Standard, efforts have been put in place to foster the growing organic production sector. DPR is looking at ways to remove barriers, if present, to the registration of pesticide products acceptable to California organic industry. DPR hopes to broaden its ability to accept pesticide product applications concurrently with U.S. EPA. DPR currently accepts four categories of pesticides for concurrent review, and will add to this list new pesticide products containing new and currently registered active ingredients that are certified for use in organic farming.

Proposed Reform Topics

Conform California Data Ownership Laws (Letters of Authorization) with the Federal System - Federal statute provides a 15-year window of protection to registrants for data they generate to support a proposal to EPA to register a pesticide. If another registrant wants to use this data for their submission, they are required to offer to compensate the data owner. California statute requires that, even after the 15-year window of federal protection has expired, registrants must submit a letter of authorization to use data generated by another registrant. This proposal would rescind California law (Food and Agriculture Code 12811.5) and the regulation covering letters of authorization (CCR 6170 (c)). Eliminating this additional authorization would allow DPR to use any data on file and would accelerate our decision-making process on registration requests. This proposal would require a change in California statute.

Efficacy Reviews – Pesticide regulatory programs at the state and federal level were designed to ensure that products are effective, although EPA does not require the submission of most efficacy data. Over the years, the focus of the pesticide regulatory program has evolved to focus on protection of human health and the environment.

Efficacy data submission requirements in California exceed those of the federal government and any other state. The regulations (Section 6186 in Title 3 of the California Code of Regulations (CCR)) require each applicant for registration to submit data supporting each efficacy claim. DPR based this regulation on the Food and Agricultural Code (FAC) section 11501 that requires it to “assure users that pesticides are properly labeled and are appropriate for the use designated by the label.” FAC section 12824 requires DPR to endeavor to eliminate from use in California any pesticide not beneficial for the purposes for it is sold.

FAC section 12825 authorizes DPR to cancel the registration of any pesticide “that is of little or no value for the purpose for which it is intended.”

DPR proposes to amend the regulations regarding the review of efficacy data (CCR 6186), by making the data requirements consistent with U.S. EPA policies. DPR will only review efficacy data for public health pesticides (sanitizers, disinfectants, and sterilants). If a registrant submits an EPA review of efficacy data for these pesticides, DPR will review that evaluation and only refer to the efficacy data if there are any questions DPR has about the EPA evaluation. DPR would reserve the right to require efficacy data to be submitted upon request prior to or anytime after registration.

Enhancing Workshare Opportunities – In 2003, DPR ended its longstanding policy of accepting reduced risk pesticide products concurrently with U.S. EPA submissions. DPR limited concurrent reviews to biologicals, microbials, certain antimicrobials, federal experimental use permits and a limited number of pesticides products that were on U.S. EPA’s annual work plan. The new process allowed for greater work sharing opportunities with U.S. EPA. With the enactment of the 2004 federal appropriation act, the laws governing the pesticide product fees and the federal registration process will dramatically change. DPR intends to work closely with U.S. EPA as they redesign their pesticide registration process and find ways to create opportunities to share the registration workload and minimize the timeframe decisions on registration requests for California.

ACCOUNTABILITY

DPR will issue a biannual report beginning on January 1, 2005 on the status of the pesticide product registration reform initiatives, the performance of the registration process, current allocation of resources and any improvements resulting from the initiative.

REFERENCES

Challenge and Change (1991)
Western Crop Protection Association (1995)
New Point Report (2001)
AB780 Report (2003)

End of Draft Document

Discussion:

What is the timeframe for workshops on registration fees?

- We talked about having workshops on the Licensing fee and registration fees this Spring or sometime in late April or early May. A date will be announced for the workshop.

Performance Reviews

- We heard from the legislature and from members of the industry and different groups about ideas on how we can do things differently in California.

- We've heard today about why we have a registration program in California that looks a lot like EPA's, and what do we do to add to the process EPA does.
- We met with some of the registrants a couple of weeks ago on an early draft of this to get their thoughts about it. That is what this document represents.
- Today, we want to go through with you our initiative and get your thoughts about whether these are issues that you think we should pursue, other ones that we think should consider, and this again is focused on the registration program.
- We'd like to spend some time also on other parts of the program and how you might like to do a similar kind performance review for the rest of our department because even though CPR is doing things broadly, we take to heart that we don't necessarily have the best ideas on how to do things differently.
- (Referencing the document) We have some policy items that we want you to reshape or clarify. For example, accepting EPA data reviews. Is there a policy to do so, and we want to make sure that people understood that...it says whenever EPA is going to review registration information, DPR will use that review as a foundation for our registration action, and if we had additional review needs based upon the questions that come up as we look at the EPA documents, we will go back to the original registration information.
- Another approach that we have; to drop a data requirement that we had in the past on pesticide fate in California conditions where that information is good, and that are based on similar conditions, to be required to be done specifically in California.
- Residue data - we had done residue data review in the past partly because EPA hasn't done a real comprehensive job of that. It becomes questionable whether it makes sense for us to make residue data review since we are talking about dietary exposure, and that is not unique to California.

What is the status of data review and how it is done now?

- EPA sets tolerances. EPA is reviewing all pesticides in the marketplace, and have 2005-06 to complete their review.
- Registration status, a pilot project, is mostly a way to provide better information on a more timely basis to registrants about where things are in the process. We've done concurrent review in certain categories of products, and we propose adding on to those certified organic productions.
- Organic products were not specifically included among the four other categories.
- EPA doesn't certify materials that are true organic
- When an organic grower gets registration, they get organic production on the label, and they can then voluntarily decide to get certified. They actually do their certification when they get EPA registrations. So, just because a registrant says that it is certified, it doesn't mean that it's been approved or accepted by everybody.

Registration authorization – California has a different requirement from the federal requirements. Will this proposal change the requirements so that it can conform to the federal requirements?

- Our state is stronger and fair in this right down the line.
- Efficacy data reviews - "yes", with respect to this, there's 80 authorization conditions under FIFRA that specify a 15-year window

- California also has a letter of authorization requirement for data that does not have a time limit on it. This proposal will bring the time limit down in California to conform with the federal since there is no additional requirement of which will expedite the processing of the registration decisions in California. It doesn't really help with the safety issue.
- On efficacy data - EPA doesn't review efficacy data. DPR has been doing that. To eliminate that additional step, this is an opportunity for us to match our system up with EPA.
- Lastly, but not least, an opportunity where we can review part of the data packages, EPA can review part of the data packages; both come to a decision faster. Those are the categories in this document.

Your rating the efficacy data, accepting public health pesticide when it is the only group that is reviewed by FIFRA is (1), redundant and (2), by talking about what EPA does, are you insinuating by this that they are allowing this use of pesticides in California, that are being used in hospitals and places in other areas of the country that are not safe?

- The antimicrobial division in EPA reviews efficacy data
- They have a 90-day process that they have to meet. Whether their quality of peer review is exactly what we do is a good question, but they do review that data.

In trying to be consistent with EPA; if they don't ask for it, then you don't ask for it, either?

- The California Statutes specifies that if there is an EPA review, and the registrant submits that review, then we will use that review to make a decision in California. So, couple that with what we talked about in efficacy data, that other specification about accepting EPA review, so if we had EPA's review that is submitted by a registrant, then we don't have to look at the efficacy data. If they haven't reviewed it, then for antimicrobials or public health pesticides, I think that is the category that we're talking about we'll continue to review.

As you look at really tight fiscal constraints and redundancies, is there a public health problem in other States that we're finding that EPA is not adequately reviewing for?

- The distinction is... specific products are about controlling specific viruses of communicable diseases. In different health care settings, that is a different standard than the general public. We found through some of the review claims on labels that there were no supporting data. And those that come to EPA, we found some things that weren't found by EPA, and what we're proposing that out of all the efficacy review here to look at, this is a distinction of importance. And again, its not general antimicrobial disinfectant claims; we're dealing with hepatitis, or HIV claims in that.
- We found that there have been some labels that come in without data supporting those claims, and the company had to remove them because they didn't have the data to support

That's important and the standard should be, but it should be nation wide. It's unimaginable that other States are allowing the use of these products after an EPA review.

- It makes sense, but until that time, it is incumbent upon us to make sure that we review those products that make those claims. We would that if EPA will review those, and we can rely on them for the review, then we don't have to do it.

On the efficacy part of the evaluation, the thing that strikes me about not eliminating the only one that's actually done by the EPA is most striking, and particularly since it's the only one that the California Legislature has given any guidance to this Department on. Several years ago, they put up legislation to weigh the specific efficacy data – given a process. I heard these stories over the years about findings of mistakes on the labels. It would be nice to move beyond that and show us what those differences are. Are we really talking about hepatitis concerns or we're talking about a font size. It's time to move on because if we're going to waive all the efficacy data and only evaluate the data that is already done, and the only thing that EPA does, than I would argue that they do it pretty well because they take it seriously, too. Health claims is serious business. Can we move the process forward to really look at whether the comments about the quality and the need for the efficacy is there?

- These are just ideas, and you're suggesting that we waive efficacy for all products. We can certainly pursue that, but we have to do a regulation change, and we have to start now with a proposal.

On not public health, but regular pesticides, even though you don't have to turn them into the EPA, isn't the system that you are supposed to prove it up if they have reason to ask for it. That still is in authority or policy that the department maintains. If you thought you had a problem out there, you still maintain authority to call that if you have reasons.

What their text (document) says here is, DPR will review that evaluation (reference to EPA review of efficacy data), only if there are specific questions that come up during the evaluation. DPR is just reviewing the same EPA data, and if questions pop up, then they got to ask further questions.

- Right.

What is the projected cost savings of the registration process...streamlining the process...all of these.

- We don't have a specific number; we do know the number of staff that we use in this type of activities. The goal is to reduce the time between the private company and the marketplace. Our goal will be shifting staff around including some of the other areas that will do more work such as the work sharing activities of EPA of picking work up. So, a lot of the staffing and program we have will be shifting some of the work around to get, ultimately, the benefit for citrus or the commodity in getting prior to the reviews are going to go through the process faster and the timeframe are going to be reduced.
- The choice is; there are people who are associated with these activities. So, if we chose to eliminate these activities, we can either lay them off and reduce our staff here, and keep our turn-around time the way it is which people don't like, or we can use them to exhilarate the process for the rest of the program that we do. And, we haven't come to a conclusion on which way to go. Our understanding was that people wanted us to move the process and expedite the decisions. That was the

primary goal. The secondary goal or an alternative goal is to reduce cost, and we can certainly take that approach.

- The last item on this sheet, was some accountability report on how the reform actually works; how the time frames got different; registration actions receding and some work load standards over the year to see did any of these reforms that do go into place, would that be where the problem is. ...and then only at that point, if folks feel that there is a need that the program is bigger than what it should be or the time frames and are things that aren't working....we need to do more of that, that would be the basis to build upon the fact about what the workload is and what the performance is over there. So, a contract that was what we did in 96, when there were some speculation about what the forms was going to take on, including efficacy reviews which never happened. And also 2021 review, and it would have taken a law to change and we advanced budget cuts and program cuts ahead of any reforms that never happened out of speculation, and then 3 years later we had to go back and restore those positions because the reforms never happened, and they were based upon speculation. That is what we don't want to get into, so we built in accountability at the end on an ongoing basis, to report out how the programs are operating and whether people are comfortable on how we are producing and getting products through the system and whether justice needs to be done, based upon fact.

I'm pleased to say that DPR approves the product about a year before the federal EPA, so is there any chance that you can get EPA to accept your reviews?

- One thing under the very last item is extra work opportunities you may be familiar with is the fact that there is a new federal statute which specifies a fee for service concept for EPA. We talked to Jim Jones, head of the pesticide programs office, about providing them that review service under contract, so we're in the middle of discussing that with him. They have specific timelines that are in their regulation based on statutes, and their first comment was, if you can meet the timeline, then great.

For bio-pesticides, the timeline for new AI is 18 months, and you usually approve them in about a year.

- We would love to be able to provide EPA with that kind of service, and I think Jim Jones is open to that so we are in the process of trying to flush that out.

I think the public (it would provide new and influential information to the public) if they knew items were evaluated for efficacy. Both of the public health area and in the area of general pesticide use, and while you are discussing this possibility of having the possibility of having California do an evaluation, I suggest you might also explore the possibility of having a statement on the label indicating that this product, that the claim from this product have been verified by California or Federal EPA. The public doesn't see that now. They expect what they see on the label to be true but they are disappointed sometimes that it isn't, and they are very skeptical. So if there could be an extra statement, it could be a powerful piece.

- When we approached this subject with grower groups and registrants, a lot of them said that we like the fact that DPR does efficacy review, and we like the fact that we

know product is registered by EPA and that DPR has that kind of scrutiny. They generally want us to continue doing it. In essence, that is what California means to a lot of people that buy products in the market place. We've done this review and the data shows that it works.

(Comments were stated about adding statements on the label to indicate efficacy and safety if used by directions, however, that presented liability issues for DPR)

Under the California conditions part, how do conditions that are categorically unrelated to California conditions translate to "real similar to California" I'm very uncomfortable with the categorically unrelated because it seems like to get conditions dramatically different from California conditions.

- What we're trying to say is that if the data is submitted to DPR, and its under conditions that are similar to California, then we would consider that to be acceptable. Or if the issue that we are addressing really didn't have any meaning with respect to arid versus wet conditions, but if there were particular parameters that we were concerned about that we'd operate under both sets of conditions similar, then there's no reason to do an assessment under arid conditions. .

I think this is maybe the same general topic, on the actions that fall under the reform actions taken, what is going to be the process to flush them out and communicate these things? If all these things are going to be done without a rule change and anything formal, how are we going to communicate that, and get the process going? The details of a lot of these things under reform actions taken will be important to get out to the regulated community, and to make sure that any concerns are dealt with.

- There is a policy now that we just need to clarify, like accepting EPA review. We need to publicize that better. There are things that may need to have specific regulation like the residue data ...so, the category of "reform action taken" there are actually reform actions, some of which have been taken, and some of which we proposed, and the ones we are proposing, we're going through the process of discussing with you today, and then getting your comments back and having further dialogue talking about all of these items in additional meetings in the future.

When do you think you will have them ready? Done?

- For these policy changes, I think we will prepare a policy to change these statement and circulate them around and, if we need to make some changes, we can. The regulations were changes for efficacy review, for example, will be prepared and it may take some time to get that together. One thing that will require statutory change is the letter of authorization. In our discussions a couple of weeks ago, it became clear that there is litigation on that going on right now, and before we proceed with proposed legislation, we might want to wait until that litigation is resolved. And we do have a decision that was just reached from the State judge, and there's still a pending decision from the federal judge. So at that point in time, we will reconvene and talk about moving the bill.

Does that mean DPR does or does not have an approved position from the Administration on this?

- No, we don't. We did propose a concept, but then that was changed into the California Performance Review and they're doing some reviews which is similar to what we're doing here, but I think our recommendations at this point is we wait until the problem with the litigation is resolved. We're still waiting for a couple of months now. The federal judge has taken all the arguments and hasn't made his decision. So, as soon as we get that we'll circulate that. The state court stated their decision, and unfortunately its not a very clear decision, so, that may need some further clarification with an additional level of review.

Point of clarification, within this process, does the Governor's CPR group have a copy of this document as a spot holder?

- They have it, and I've briefed them on it, and we still have to go through some steps to come up with an issue paper on it. As soon as I find out what they have done with it, I'll let you know. The performance review is not going to result in some secret changes without having an opportunity for people to take a look at those. The Legislation debate them, I think what they're doing now is trying to winnow down the suggestions, the ones that the Governor and executive committee came up with the performance review to think of the best ideas to propose publicly, and then there will be a public process to review them. So, please provide us with your public comments.

Are the CPR changes are going to be incorporated as part of the governmental reorganization plan?

- No, because the governor's reorganization plan is not amenable. The Government Code is very clear that a government reorganization plan can only, essentially move boxes around. You can't do anything to change the fundamental structure; that has to be done through a separate Legislation.
- Please give us your ideas and comments, and we'll have further discussions with communities, individuals about this. We didn't talk about the other pertinent areas like the License program. We'll have further discussions individually if preferred about this and other program areas. Risk assessment is an area for further recommendations so anything and everything that we do, please let us know what you think about what we can do differently.

UPDATES:

- On the State Implementation Plan (SIP), we have prepared a draft document. In 1994 there is a state implementation plan that was developed and adopted for all of the non-attainment areas in California, and that included the pesticide consortium. There were certain obligations that we agreed to having to do with the attainment dates and in the central valley. There's a 12% reduction specified for a pesticide emission for the San Joaquin Valley. And for the purposes of our information, we got that requirement in 1999. Now, that is at this point being amended by an additional state implementation plan because the central valley is now being tended for 2010 for their attainment plan. We're in the process of working with the Air Board to define additional reduction

measures that we can implement. And for pesticides, they are included in the 18285 section of the Clean Air Act, which means that the reduction targets that are identified for all of those black box measures are in total a certain amount, but specific measures for those black box items don't have to be defined today. They have to be defined by 2007, and so that is where the pesticide component is. Our draft document that we prepared actually has more specific information about what the obligation was that is legally required. So, we changed that. We had originally said that we have to meet a target of 30% reduction from today's emission levels. That was to conform with the overall 30% emission reduction level that would be necessary in the Central Valley from all sources, and so the 30% target is something that is not going to be specifically applied to pesticides by today, but by 2007. We will have to identify a specific set of targets that we are going to meet with these (6) sets measures. We have until that point in time to try ...the whole concept of black box is that technology is not known today as how to achieve that but during the course of the next couple of years we will be able to find that.

What does technology mean in this context?

- Mission control measures are not known at this point in time but by 2007 we'll know. We're evaluating things like quarter pesticides that have high use content, how we can reduce them...through reformulations...how we can reduce it through making some changes, technology that will cover those use practices and things like that. Everything's on the table. The whole point of this draft document that we prepared is to go through the process of analyzing all of those between now and 2007, and evaluate the kinds of effectiveness so that we can compare them with other emission control measures from other sources.

To continue in that context, consumer products were 7-8% of the emissions, and they're 85 % of the total. They're going after very small sources.

- There's a limit that we all face. (San Joaquin Valley) There is a whole variety of these group fall houses. The challenge is to figure out how to achieve the air quality national standards by 2010, given that air quality continues to deteriorate. So not only do we have to reverse that trend, but we have to meet the national standards. And to do so, the overall reduction from all sources is going to have to be 30%. It's pesticide that represent 6-7% of the industry, as a category, pesticides is in the top 3 or 4. What that just means is that there are a whole bunch of different sources out there, and it's going to require heroic efforts on every part of society to be able to meet those standards.

In earlier conversations we've had about environmental justice, "as populations increase, and communities come together and housing projects, factor control..." here's a prime example of where your environmental justice philosophy guidance come in social justices. They are diametrically opposed. Increasing pesticide use for public health is almost racist in certain cities.

- Whether we actually reduce pesticide use as a result of control measures to meet the ozone standards is no big question. I think there are ways that we can do it without reducing the use of pesticides, i.e., using different formulations. We need to take into account environmental justice issues as well.
- The registrants have been doing quite a bit of work on pesticide related issues with respect to ozone and VOC. We can all take credit for that, but the challenges is there's still room as to how we figure out what we can do to change pesticide conditions so that we can be part of the solution.

5. OTHER BUSINESS AND ADJOURN

Requests for copies of the PMAC meeting summary or reports distributed at the PMAC meeting should be directed to Naomi Fualau at (916) 327-4424, via facsimile at (916) 324-1452 or e-mail at <nfualau@cdpr.ca.gov> or may be mailed to:

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