DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE REGISTRATION AND EVALUATION COMMITTEE
Meeting Minutes – March 17, 2006

Committee Members/Alternates in Attendance:

Joel Trumbo, Department of Fish and Game (DFG)
Barbara Todd, Department of Food and Agriculture (CDFA)
Bryan Eya, Department of Toxic Substances Control (DTSC)
Syed Ali, State Water Resources Control Board (SWRCB)
Frank Carl, County Agriculture Commissioners and Sealers Association (CACASA)
Lynn Baker, Air Resources Board (ARB)
Robert Schlag, Office of Environmental Health Hazard Assessment (OEHHA)
Rebecca Sisco, University of California IR-4 Program
Martha Harnly, Department of Health Services (DHS-EHIB)
Tobi Jones, Department of Pesticide Regulation (DPR)

Visitors in Attendance:

Denise Webster, DPR
Mark Rentz, DPR
Eileen Mahoney, DPR
Rachel Kubiak, DPR
Brian Bret, Dow Agro Sciences
Tom Babb, DPR
George Farnsworth, DPR
Victoria Hornbaker, DPR
Chris Reardon, DPR
Betsy Peterson, CSA
David Guy, NORCAL
Tina Lunt, NORCAL
Renee Pinel, WPHA
Michael Mendez, Assembly Member Montanez's Office
Robert Ehn, R3 Ag
John Pearson, Compliance Services
Patricia Gouveia, SWRCB

1. Introductions and Committee Business - Tobi Jones, Chairperson

   a. About 25 people attended the meeting.
   b. There were no corrections to the minutes of the previous meeting held on January 20, 2005.

2. Regulatory Calendar for 2006 - Chris Reardon, DPR Legislative Director

Chris discussed DPR's regulatory calendar for 2006 and responded to questions. DPR anticipates advancing proposed regulations in the following areas; some proposals are already noticed:

Data cost sharing (AB 1011 implementation)
Respiratory protection
Worker right to know
PCA minimum qualifications
Renewal of pest control licenses
Groundwater protection: addition of active ingredients to existing list
Enforcement response policy
Restricted material permit monitoring

3. Pesticide Monitoring under the Conditional Ag Waiver - David Guy, Sacramento Valley Water Quality Coalition

(Chair's note: Due to scheduling conflicts, a representative of the Central Valley Regional Water Quality Control Board (CVRWQCB) was unable to attend the meeting; however Margie Lopez-Read was able to join the discussion by conference call to answer questions. See **Action Item** at end of this item regarding future presentation).

David Guy presented the following information on the monitoring activities of the Sacramento Valley Water Coalition. This coalition has the following collaborators: Northern California Water Association (NCWA), County Agricultural Commissioners, Coalition for Urban/Rural Environmental Stewardship (CURES), Ducks Unlimited, Farm Bureaus, Western Growers, Resource Conservation Districts.

WHERE THE COALITION HAS BEEN

Sacramento Valley Water Quality Coalition monitored 26 sites in 2005. Less than 4% of all tests performed in 2005 found total toxicity to organisms. Monitoring was conducted both during the rainy season and during the irrigation season.

Most common exceedances / toxicity
- Dichlorovos (breakdown product of naled, which is used by mosquito vector control)
- Chlorpyrifos
- Diazinon
- Sediment toxicity (source unknown)

- E coli
- Dissolved Oxygen
- pH

WHERE WE ARE

Special Studies

- Diazinon Management Plan
  - Diazinon Runoff Management Plan for Orchard Growers in the Sacramento Valley
- Yolo Management Plan
  - ID sources of pollution
  - Address concerns through further testing and BMP implementation
- *E. coli* source identification through DNA
  - Animal/poultry, wildlife, human

5-Year Renewal

The current waiver expires in June 2006. Coalitions are working with the Water Board to resolve some issues. Two committees have been formed, one to work on technical issues and one to work on policy issues.

- Technical Issues Committee
- Policy Working Group
  - Membership
  - Discharger

WHERE IS THE COALITION HEADING

The Coalition's strategy is to continue water quality monitoring and providing outreach (including BMP implementation) to growers.

Action Item: Representative from CVRWQCB to present information on Irrigated Lands Program that manages the conditional ag waiver program.

4. Implementation of Certain New Pesticide-related Statutes: AB 1011 and AB 405 - Victoria Hornbaker, Registration Branch; George Farnsworth, Mill Assessment Branch; and Tom Babb, Pest Management and Licensing Branch.

AB 1011

Victoria Hornbaker presented the following information regarding AB 1011. Barbara Mathews introduced AB 1011 in February 2005. The bill was initially proposed to amend the law as it applies to pesticide brokers. As the bill progressed through the various senate

and assembly committees it was amended six times before the Governor signed the final version in October 2005. The effective date of the bill was January 1, 2006.

There are two main areas that impact the Pesticide Registration Branch:

1. Products can be registered based on evaluations of previously submitted data, regardless of ownership (FAC 12811.5).

Prior to AB 1011, the Department could not consider data submitted by one registrant to support another company's product registration, unless the data owner gave its permission. This permission was granted in the form of a letter from the data owner, which authorized the Department to rely on its data to support another company's registration. Without the letter of authorization, the applicant for registration or amendment would have to provide its own duplicate data.

AB 1011 repealed this provision, removing the requirement for a letter of authorization. Instead, it provided that the director may rely upon any evaluations of previously submitted data to determine whether to accept an application for registration of a new pesticide product, an amendment to a registered pesticide product, or to maintain the registration of a pesticide product regardless of the ownership of the data previously evaluated. AB 1011 states that the Department shall not be involved in resolving issues between applicants and owners over financial obligations arising from data ownership. Disputes among applicants and data owners related to data ownership and cost sharing should be resolved between the two companies.

Victoria discussed steps that registrants can take to receive the best service from the department on their submission. Identifying one or more DPR registered pesticide products containing the same active ingredient for the same or similar uses, including application rate, pests, and sites will facilitate a faster processing of the registration submission. If the Department has not previously approved products containing some or all of the claims on the new product, then scientific evaluation of specific data and posting may be required.

2. Concurrent acceptance of all new active ingredients (FAC 12836).

AB 1011 also states that the Department will endeavor to accept applications for registration of new pesticide products containing new active ingredients concurrently with the applicant's submission to the U.S. Environmental Protection Agency.

Further information regarding AB 1011 can be found on DPR's home page at http://www.cdpr.ca.gov/dosc/legbills/ab1011/resource.htm

George Farnsworth, Chief of DPR's Product Compliance and Mill Assessment Branch, focusing on the implementation of AB1011 as it pertains to the licensing of pesticide brokers. In describing this element of AB 1011, George presented an overview of the Mill

Assessment program. The legislation will facilitate DPR's ability to collect mill assessment, helps correct some licensing inequities, and expands the universe of pesticide brokers. Prior to the legislation, broker licensing was limited to sellers of agricultural products. Now, all first sellers of pesticides into or within California, including those selling nonagricultural pesticide products, must obtain a license. However, registrants and pest control dealers are exempted since they already pay mill assessment. Most retailers don't need to be licensed unless they deliver product into California. Retailers do need to keep a list of sellers they bought pesticides from over the last 12 months. Further information on the mill assessment can be found on DPR's website at www.cdpr.ca.gov/docs/mlassess/masesmnu.htm. A Pesticide Broker License packet can be obtained at www.cdpr.ca.gov/docs/license/broker.htm.

AB 405

By way of background, Tom Babb discussed the Healthy Schools Act (HAS) of 2000 (AB 2260) and explained DPR's role in providing IPM education and training, and in assisting school districts to adopt IPM programs. DPR has done this through a comprehensive School IPM Guidebook, a website (www.schoolipm.info) and with ongoing IPM training workshops. It was noted that the HSA is contained in both the Education Code (posting, notification, and recordkeeping) and Food and Agriculture Code (IPM implementation and IPM resources for schools).

AB 405 became part of the HSA on January 1, 2006 and is contained within the Education Code sections. It prohibits the use of certain pesticides in public schools. DPR's role in implementing AB 405 is similar to the role the department has with HSA, in that DPR will continue to supply information to schools about newly prohibited pesticides. The Registration Branch has produced a list of prohibited pesticides and the Pest Management and Licensing Branch (the Branch with responsibility for HSA) has made the list available to school district staff through the Schoolipm website, email and direct mailings (in early February). There are currently 26 products on the list covering the period from January 1 to March 31, 2006. Registration Branch will update the list quarterly (April 1, 2006) and updates will be posted to the schoolipm website and school district staff informed as done previously.

Registrants of any new conditionally registered pesticide products will be sent a letter informing them of AB 405 and prohibition of use in schools.

5. Agenda Items for Next Meeting- Tobi Jones, DPR

The next meeting will be held on Friday, May 19, 2006 in the Sierra Hearing Room located on the second floor of the Cal/EPA building.

6. Closing Comments - Tobi Jones

The meeting was adjourned.