DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE REGISTRATION AND EVALUATION COMMITTEE
Meeting Minutes – July 15, 2010

Committee Members/Alternates in Attendance:

Syed Ali, State Water Resources Control Board
Lynn Baker, Air Resources Board (ARB)
David Luscher, Department of Food and Agriculture
Stella McMillin, Department of Fish and Game (DFG)
Ann Prichard, Department of Pesticide Regulation (DPR)
Rebecca Sisco, University of California, IR-4 Program
Patti Tenbrook, U.S. Environmental Protection Agency, Region 9
David Ting, Office of Environmental Health Hazard Assessment (OEHHA)
Barry Wilson, University of California, Department of Environmental Toxicology

Visitors in Attendance:

Denise Alder, DPR
Henry Buckwalter, Western Plant Health Association
Angela Csondes, ARB
Amy Duran, DPR
George Farnsworth, DPR
Polly Frenkel, DPR
Veda Federighi, DPR
Roberta Firoved, California Rice Commission
Billy Gaither, Pest Control Operators of California
Anne Katten, California Legal Rural Assistance Foundation
Jeanne Martin, DPR
Amanda Montgomery, Central Valley Water Board
Douglas Okumura, Lawson and Associates
Eric Paulsen, Clark Pest Control

1. **Introductions and Committee Business – Ann Prichard, Acting Chairperson, DPR**

   a. About 14 people attended the meeting.
   b. No corrections to the minutes of the previous meeting held on May 20, 2010, were identified.

2. **CDFA Invasive Species Program – David Pegos, CDFA**

   David Pegos, Deputy Secretary for Communication & External Affairs, and Larry Bezark, Branch Chief of Integrated Pest Control for the CA Department of Food and Agriculture, presented information on the Invasive Species Council of California (ISCC). The ISCC consists of Secretaries from the Department of Food & Agriculture, Natural Resources

Agency, Environmental Protection Agency, Business, Transportation & Housing Agency, Health & Human Services Agency and the Emergency Management Agency. Duties of the Council Agencies are to identify actions involving invasives and to use programs and authorities to prevent introduction of invasives. This is accomplished by detection and response; monitoring of invasive populations; restoring native species in invaded ecosystems; conducting research/develop new technologies; and promoting public education about invasives. The ISCC appointed a California Invasive Species Advisory committee (CISAC) primarily tasked with making recommendations to develop and prioritize an Invasive Species Action Plan among other tasks. CISAC consists of 24 members with a broad range of background and experience. Working groups and subgroups were formed in the following areas: arthropods, vertebrates, other invertebrates, plants, diseases and communications. To date, CISAC has created a list of invasive species that threaten California. The list currently includes over 1,700 species of all taxonomic types. CISAC is now working on the final stages of the Invasive Species Action Plan.

3. Update on the San Francisco Bay Area Pesticide Injunction and Order for Protection of Endangered Species – Polo Moreno, DPR

On July 1, 2009, a Stipulated Injunction and Proposed Order established a series of no-use buffers that apply to 75 pesticide active ingredients for the protection of 11 endangered species in the following counties of the San Francisco Bay Area: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma. The original lawsuit filed by the Center for Biological Diversity charged U.S. EPA with failure to consult the U.S. Fish & Wildlife Service (FWS) on the risks from 75 active ingredients (the Pesticides) to 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 the Valley elderberry longhorn beetle. Depending on the species, no-use buffers range from 100 to 700 feet for ground applications, and from 200 to 700 feet for aerial applications. These buffers are applicable only around the habitat of these species located within public land survey sections (PLSS) listed in the injunction, as well as Critical Habitat designated by FWS. Based on the PLSS listed in the injunction, DPR developed County/Species maps depicting the areas included in the document. A total of 42 County/Species maps were produced, providing the corresponding county departments of agriculture with a graphic reference of the sections affected by each species habitat locations, along with the list of active ingredients and corresponding buffers for each species. Additionally, a quick-reference table was developed and distributed to the affected counties to illustrate the different buffers applicable for the protection of each species depending on the active ingredient. On May 17, U.S. EPA published the final Stipulated Injunction and Order on their website: <http://www.epa.gov/espp/litstatus/stipulated-injuc.html>. The injunction set a schedule for U.S. EPA to submit their hazard assessments and initiate consultation on each of the Pesticides to FWS, to be completed by March 31, 2012.

Activities exempted from injunctive relief: Public Health Vector Control Programs, Invasive Species and Noxious Weed Programs, and Endangered Species Act Approved Uses. Some specific pesticide products or uses are also exempt: use in cattle ear tags; indoor uses; tree injection (some are not permitted); homeowner application to household potted plants; use in flea and tick collars; use for spot treatment of wasp and hornet nests; individual tree removal using cut stump application; basal bark applications; use for subterranean termite control (some conditions reqd.).

Notification Requirements: U.S. EPA also agreed to develop a bilingual (English & Spanish) informational brochure to be mailed to all private applicators licensed in the eight Bay Area counties, and all Commercial Applicators statewide.

Interactive Maps of the Counties Included Under the Injunction: In order to assist the public with the identification of the 11 species' habitat areas, U.S. EPA developed a Web site displaying highly detailed maps which can be queried by street address, zip code or city name. The areas included under the injunction are highlighted in pink, and when the cursor is placed in the area of choice, it displays links to applicable species/restrictions, which can be printed as a two-page summary for each location. The interactive maps can be accessed at <http://137.227.242.165/sfb/index.html>

Habitat Identification Materials Produced by DPR: As part of DPR's Endangered Species Project outreach and education, DPR staff had already developed educational materials for six of the species included in this injunction, and will similarly develop materials for the other 5 species. They are posted under "Applicator Training Materials" in the Endangered Species Project Web site at <http://www.cdpr.ca.gov/docs/endspec/index.htm>.

Court Order Terminating Events: As U.S. EPA goes through formal consultation with FWS on each of the 75 active ingredients, and as FWS issues a Biological Opinion; the active ingredient in turn will be removed from the list. However, if USFWS finds jeopardy, the Biological Opinion must include Reasonable and Prudent Alternatives (RPAs) or Reasonable and Prudent Measures (RPMs) to protect species affected.

Enforcement: FIFRA is not a mechanism to enforce the injunction, nor is it enforced by state, county, or local governments. The injunction can only be enforced through citizen law suits. DPR will inform stakeholders and provide educational materials through our Web site, as well as outreach seminars upon request.

4. Update on U.S. EPA Activities: Inerts, Spray Drift Labeling, OPP/Office of Water Harmonization, and Revised Risk Assessment Procedures – Dr. Patti Tenbrook, U.S. EPA, Region 9

Patti TenBrook presented an update on recent pesticide activities at U.S. EPA. She discussed: 1) the draft Pesticide Registration Notice on spray drift; 2) a petition received by EPA regarding protection of children from spray drift; 3) the Advanced Notice of Proposed Rulemaking on pesticide inert ingredients; 4) development of a common approach to

aquatic life effects assessments between the Office of Pesticide Programs and the Office of Water; and 5) proposed revisions to risk assessment approaches for workers, children of workers, and pesticides with no food uses.

5. Update on the Status of Proposed Methyl Iodide Registrations – Veda Federighi, DPR

On April 30, 2010, DPR announced its proposed decision to register the fumigant methyl iodide with a series of restrictions that are more health protective than those imposed anywhere in the U.S. The proposed decision generated controversy, prompted media attention and resulted in a Senate hearing. DPR received over 53,000 public comments (most by e-mail) by June 29, 2010, when the 60-day comment period ended. DPR will evaluate and respond to the comments before a final registration decision. If DPR makes a final decision to register products containing methyl iodide, it must first adopt regulations making methyl iodide a restricted material. These steps could take several months.

6. Public Comment

None received.

7. Agenda Items for Next Meeting

Stella McMillin suggested an update on the reevaluation of the neonicotinoids, imidacloprid, clothianidin, dinotefuran, and thiamethoxam.

Syed Ali suggested that Martha Harnly present an update on U.S. EPA's science advisory panel meeting on field volatility.

The next meeting will be held on Thursday, September 16, 2010, in the Sierra Hearing Room on the second floor of the Cal/EPA building, located at 1001 I Street, Sacramento, California.

8. Adjourn