DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE REGISTRATION AND EVALUATION COMMITTEE
Meeting Minutes – March 15, 2013

Committee Members/Alternates in Attendance:

Lynn Baker, Air Resources Board (ARB)
Rich Breuer, State Water Resources Control Board (SWRCB)
Martha Harnley, Department of Public Health (DPH)
David Luscher, Department of Food and Agriculture
Stella McMillin, Department of Fish and Wildlife (DFW)
Lisa Ross, Department of Pesticide Regulation (DPR)
Charles Salooks, Office of Environmental Health Hazard Assessment (OEHHA)
Rebecca Sisco, University of California, IR-4 Program
Patti Tenbrook, U.S. Environmental Protection Agency, Region 9
Dave Whitmer, California Agriculture Commissioners and Sealers Association (CACASA)

Visitors in Attendance:

Denise Alder, DPR
Brian Bret, Dow AgroSciences
Dave Duncan, DPR
Amy Duran, DPR
Roberta Firoved, California Rice Commission
Scott Harris, Bell Labs
Kim Hensley, Environmental Solutions Group
Mary Junqueiro, Western Plant Health Association
Anne Katten, California Rural Legal Assistance Foundation
Kyle Lawson, Lawson and Associates
Artie Lawyer, Technology Sciences Group
Eileen Mahoney, DPR
Jeanne Martin, DPR
Linda O'Connell, DPR
Deldi Reyes, U.S. EPA, Region 9
Regina Sarracino, DPR
Randy Segawa, DPR
Charles Swanson, U.S. EPA, Region 9
Marylou Verder-Carlos, DPR

1. **Introductions and Committee Business – Lisa Ross, Acting Chairperson, DPR**

   a. About 20 people attended the meeting.
   b. No corrections to the minutes of the previous meeting, held on January 18, 2013, were identified.

2. <u>Second Generation Anticoagulant Rodenticide Update</u> – Marylou Verder-Carlos, DPR

Marylou Verder-Carlos, Assistant Director of the Department of Pesticide Regulation, provided a talk entitled, "Update on Second Generation Anticoagulant Rodenticides." Second generation anticoagulant rodenticides (SGARs) include brodifacoum, bromadiolone, difethialone, and difenacoum. In July 2011, DPR received a request from Department of Fish and Wildlife (DFW) to designate all four SGARs as California restricted materials. The delayed action of SGARS allows for multiple feedings by the rodent. When the rodent dies, it has a "super" lethal concentration in its body. This is in contrast to first generation anticoagulants, where to acquire a lethal dose, the rat or mouse must feed on the rodenticide multiple times.

DPR analyzed wildlife incident and mortality data and rodenticide use and sales data. Data came from DFW, Wildcare, and open literature. The data indicate that exposure and toxicity to non-target wildlife from SGARs is a statewide problem. In addition, the data suggest that the problem exists in both urban and rural areas. DPR's analysis paper went through external peer review through a contract with University of California, Berkeley. In order for DPR to put regulations in place, the document it relies upon must undergo rigorous scientific review. Four scientists reviewed the paper which was completed at the end of February. Comments are being addressed by DPR staff. Essentially the reviewers agreed with our conclusions. DPR is currently evaluating mitigation measures to protect wildlife from SGAR poisonings. Informal discussions with stakeholders are underway. Stakeholders include DFW, Pest Control Operators of California (PCOC), manufacturers of the products, and environmental groups and received comments on DPR's proposed mitigation measures.

Dr. Verder-Carlos provided a chart outlining the requirements for packaging and labeling of SGARs before U.S. EPA announced its risk mitigation decision (RMD) in May 2008. In July 2011, the mitigation measures were fully implemented. Before the RMD, there were no restrictions on package size; no limit on distance for placement of the baits; had no requirement for bait stations for all outdoor, above-ground use; and, had no restriction on where products can be sold. The current U.S. EPA mitigation requires packaging to be over eight pounds; must be placed within 100 feet of building or man-made structures; requires bait stations on all outdoor above-ground use; and can only be sold in farm, agricultural, and tractor-type stores. What remained the same was the requirement for placement in tamper-resistant bait stations or placement out of reach of children, pets, domestic animals, and non-target wildlife. Also, the products are not federally restricted materials. The intent is to remove the product from general consumer access, while still having the products available to poultry and livestock producers and professional users, such as licensed pest control applicators.

DPR is proposing to designate SGARs as California restricted materials. Once implemented, SGARs would only be purchased and used by or under the supervision of a certified applicator; can only be purchased from licensed dealers; requires a permit be obtained from

the county agricultural commissioner if the product is not being used by structural pest control businesses; and, product use must be reported. Structural pest control businesses have their own licenses and are able to purchase and use restricted materials. Additionally, by reporting use, DPR will have a better handle on the location of the applications and quantity of product being used. DPR also considered the possibility of exempting consumer-sized (≤1 pound), indoor use-only products from the restricted materials designation.

Not all SGAR registrants complied with U.S. EPA's mitigation measures. Six second generation anticoagulant products, targeted for the residential consumer market, are still registered for sale in California to residential consumers in grocery, drug, hardware, home improvement stores, and other standard retail outlets. In November 2011, U.S. EPA took steps under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to cancel these noncompliant products by issuing a draft Notice of Intent to Cancel and convening a FIFRA Scientific Advisory Panel. To date, the outcome of these federal actions has not been determined. DPR is also considering additional restrictive measures due to endangered species concerns.

Based on input from the preliminary discussions with stakeholders, DPR is reconsidering its decision to exempt small-size products intended for indoor use only and make all SGARs California restricted materials. The proposed regulations are anticipated to be out late April/May 2013 depending on the outcome of additional scheduled meetings with stakeholders.

3. <u>U.S. EPA's Environmental Justice Screening Tool Pilot Project</u> – Deldi Reyes, U.S. EPA Region 9

EPA Region 9 shared a brief update on a small research project they are funding to pilot the application of the Environmental Justice Screening Method (EJSM) (developed by Manuel Pastor, USC; Rachel Morello-Frosch, UC Berkeley; and James Sadd, Occidental College) in various policy settings. There are two pilot focus areas; 1) the City of Commerce, in Southern California and 2) the San Joaquin Valley. The Commerce project is focused on the development of land use recommendations that would go before city council and the EJSM is being used to inform the development of the recommendations. The SJV project has multiple stakeholders including the authors of the UC Davis Land of Risk, Land of Opportunity Report, which highlighted CEVAZ (Cumulative Environmentally Vulnerable Action Zones. DPR is invited to be part of this effort. We contrasted the use of pesticide data across three screening methods: EJSM, CEVAZ and CalEnviroScreen. U.S. EPA shared their approach to refining pesticide use data and some preliminary maps of Fresno County.

4. <u>Update on Chloropicrin Mitigation – Linda O'Connell, DPR</u>

Linda O'Connell gave an update on DPR's draft chloropicrin mitigation. DPR is proposing additional restrictions beyond current labeling and regulation, to protect residents and

bystanders. Additional restrictions have been developed for:

- Buffer zones;
- Buffer zone credits;
- Acreage limits;
- Time periods between applications with overlapping buffer zones;
- Emergency preparedness and response; and
- Notice of intent requirements

The mitigation document is currently under management review. Once approved, there will be a series of stakeholders meetings at Salinas, Santa Maria, Fresno, Indio, and Redding. DPR will review all stakeholder comments, make changes to the mitigation document as needed, and implement the mitigation measures.

5. Public Comment

None Received.

6. Agenda Items for Next Meeting

No agenda items were suggested.

The next meeting will be held on Friday, July 19, 2013, in the Sierra Hearing Room on the second floor of the Cal/EPA building, located at 1001 I Street, Sacramento, California.

7. Adjourn