MEMORANDUM

TO: Brian Leahy
Director
California Department Pesticide Regulation

FROM: David Duncan
Environmental Program Manager II
Environmental Monitoring Branch
916-445-3870

DATE: February 24, 2016

SUBJECT: REQUEST TO PROCEED WITH DETECTION RESPONSE PROCESS FOR ALACHLOR

Since the 1980's, the California Department of Pesticide Regulation (DPR) has analyzed 406 samples from 253 wells for the presence of the herbicide alachlor. While alachlor has not been detected in California ground water, its ethanesulfonic and oxanilic acid degradates (AESA and AOXA, respectively) have been detected using an unequivocal analytic method at concentrations ranging from 0.05 to 1.38 parts per billion (ppb) in 29 wells. These detections have been evaluated and determined to be the result of legal agricultural use of alachlor.

As such, alachlor meets the conditions in California Food and Agricultural Code section 13149, subdivision (b). Environmental Monitoring Branch staff scientists recommend that the director notify the registrant and provide an opportunity for review to determine if the legal use of alachlor has polluted or threatens to pollute California groundwater.

Documentation of Alachlor Degradate Detections

The attached documents provide the basis for the recommendation to proceed with the detection response process:

- Report for Study GW 09: Ground Water Protection List Monitoring for Metolachlor and Alachlor. R. Bergin and C. Nordmark, 2012.
- Legal Agricultural Use Determination for Alachlor Degradate Detections in California. R. Bergin, February 9, 2016.
- Summary of Results for FY 2000/2001 Ground Water Protection List Monitoring for Alachlor, Metolachlor, and Two Degradates of Each. Memorandum from D. Weaver to B. Rollins dated May 6. 2002.

The Detection Response Process

Once the director decides that detections of a pesticide meet the criteria necessary to proceed with the detection response process, the registrant is notified and provided with the opportunity to request a hearing. The registrant must request a hearing within 30 days if they wish to maintain product registration.

A subcommittee of the director's Pesticide Registration and Evaluation Committee–consisting of one member each representing the director, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board–holds a hearing within 180 days of the registrant's request for a hearing. The subcommittee reviews documented evidence submitted by the registrant and may review any other information or data necessary to make a finding.

The subcommittee makes its findings within 90 days of the hearing. The subcommittee may find:

1) That the ingredient found in the soil or ground water has not polluted, and does not threaten to pollute, the ground water of the state.
2) That the agricultural use of the pesticide can be modified so that there is a high probability that the pesticide would not pollute the ground water of the state.
3) That modification of the agricultural use of the pesticide or cancellation of the pesticide will cause severe economic hardship on the state's agricultural industry, and that no alternative products or practices can be effectively used so that there is a high probability that pollution of the ground water of the state will not occur.

The director may accept or modify the subcommittee's findings within 30 days of issuance.

Regarding the Pesticide Registration and Evaluation Committee subcommittee hearing, I recommend Sheryl Gill, of my staff, to represent DPR at the hearing. If you have any questions or comments regarding this request to proceed with the detection response process, please feel free to contact me.

Attachments

Approval: Brian Leahy Date: 3/18/2016

Brian Leahy, Director
Department of Pesticide Regulation

cc: Sheryl Gill, Environmental Program Manager (w/o Attachments)