

California Department of Pesticide Regulation Reevaluation Process

California regulations (Title 3, CCR Section 6220) require DPR to investigate all reports of actual or potentially significant adverse effects to people or the environment resulting from the use of pesticides. If DPR has reason to believe that a pesticide may cause a significant adverse impact to people or the environment, the regulations require DPR to reevaluate the pesticide to determine if it should remain registered.

The regulations specify factors that may initiate reevaluation. They include: (1) public or worker health hazard; (2) fish or wildlife hazard; (3) other information suggesting a significant adverse risk; (4) environmental contamination; (5) unwanted damage to plants; (6) residues over allowable limits; (7) hazardous packaging; (8) inadequate labeling; (9) lack of efficacy; (10) disruption of the implementation or conduct of pest management; or (11) availability of an effective and feasible alternative material or procedure which is demonstrably less destructive to the environment. Reevaluation also may be triggered by ongoing Departmental registration reviews, state and county pesticide illness investigations, pesticide residue sample analyses, environmental monitoring activities, and information from other state or federal agencies.

Once the Director determines that a reevaluation is appropriate, DPR provides a notification to all registrants that includes the basis for reevaluation. Data relevant to the focus of the reevaluation may be required. A reasonable time, not to exceed two years, is allowed for registrants to develop and submit data. The Director retains authority to impose additional restrictions on use of the pesticide product during the reevaluation process.

DPR's Registration Branch administers the reevaluation process and coordinates data reviews and communication with registrants. Data submitted by registrants are evaluated by the appropriate scientists or specialists in DPR's Registration, Medical Toxicology, Worker Health and Safety, Environmental Monitoring, Pest Management and Licensing, and Enforcement branches.

DPR may finish reevaluations in several ways. If the data show that use of the pesticide presents no significant adverse effects, DPR concludes the reevaluation without additional mitigation measures. If additional mitigation measures are necessary, DPR adopts regulations to mitigate the potential adverse effect. In applicable situations, DPR works with registrants and the U.S. EPA to revise labels to mitigate hazards. If the adverse impact cannot be mitigated, DPR cancels or suspends the registration of the pesticide product.

Legislation (Chapter 483, Statutes of 1997, SB 603) gave DPR the authority to cancel the registration of any pesticide if the registrant fails to submit data requested in a reevaluation. As with any proposed cancellation, the registrant may request a hearing before an administrative law judge.