

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Section 6400
Pertaining to Phosphine Gas and Magnesium Phosphide

UPDATE OF THE INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9(d), the Department of Pesticide Regulation (DPR) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the 45-day public comment period.

The originally proposed regulatory action was noticed in the California Regulatory Notice Register on August 1, 2008. During the 45-day public comment period, one comment was received.

DPR has amended section 6400 of Title 3, California Code of Regulations. The pesticide regulatory program activities that are affected by this action are those pertaining to pesticide chemicals designated as state restricted materials. In summary, this action designates phosphine gas and magnesium phosphide as a restricted material.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

One comment of support was received from the California Department of Public Health, Occupational Health Branch.

PUBLIC HEARING

DPR received no requests to hold a public hearing and no hearing was scheduled or held.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the regulatory action does not impose a mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which this regulation is proposed, or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory change.

POSTING REQUIREMENT

3CCR section 6110 states in part that, "The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the DPR [Division of Pest Management, Environmental Protection and Worker Safety] for 45 days." DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <<http://www.cdpr.ca.gov>>. In addition, copies were provided to the offices listed above for posting.