

FINAL STATEMENT OF REASONS AND PUBLIC REPORT  
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations  
Amend Section 6860  
Pertaining to Toxic Air Contaminants

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 November 21, 2008. During the 45-day public comment period, one comment was received.

This regulatory action amends Title 3, California Code of Regulations, section 6860. The pesticide regulatory program activities that will be affected are those pertaining to air monitoring and evaluation under its general reevaluation mandate and under the mandates of Assembly Bill 1807 (Chapter 1047, Statutes of 1983, and amended by Chapter 1380, Statutes of 1984, AB 3219), the Toxic Air Contaminant Act. In summary, this action designates the pesticide chemical endosulfan as toxic air contaminant pursuant to Food and Agricultural Code (FAC) section 14023.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

One comment supporting endosulfan as a toxic air contaminant was received from Mr. Karl Tupper, Staff Scientist, Pesticide Action Network.

PUBLIC HEARING

DPR scheduled and held a public hearing on January 5, 2009. A transcript of the hearing is contained in the rulemaking file.

CONSULTATION WITH OTHER AGENCIES

As described above, DPR has consulted with the Office of Environmental Health Hazard Assessment and the Air Resources Board. In addition, DPR has consulted with the California Department of Food and Agriculture during the development of the text of proposed regulations as specified in FAC section 11454.2, and the February 6, 1992, Memorandum of Agreement which was developed as provided in FAC section 11454.2.

### MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts requiring reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII B of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.

### 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

Title 3, California Code of Regulations, 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.