ADDENDUM TO THE FINAL STATEMENT OF REASONS

NONSUBSTANTIVE REVISION

In a previous rulemaking (OAL File Number 2007-1219-01S), in part, section 6450 was renumbered to section 6447, and section 6450.3 to 6447.3. Because of these numbering changes, section 6447(f) was also amended to correct a cross-reference to section 6450.3. However, the section cross-referenced should have been 6447.3 instead of 6447.2. Clearly section 6447.3 specifies tarpaulin cutting and removal requirements, as opposed to section 6447.2 which is specific to buffer zones.

DOCUMENT INCORPORATED BY REFERENCE

In subsection 6450.2(a), the document *Methyl Bromide Field Fumigation Buffer Zone Determination, Est. 2/04,* which is already incorporated by reference, was revised to change citations from sections 6450.1 and 6450.2, to 6447.1 and 6447.2, respectively, to reflect the renumbering of those sections in previous rulemaking. This revised document, *Methyl Bromide Field Fumigation Buffer Zone Determination, Rev.3/10,* continues to be incorporated by reference since it would be cumbersome and impractical to publish it in Title 3, California Code of Regulations.

SUPPLEMENTAL AND CLARIFYING INFORMATION TO RESPONSE TO COMMENTS

Comment #9: In order to meet the obligation that the regulations must be based on the Office of Environmental Health Hazard Assessment's (OEHHA's) health-based recommendations, the monthly township cap would need to be set at a level at which the general population will be protected from subchronic exposures above 1 ppb (averaged over 24 hours), and female workers of child-bearing age will be protected from subchronic work time exposures above 4 ppb. This proposal falls short in capping use at a level where exposures are expected to exceed 5 ppb half of the time.

Response: The Court of Appeals decision in *Fernandez v. DPR* ***(San Francisco County Superior Court No. CPF-04-504781) included the statement, " . . . OEHHA is responsible for one of the many factors DPR must consider when it formulates the regulations." The health-based exposure recommendations that OEHHA developed for methyl bromide were one of several risk management criteria that DPR considered in establishing health protections for workers and bystanders. Also, see response to comment #11.***

DOCUMENTS RELIED UPON

The Department did not obtain a copy of *Methyl Bromide Risk Characterization in California, National Research Council* dated May 2000, however, no changes were made to the pre-released April 2000 copy that was received and included in the rulemaking file. The document in the file is the same as *Methyl Bromide Risk Characterization in California, National Research Council, May 2000.*

EXTERNAL SCIENTIFIC PEER REVIEW

As required by Health and Safety Code section 57004, DPR's *Methyl Bromide Risk Characterization Document for Inhalation Exposure* was peer reviewed under a previous rulemaking (OAL File Number 00-1031-06S). The National Research Council conducted the review and is listed as the document relied upon, *Methyl Bromide Risk Characterization in California, National Research Council, May 2000.* There were no new scientific aspects to the amendments made in this rulemaking that require a new peer review pursuant to Health and Safety Code section 57004.