

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Sections 6400, 6452.4, 6624, and 6860
Adopt Sections 6446 and 6446.1

Methyl Iodide: Designating as a Restricted Material, Listing as a Toxic
Air Contaminant, and Use Requirements as a Volatile Organic Compound

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.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on February 11, 2011. During the 45-day public comment period, DPR did not receive any comments on the proposed text. 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.

DPR has amended sections 6400, 6452.4, 6624, and 6860, and adopted sections 6446 and 6446.1 of Title 3, California Code of Regulations. In summary, this regulatory action designates methyl iodide as a state-restricted material, incorporates it into DPR's volatile organic compound regulatory program, and lists methyl iodide as a toxic air contaminant on the basis of its listing as a federal hazardous air pollutant pursuant to Food and Agricultural Code section 14021. This action, in part, makes permanent the emergency regulations that are currently in effect.

PUBLIC HEARING

A public hearing was not scheduled or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

No comments received.

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

3 CCR, 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.