

FINAL STATEMENT OF REASONS AND PUBLIC REPORT  
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations  
Amend Section 6000, and Adopt Sections 6970 and 6972  
Pertaining to Prevention of Surface Water Contamination by Pesticides

UPDATE OF THE INITIAL STATEMENT OF REASONS

The originally proposed regulatory action was noticed in the *California Regulatory Notice Register* on October 28, 2011.

During the 45-day public comment period, DPR received comments on the proposed text. The comments are discussed under the heading “Summary and Response to Comments Received” of this Final Statement of Reasons. Based upon the reasons below, DPR modified the text from that originally proposed.

*Changes to the Text of Proposed Regulations*

- Revised the definition of “crack and crevice treatment” in section 6000 to delete “Suitable equipment capable of applying insecticide directly into cracks and crevices must be used.” The purpose of definitions is to explain terms used in the enforceable sections of the regulations, not to contain enforceable language.
- Revised subsections 6970(a), (b), (c), and (d) to advise the pest control business applicator of language in subsection (e) that specifically prohibits certain applications. This change would minimize the chance that an applicator only reading subsection (a), (b), or (c) would miss the prohibition in subsection (e).
- Revised section 6970(d) to delete the term “formulations” because the regulations would specifically require applicators to sweep granules off horizontal impervious surfaces onto the treated soil surface, mulch, gravel, lawn, turf, or groundcover. A “granule formulation” could also be mixed with water and applied as a liquid spray. Liquid spray applications are less likely to impinge on horizontal impervious surfaces because they can be more precisely applied than granules. In any case, liquids could not be practically swept off horizontal impervious surfaces. Only the applications of granules could result in granules landing on horizontal impervious surfaces.
- Revised section 6970(e)(1) to prohibit applications to any site during precipitation except to the underside of eaves. The initial proposal would have allowed applications to areas protected by a structure from precipitation. However, U.S. Environmental Protection Agency (U.S. EPA) label language will only allow applications to the underside of eaves during precipitation, not to other “areas protected by a structure from precipitation.” States can adopt requirements that are more restrictive than federal labels, but not less restrictive. Since the initial proposed language would be less restrictive than the U.S. EPA-required label language, it would be in violation of federal labels.

- Revised section 6972(e) to clarify that the exemption only applies for applications for which a valid permit has been issued under National Pollution Discharge Elimination System (NPDES) for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications. The current language would allow anyone to apply the pesticide as long as an NPDES permit is required to be issued, even though the permit may not have actually been issued for a particular application.
- Revised section 6972(g) to replace the term “mist” with “aerosol.” The term “mist” is too general, while “aerosol” is more specific and widely understood.

## PUBLIC HEARING

No public hearing was scheduled or held.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD

During the 45-day public comment period, DPR received comments regarding the proposed text. They were submitted by Deb Bechtel (commenter #1), the Pest Control Operators of California (commenter #2), the California Stormwater Quality Association (commenter #3), the City of Brea (commenter #4), the City of Dana Point (commenter #5), Orange County Public Works (commenter #6), the Coalition for a Sustainable Delta (CSD) (commenter #7), the California Department of Food and Agriculture (commenter #8), the Sacramento Stormwater Quality Partnership (commenter #9), Tri-TAC (commenter #10), Association of California Water Agencies (commenter #11), the State Water Resources Control Board (commenter #12), the San Luis and Delta-Mendota Water Authority (commenter #13), Ralph Fonseca (commenter #14), and the Delta Stewardship Council (commenter #15).

**Comment No. 1** (commenter #1): Licensed pesticide applicators already believe the current regulations are an unnecessary burden. Extra regulations will just make them more defiant and serve no realistic purpose.

**Response:** Comment not relevant to the proposed action. No response necessary.

**Comment No. 2** (commenters #2, #6, #10, #12, and #15): Various comments in support of the proposal were submitted.

**Response:** No response necessary.

**Comment No. 3** (commenter #3): Regulating pyrethroid insecticides to prevent water pollution is necessary. Numerous studies have documented the presence of pyrethroid insecticides and pesticide-caused toxicity in both water and sediment of California’s urban waterways. This creates a costly regulatory burden for our municipal agency members, including potential violations of NPDES stormwater permit requirements, total maximum daily load (TMDL) implementation requirements, and the threat of litigation under the citizen suit provisions of the Clean Water Act. The commenter summarized and referenced various reports of the extent of pyrethroid detections in urban areas. In the case of bifenthrin, the commenter noted that the

TMDL target (and allowable average daily discharge concentration) is one of the lowest ever established in any TMDL—0.6 nanograms per liter (i.e., less than 1 part per trillion), which is so low that the commenter expects it to be unreachable without eliminating bifenthrin use in the watershed.

**Response:** These are among the reasons that DPR is proposing these regulations. In the case of bifenthrin, due to the extent of detections and concentrations detected in relation to the target concentrations, the bifenthrin registrants have agreed to amend their labels to add restrictions that are more stringent than the proposed regulations. DPR will continue to monitor bifenthrin concentrations to determine whether the regulations and label changes are sufficient to protect water quality.

**Comment No. 4** (commenter #3): Adopting these regulations and bifenthrin label changes will provide California with a substantial net cost savings and needed fiscal relief to financially stressed agencies, as well as direct benefits to aquatic ecosystems. We encourage DPR to reflect these types of benefits in its future economic and fiscal impact statements.

**Response:** Due to the uncertainties as to the amounts and timing of those potential cost savings (benefits) to agencies, DPR was unable to quantify them. In any case those benefits would be used to offset any adverse impacts associated with the regulation. So lack of that quantified benefit data would, at worst, result in an overestimation of adverse impacts of the proposal. Because DPR estimates that this regulation would actually result in an overall cost savings due to reduced pesticide use, consideration of benefits to agencies would have simply further increased those cost savings.

**Comment No. 5** (commenter #3): DPR should ensure timely implementation of special bifenthrin restrictions. Bifenthrin is the single largest contributor to pyrethroid-related toxicity in California's urban waterways. We understand that DPR has coordinated with bifenthrin registrants and U.S. EPA to place additional restrictions on all bifenthrin products used in urban areas by professional applicators, to prohibit bifenthrin applications on impervious surfaces that are exposed to rain or irrigation flows. Should these new labels not be approved for all applicable products by the time that these regulations are adopted, we urge DPR to include the additional bifenthrin restrictions in these regulations.

**Response:** The proposed label changes are currently under expedited review by U.S. EPA, and will be reviewed on a timely basis by DPR. We expect these bifenthrin label changes to be approved by the latter half of 2012.

**Comment No. 6** (commenters #4, #5, #6): We strongly support DPR's proposed regulations. Please consider the detailed comments provided separately in a letter submitted by the California Stormwater Quality Association.

**Response:** See response to comment nos. 3-5.

**Comment No. 7** (commenter #7): DPR should modify the proposed regulations to include reference to the consideration and application of an Integrated Pest Management (IPM) framework. DPR should define IPM in section 6000: Definitions.

**Response:** DPR generally recognizes the University of California (UC) definition of IPM as “an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.” While IPM is the preferred approach to manage pests, it is not a concept that can be easily implemented as an enforceable requirement both because of the range of pest situations and the difficulty and cost of any enforcement activity. However, DPR continues to promote and fund a number of IPM-related projects that promote IPM in urban settings, including IPM training for pest control operators and promoting reduced-risk practices in pesticide control companies. In addition, DPR partially funds efforts by the UC IPM Program to develop an online and outreach program to mitigate urban pesticide impacts on water quality at the consumer, retail, and licensed applicator levels.

**Comment No. 8** (commenter #7): To ensure the best results from the proposed amendments and regulations, DPR should follow an adaptive management approach by developing specific performance goals, objectives, and monitoring practices to ascertain progress of the regulatory program in achieving a reduction of pyrethroids in surface waters. Adopting this recommendation empowers DPR with a science based approach that possesses the flexibility to adapt the regulatory framework dependent upon specific performance goals, objectives, and monitoring results.

**Response:** Since this comment does not suggest changes to the current proposal, no response is necessary.

**Comment No. 9** (commenter #7): DPR should assist pest control businesses and maintenance gardeners by providing and requiring the use of additional pesticide training tools to help applicators properly identify landscape features and surfaces.

**Response:** DPR agrees that outreach is an important element in effectively implementing the regulations and will consider the commenter’s suggestions in developing an outreach program. DPR partially funds the UC IPM Program efforts to establish online and other outreach programs addressing pesticides and water quality to mitigate environmental effects of pesticides in urban areas. Although any online and other outreach efforts would be available for use by private consumers as well licensed applicators, it should be noted that the proposed regulations do not apply to private consumers. Another outreach method will be to provide training during continuing education meetings that all licensed applicators are required to attend for the biennial renewal of their licenses to apply pesticides.

**Comment No. 10** (commenter #7): Regulation language in section 6972(e) relies on pesticide applicators such as pest control businesses and maintenance gardeners to easily and consistently identify a lawn, turf, or groundcover gravel on which application methods are permitted in subsection (a) in contrast to grassy swales or trenches filled with gravel on which application is prohibited. Pest control businesses and personnel associated with them may not possess the expertise or knowledge necessary to accurately identify these landscape features.

To provide the necessary knowledge and site information to ensure applications comply with section 6972(a), the business or entity that contracts pest control businesses or maintenance gardeners must provide a site plan that clearly identifies all landscape features including but not limited to storm drains, gutters, french drains, landscaped dry river beds, grassy swales, trenches, and all zones of aquatic habitat on or near the proposed treatment area. An alternative approach that would accomplish the same goal relies on a certified applicator performing a site walk prior to application to identify site features on a site plan. CSD recommends that DPR supplement section 6972(a) to include the identification of all relevant site features on a site plan. Providing the applicator with as much information as possible will improve compliance with the proposed amendments and regulations.

**Response:** DPR believes these landscape features can be identified. Also, applicators can request site information when they contract for the work. Additionally, applicators will be educated on these sites through continuing education courses that applicators are required to attend to renew their licenses.

**Comment No. 11** (commenter #7): DPR should collaborate with federal, regional, and local agencies such as U.S. EPA, the State Water Resources Control Board, regional water quality control boards, California Storm Water Quality Association (also organized under the Urban Pesticide Committee), county flood control and water conservation districts, and municipalities to support DPR's ongoing and future efforts to protect surface water quality.

**Response:** We agree. DPR has collaborated, and will continue to collaborate, with federal, state, and regional agencies on water quality issues.

**Comment No. 12** (commenter #7): The proposed amendments and regulations target the primary source of pesticide application in the urban setting, pest control businesses and gardeners, but neglect to address a significant secondary source of pesticide applicators, individual consumers. Individual consumers may contribute an estimated 13 percent of nonagricultural pesticide application within the urban landscape. DPR should collaborate with U.S. EPA's Office of Pesticide Programs to revise the labeling format to increase education for individual consumers.

**Response:** U.S. EPA has already required changes to environmental hazards statements on labels of outdoor consumer products containing the pyrethroid pesticides targeted by this regulation.

**Comment No. 13** (commenter #7): DPR should incorporate regulatory language which addresses proper disposal and penalizes illegal disposal. Regulatory language should direct the pest control business or applicator to transport, ship, and dispose of all unused pesticide and products

containing pesticide residue in a manner associated with a Department of Transportation Hazardous Waste Classification 6.1b.

**Response:** The Food and Agricultural Code does not give DPR authority to regulate the transport, shipping, and disposal of unused pesticide and products containing pesticide residues as the commenter specifies. Other state agencies and U.S. EPA have jurisdiction over these activities.

**Comment No. 14** (commenter #7): The Notice of Proposed Regulatory Action states that “County agricultural commissioner (CAC) offices will be the local agencies responsible for enforcing the proposed regulations” but neglect to address enforcement mechanisms necessary to ensure those subject to the new regulations follow proposed application methods or empower CACs to perform their enforcement activities. Surface water monitoring data gathered during the adaptive management phase will be unreliable if applicators fail to adhere to the new application methods. Enforcement mechanisms such as violation letters and progressively higher penalties dependent upon the scope and intent of the infraction will provide an incentive to businesses engaged in pesticide application activities. Monetary penalties could support the cost of operating this enforcement program.

**Response:** An essential part of gaining compliance with new regulations is through outreach to the industry, such as presentations in statewide continuing education meetings, training materials for licensing examinations, and an enforcement letter to the CACs announcing the new regulation. The guidelines for enforcing pesticide laws and regulations, such as the surface water regulations, are specified in sections 6128 (Enforcement Response) and 6130 (Civil Penalty Actions by Commissioners) of Title 3 of the California Code of Regulations. DPR and the CACs may take various administrative actions against applicators that violate regulations, depending on the severity and/or history of violations. CACs may take actions to levy fines for violations of pesticide use laws and regulations, and have authority to refuse, revoke, or suspend county registrations, which are required to do business in a county. DPR can refuse, revoke, or suspend the business license of a pest control operator or maintenance gardener to perform pest control. If DPR or the CACs believe civil penalties are not warranted, in certain cases they have an option of gaining compliance through violation notices, compliance interviews, and warning letters. Civil and criminal court actions can also be filed by local prosecutors, and by DPR through the State Attorney General.

**Comment No. 15** (commenter #7): DPR should revise the Notice of Proposed Regulatory Action to include costs associated with water pollution. DPR’s current subsection Costs or Savings to State Agencies does not include the costs associated with water pollution and therefore may be considered incomplete. On the environmental cost side, the impacts on urban surface waters are underrepresented. On the economic benefit side, the mounting cost to state and local public agencies of dealing with the regulatory and legal liability caused by water pollution from pesticides must be added to the calculation and considered against the private gains made by users and manufacturers. The CSD shares the recommendation sponsored by the California Stormwater Quality Association that DPR must also include the “costs and benefits for less polluting alternatives, like IPM and non-pesticide alternatives.”

**Response:** We believe that the commenter intended to refer to the costs of pollution due to pesticides as potential benefits of adopting the regulation, which, by reducing movement of pesticides to surface water, would reduce the need for associated state and local agency activity costs as well as legal liability. See response to comment no. 4. Regarding IPM, see response to comment no. 7.

**Comment No. 16** (commenter #7): Section 6970 of the proposed regulations “apply to pest control businesses and maintenance gardeners, because the pesticide use reports they are required to submit to DPR indicate that they apply a major portion of the total amount of each of the 17 pesticides sold in California.” To assess the full benefits, performance goals, objectives, and implications of the new regulations, DPR should indicate the amount of pesticide sales attributed to these sources.

**Response:** Pesticide sales information is only available for all products sold containing a particular active ingredient, not by sites to which those products were applied.

**Comment No. 17** (commenter #7): Regulation language in section 6970(e) (the commenter inadvertently referred to section 6972) would prohibit “applications to the soil surface, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces with standing water, including puddles; to a sewer or storm drain or curbside gutter.” However, language in section 6970(a) states that the proposed amendments and regulations would “limit the application methods to the soil surface, mulch, gravel, lawn, turf, or groundcover to the following methods: (1) spot treatments, (2) pin stream treatments of one-inch wide or less, (3) perimeter band treatments of three feet wide or less from the base of a building outward, and (4) broadcast treatments but not within two feet of any horizontal impervious surface.” It appears from subsection (e) that applications to any surface (including soil surface, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces) that possesses standing water, including puddles, is prohibited, however, a revision of the regulation text is necessary to clarify this potential for confusion.

**Response:** The modified text amended subsections 6970(a)-(d) to advise that subsection (e) specifically prohibits certain applications.

**Comment No. 18** (commenter #7): Section 6972 details a list of seven circumstances of which the proposed regulations and amendments are exempt. Exemption (g) states that the aforementioned regulations and amendments are exempt when applied in “foggers or mist applications.” This exemption undermines the intended amendments and regulations which seek to minimize pesticide-derived contamination in surface water. In a circumstance in which the CAC categorizes an unavoidable use for foggers or mist applications, the CSD recommends implementing application restrictions and guidelines through label amendments.

**Response:** It is unclear what the commenter means by “(CAC) categorizes an unavoidable use for foggers or mist applications.” CACs do not categorize unavoidable use for any type of pesticide application, including fogger or mist applications. Most fogger applications are made for mosquito control, which would be exempt from the proposal regulations when they are covered by NPDES permits. Outdoor mist or aerosol applications are made with small containers in quantities that are not considered significant threats to surface water. In any case, the

commenter's recommendation to implement application restrictions and guidelines through label amendments does not apply to DPR and this proposal because only U.S. EPA has authority to require label amendments.

**Comment No. 19** (commenter #7): Section 6972 states "Certain applications of the listed pesticides are exempt from the proposed mitigation measures because specified uses are being addressed by the regional water quality control boards via National Pollutant Discharge Elimination System (NPDES) Permits." Specifically, exemption (e) states exemption for "pesticide applications to receiving waters that are regulated by the Statewide General NPDES Permits for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Application." Please clarify the proposed regulation language to specify if other NPDES permits (in addition to the General NPDES Permit for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Application) including other General or Individual NPDES Permits or Municipal NPDES Permits to determine if activities conducted under these other NPDES Permits are either covered or are not covered by this exemption.

**Response:** After consulting with a regional water quality control board, it was determined that all applications of the 17 pyrethroids DPR is regulating would be covered by the General NPDES Permits for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications. Thus, there would be no need to exempt applications made under other general, municipal, or individual NPDES permits. DPR modified the language to clarify that the exemption only applies to applications for which a permit has been issued.

**Comment No. 20** (commenter #7): The intent of the amendments and proposed regulations is to "reduce surface water contamination" by "prohibit(ing) any application under certain circumstances. These additional restrictions are designed to prohibit applications during precipitation that can carry these pesticides in runoff water to surface water, and to reduce the amount of these pesticides applied that could be carried by rain water to surface water." CSD recommends expanding this restriction to also prohibit application 24 hours prior to a forecasted precipitation event with a probability of 50 percent or greater. Pest control applicators can check with CACs for up to date weather conditions and forecasts as well as the most recent regulations and restrictions. Expanding this language supports and strengthens the intention of the amendments and proposed regulations to reduce surface water contamination.

**Response:** DPR considered language that would prohibit application within 24 hours prior to a forecasted precipitation event of a specified amount with a specified probability, but decided against it because of the uncertainty of forecasts, the problem of which forecast information to use, and how to ensure uniform access to that information, and in general the enforceability of that language. U.S. EPA is requiring label language equivalent to the commenter's suggestion but the language is advisory, not enforceable.

**Comment No. 21** (commenter #7): CSD recommends supplementing section 6000 to include a more thorough definition of IPM. This definition should explain the key components of IPM as well as applicable management tools.

**Response:** See response to comment no. 7.

**Comment No. 22** (commenter #8): The proposed rules could have an unintended impact on official federal, state, or county pest control activities since most such activities are now contracted out to commercial pest control businesses and the applications are conducted under government supervision.

Any working entity under agency direction is required to comply with any applicable permits, including CDFA's NPDES Spray Applications permit and is required to follow agency standard operating procedures, and implement all best management practices according to Agency protocol. Any entity working under Agency direction is responsible for meeting all requirements of the applicable Endangered Species Act.

CDFA requests that DPR carve out an additional exemption under proposed section 6972 to be worded as follows: "Applications made under the direction of the United States Department of Agriculture, the California Department of Food and Agriculture, or the County Agricultural Commissioners to control, suppress, or eradicate pests."

**Response:** Any application made under an NPDES permit, such as CDFA's NPDES Spray Applications permit, would be exempt from the proposal.

**Comment no. 23** (commenter #9): We strongly support the proposed regulations, and greatly appreciate the efforts made by DPR to address our concerns regarding pyrethroids in urban waterways. We also fully support the comments by the California Stormwater Quality Association.

**Response:** See responses to comment nos. 3-6.

**Comment 24** (commenter #11): ACWA supports the adoption of the proposed regulations with the amendment we provide below to mitigate the impacts associated with the outdoor nonagricultural use of 17 pyrethroid pesticides when applied by pest control businesses, including maintenance gardeners. We assume that it is merely an oversight on DPR's part, but there are actually four such NPDES permits adopted by SWRCB that we believe should be incorporated into section 6972(e). These include Weed Control; Vector Control; Aquatic Animal Invasive Species Control; and Spray Applications.

We would encourage the final language for section 6972(e) be modified to reflect that all four of these NPDES permits are exempt from the DPR's regulations for Surface Water Protection in Outdoor Nonagricultural Settings. We offer the following language for your consideration:

(e) Pesticide applications to receiving waters that are regulated by the Statewide General National Pollutant Discharge Elimination System (NPDES) permits for Pesticide Discharges to Water of the U.S. from Weed Control Applications, Vector Control Applications, Aquatic Animal Invasive Species Control Applications, and Spray Applications.

**Response:** See response to comment no. 19.

**Comment No. 25** (commenter #13): The Public Water Agencies support DPR’s proposed regulation. Given the documented occurrence of pyrethroids in the water column and sediment of surface waters in urban areas and the associated toxicity, the Public Water Agencies also encourage DPR to work with the regional water quality control boards and municipal stormwater agencies to develop and implement management practices for pyrethroid use by non-licensed pesticide users such as property owners and residents in urban areas.

**Response:** The proposed regulations are the initial effort to regulate the major source of pyrethroid pesticides in urban waterways. DPR expects this to be an iterative process that can be modified based on future monitoring results and studies that identify factors that contribute to, and can be used to, mitigate contamination, if necessary. If it is determined necessary to mitigate applications made by other pyrethroid users, DPR will develop an appropriate program that could involve other entities at that time.

**Comment No. 26** (commenter # 14): This proposed regulation does not appear to regulate, except as outlined in subsection (f), applications to shrubs, trees, and other plants in general. Subsection (a) as described below does not include trees, shrubs, and plants in general and subsection (f) regulates applications to trees, shrubs, and plants in general, if there is standing water near the plant.

(a) Applications to the soil surface, mulch, gravel, lawn, turf, or groundcover must be made using only the methods described below:

(f) Application to plants, shrubs, or trees where there is standing water in the dripline or perimeter of the plants, shrubs, or trees is prohibited

The intent of this regulation is to limit the amount of pyrethroids (covered by this regulation) reaching surface waters. It seems that by excluding trees, shrubs, and plants from subsection (a), a potentially large source pyrethroid runoff is not addressed. Many trees and shrubs are planted within hardscapes and near impervious horizontal surfaces where branches overhang impervious surfaces. In these planting situations runoff is a concern especially given that the amounts of material applied to trees is often many times greater than what would be applied in a perimeter treat of a residential property. In these situations it is unlikely than runoff could be prevented if there is a rain event within hours after the application.

**Response:** The main reason the proposed regulations do not address application to trees, shrubs, or plants--other than groundcover, during rainfall, and/or when there is standing water--is that U.S. EPA does not address those applications in its required pyrethroid label language. The initial language primarily addresses applications to “soft” (such as soil, turf, groundcover) horizontal surfaces and hard horizontal and vertical surfaces. If future monitoring indicates that pyrethroid water quality benchmarks and standards are not being met, DPR would consider more stringent restrictions to mitigate pyrethroids moving offsite.

#### COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD

No comments were received during the 15-day comment period.

## 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.