NEWS RELEASE

California Environmental Protection Agency

Department of Pesticide Regulation

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INSECTICIDE TO BE SUSPENDED
FOR FAILURE TO MEET DATA REQUIREMENTS

SACRAMENTO -- Cal/EPA's Department of Pesticide Regulation initiated suspension proceedings today (August 26) against bendiocarb, the second pesticide to be suspended under a 1991 law designed to expedite the collection of data about possible health effects related to pesticides.

The Department has also denied requests by the manufacturers of six other pesticides for extra time to complete required studies, and granted extensions for two other chemicals.

"The Birth Defect Prevention Act of 1984 was significantly amended last year to give us clearer authority to suspend pesticides whose manufacturers failed to comply with requirements to submit chronic health effects data," said DPR Director James W. Wells.

"The data collection process for the first group of 200 chemicals is nearly complete, and we are working closely with manufacturers who are trying to get the final studies done. The few that are not fulfilling their data requirements will find that they can no longer sell their products in California," Wells said.

Last year's amendments to the Birth Defect Prevention Act set up a mechanism to allow temporary deferrals of suspension for specific pesticide uses while studies were being completed, if it could be proven that suspension of that use would have an adverse public health or environmental impact, or cause substantial economic hardship, and that there were no feasible alternatives.

The registrants of bendiocarb had requested an economic hardship deferral, which was denied by the Department for failure to submit sufficient evidence regarding the feasibility of alternatives. A notice of intent to suspend was sent today to the 18 companies registered to sell bendiocarb in California.

Registrants have 30 days after receipt of the notice to request a hearing. If they do not, suspension becomes final. Once a pesticide is suspended, it may no longer be sold by registrants, although products held by dealers in California may be sold for up to two years, and products in the hands of end-users may be used up.

In 1990, there were 17,487 pounds of bendiocarb reported used in California, more than 14,000 pounds by professional applicators for structural pest control. It was also used in landscape maintenance, greenhouses and outdoor nurseries. In addition to reported commercial uses, bendiocarb also has home and garden uses, which do not have to be reported to the state. Among the 35 products, both commercial and home-and-garden, that are registered in California are several ant traps, wasp and hornet killers, roach and ant sprays and powders, and an insecticidal shelf and drawer covering. Bendiocarb is not widely used in production agriculture.

In addition to allowing deferrals of suspension for economic or public health reasons, last year's amendments also provided that extra time to complete studies could be granted to registrants that are close to fulfilling the data requirements. To qualify for this extension, a registrant must have eight of the 10 required studies complete, and have begun the other two, and also have a record of timely and appropriate compliance with other DPR data requests.

With the concurrence of Secretary for Environmental Protection James M. Strock, DPR has granted two extensions: chlorothalonil (a fungicide that controls diseases in fruits, vegetables, nursery plants and turf) and diethatyl ethyl (an herbicide used primarily to control weeds in sugar beets). The registrants of both chemicals have completed nine of 10 required studies, and initiated the tenth, and have consistently responded in a timely and appropriate manner to DPR requests for data. The diethatyl ethyl extension is valid until September 1, 1992, when the remaining study is due, the chlorothalonil until February 1, 1995, when its remaining study is due.

DPR has also denied the following petitions for extensions because the registrants did not meet the requirement to have eight of 10 studies completed:

- Carbaryl, an insecticide used on most food crops, with many home-and-garden and production agriculture products. (Requests for economic hardship deferral of suspension have also been received for most carbaryl uses. These petitions are under DPR review.)
- DEET, an insect repellent (personal and clothing) to repel mosquitoes, ticks and fleas. (A public health deferral petition is under review.)
- Iprodione, a fungicide used on almonds, various fruits and vegetables, and in nurseries. (Economic hardship deferral petitions are under review for several commodities, turf, and ornamentals.)
- Thiophanate methyl, a fungicide whose major uses are in landscape maintenance and in nurseries. (Economic hardship deferral petitions are under review for various uses.)

DPR also denied extension requests for two pesticides because the registrants do not have a record of timely and appropriate compliance:

- Coumaphos, an insecticide used in livestock buildings and on livestock.
- Piperonyl butoxide, a synergist used to enhance the efficiency of more than a thousand registered insecticide products. (An economic hardship deferral petition is under review for numerous uses, including vegetables, ornamentals, and household pest control.)

The Department will begin suspension proceedings against pesticides and products whose extension requests have been denied and for which no deferrals have been requested, or for which deferral requests have been denied.

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Attached: Questions and Answers on SB 950 and the suspension process