



Statement
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Assembly Committees on Environmental Safety and Toxic Materials
and Health
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Thank you for your invitation to address this hearing. On advice of legal counsel, I will not be able to answer any questions specific to the issues presented during the methyl iodide registration process, as those issues are the subject of litigation challenging DPR's registration decision. However, I can provide you with critical information relevant to your concerns. I can briefly describe California's authority to register pesticides for use in the state, how this authority was used in the case of methyl iodide, and the registration decision. Looking forward, I can tell you what we will be doing to meet our statutory obligation to gather information on the impact of use, and the actions we can take based on new information.

Pesticides are designed to control, prevent, destroy, mitigate, attract, or repel pests. Because of the properties and characteristics that make them effective for their intended purposes, they also may pose risks to people in the agricultural and urban environment.

Pesticides cannot be registered unless enforceable use restrictions are in place to achieve an acceptable level of risk. The specific facts of each case determine the strategy selected to condition and control use. They include label restrictions that limit and prescribe specific application methods, establish buffer zones, require protective equipment for workers, and prohibit field reentry after applications. A time- and place-specific permit that may further condition use based on local conditions can also be required.

All registered pesticides are thus controlled and regulated so that they can be used only for specified purposes under specified use conditions.

Pesticides cannot be sold or used in California unless they are registered by both the U.S. Environmental Protection Agency (U.S. EPA) and the California Department of Pesticide Regulation (DPR). California is one of a handful of states with its own pesticide registration program. By law, the label that controls pesticide use in California must first be approved and registered federally. DPR can exert control over use in California by withholding registration until and unless the manufacturer obtains federal approval of a California-only label with the extra protections it believes are necessary.

California is also the only state that requires local officials (county agricultural commissioners) to issue site-specific permits before the use of certain pesticides designated by regulation, the same local officials charged with enforcing pesticide laws and regulations. The permits issued can further restrict pesticide use beyond the label requirements based on local conditions. In



addition, California is the only state that does environmental monitoring and illness surveillance to continuously reevaluate registered pesticides. DPR's top priority has always been protection of workers, public health, and the environment.

These extra layers of regulatory oversight and control reflect California's position as the nation's leading producer of fruit, nut, and vegetable crops, all of which need hand labor. California is also unique in that tens of thousands of its residents live in suburbs near the nation's most intensively farmed acreage. The impact of pesticide use at this agricultural-urban boundary is a key factor evaluated by DPR before registration. For example, we have traditionally placed more emphasis than U.S. EPA on evaluating the potential for off-site movement of pesticides and on taking steps to prevent it.

U.S. EPA registered methyl iodide in 2007 for use in agriculture, and presented it with a 2009 Stratospheric Ozone Protection Award. It is a fumigant gas injected into soil to kill soil-based pests, weeds, and diseases before any crops are planted. Methyl iodide is a replacement for methyl bromide, which is being phased out under an international treaty to protect the earth's ozone layer. Methyl iodide is not an ozone depleter.

DPR received the application to register methyl iodide from Arysta LifeScience in 2002. Our review began in earnest in 2007 after receiving all the necessary toxicology, environmental, and other data necessary for such an important decision. Our evaluation was the most comprehensive and thorough in California history. We considered a wide range of scientific input, including our own risk assessment, the comments of all peer reviewers, the parallel risk assessment conducted by U.S. EPA, and protocols developed by U.S. EPA and the World Health Organization for these types of decisions.

Our evaluation determined methyl iodide can be used safely by highly trained applicators at times, places, and under specific conditions spelled out in DPR's restrictions. DPR did not accept U.S. EPA's methyl iodide registration conditions. We instead required Arysta to obtain U.S. EPA approval of California-specific labels for methyl iodide products that include more stringent health-protective measures. This approval was received in November 2010. Among other safety measures, we have required larger buffer zones, more ground water protections, reduced application rates and acreage, stronger protections for workers, and adopted a regulation that requires a site-specific permit before use. We have provided a chart that outlines the major differences between the California and U.S. EPA requirements. The California restrictions are based upon the data and scientific analysis. The registration would not have been granted unless we were confident that these products could be used safely without adverse impacts to human health and the environment.

For those who would like to inform themselves on the detail of our analysis and scientific support for our decision, I invite you to view the final environmental documents on our Web site that include responses to comments raised in connection with our decision.

Effective in December 2010, DPR joined 47 other states in registering methyl iodide. Methyl iodide is now available for use. Methyl iodide can be used to treat soil before planting of a limited number of crops, including strawberries, tomatoes, stone fruits, tree nuts, vines, nurseries, peppers, turf, and field-grown ornamentals. Methyl iodide is not “sprayed.” It is injected into the soil before crops are planted and a tarp must be placed over the treated area. Methyl iodide is then allowed to degrade to low levels safe for crop growth. According to U.S. EPA, “studies in plants assure that there is no reasonable expectation of . . . residues in or on food.”

DPR has a legal obligation to continuously evaluate all registered pesticides. To carry out this obligation, DPR, in coordination with the State Water Resources Control Board, will sample ground water in areas where methyl iodide is used to ensure the effectiveness of safeguards already in place. In addition, DPR has requested the Air Resources Board to add methyl iodide to the list of fumigants it already looks for in its ongoing air monitoring program. Methyl iodide is also one of the pesticides DPR is sampling for in its air monitoring network.

On a related subject, there continues to be confusion over the distinction and function of risk assessment and risk management in the pesticide registration process. Risk assessment provides a tool for the risk manager by identifying the sources and types of risk presented by use of the product and assessing the means available to determine the extent of those risks. While risk assessment provides *information* on potential health risks, risk management is the *action* taken based on that information and other information available to the decision maker. Risk managers determine if mitigation is possible to effectively reduce the potential risk to human health and the environment. Unless the risk manager is satisfied that safe use is possible, the product will not be registered.

Besides my testimony, I am presenting to the committees two documents which present in graphical form the process I just outlined. The “Decision Framework” is a one-page flowchart showing how a pesticide moves from risk assessment through risk management and then to post-registration evaluation. As already mentioned earlier, I am providing a chart comparing U.S. EPA’s restrictions on methyl iodide with DPR’s much stricter controls. I am also presenting an FAQ on our methyl iodide registration process.

In closing, the restrictions and conditions California has imposed on the use of methyl iodide products are the most stringent that exist in the United States, including those required by U. S. EPA. Further, consistent with our statutory obligation, DPR will continue to evaluate the impact of the use of this product in California. If new information of concern comes to light, DPR has the authority to require further mitigation, suspend use, or move to cancel the registration of these products.