

**Notice of Proposed and Final Decisions  
and Public Reports**

**Volume 2014-14  
April 4, 2014**

**Department of Pesticide Regulation  
Pesticide Registration Branch**

POST THROUGH MAY 3, 2014

## **NOTICE OF PROPOSED DECISIONS TO REGISTER PESTICIDE PRODUCTS AND PUBLIC REPORTS**

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The Director of the Department of Pesticide Regulation (DPR) proposes to register the products listed below under Chapter 2 of Division 7 (beginning with Section 12751 of the Food and Agriculture Code) after May 3, 2014 and issues this notice and these public reports in accordance with Title 3, California Code of Regulations sections 6253 and 6254. Comments concerning these proposed decisions may be directed to the Pesticide Registration Branch, Department of Pesticide Regulation, P.O. Box 4015, Sacramento, California 95812-4015 until the above date. Contacts regarding this notice should be made to the Pesticide Registration Branch at (916) 445-4400.

### *Description of the Action – Label Amendments*

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*Tracking Number – (EPA Registration Number)*

*Applicant / Brand Name*

263118 - (82123 - 1)

ALLERGY TECHNOLOGIES LLC

ACTIVEGUARD MATTRESS LINER

USE: INSECTICIDE - FOR THE CONTROL OF BED BUGS AND DUST MITES ON  
BEDDING SUCH AS MATTRESSES, BOX SPRINGS, AND SOFA BEDS

TYPE: SECTION 3 LABEL AMENDMENT - TO REMOVE PRECAUTIONARY  
STATEMENTS

ACTIVE INGREDIENT(S):

PERMETHRIN

CAS NUMBER(S): 52645-53-1

This is a proposed decision to approve amended labels for certain pesticide products already registered for use in California (project). The amended labels submitted to replace the labels for currently registered products have already been reviewed and accepted by the United States Environmental Protection Agency (U.S. EPA). By law, before these labels can be approved for placement on currently registered products in California to control use, the labels must first be reviewed and accepted by U.S. EPA. The label under which a product is registered in California is controlled by, and must be essentially the same as, the label approved by U.S. EPA. DPR cannot give its final approval for the amended labels until such labels are officially accepted by U.S. EPA.

The products listed and described above are the subject of this registration action and are currently registered in California under labels that allow each product's use only for specific pests and/or at particular types of sites, and only in the manner consistent with the label requirements and instructions. The registrants of these products have now applied to amend the

## Notice of Proposed Decisions to Register (Continued)

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labels for their respective products in California by adding additional uses or types of sites, and/or setting forth additional or different conditions or instructions for use.

#### Mitigation and Alternatives

DPR evaluated the new labels for their potential to create adverse environmental effects to human health, water, air, and non-target species (checklist). After review of the new labels for the above-identified registered products, DPR has determined that use of each product in a manner consistent with its new label will have no direct or indirect significant adverse environmental impact, and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. Cal. Code of Regs., tit. 14, § 15252(a)(2)(B).

If DPR determines that the use of any of the registered products in a manner consistent with the amended label submitted for approval is anticipated to have a significant adverse environmental impact, the only alternative or mitigation to the project of accepting the amended label is to deny approval and maintain the registration of the product under the existing label. However, even if an adverse impact is identified, the registration project can be approved if the Director makes a written determination that the benefit of accepting the amended label in providing an additional pest control option outweighs the risk of a significant adverse environmental impact from allowing use of the product consistent with its requirements (overriding considerations determination). Cal. Code of Regs., tit. 3, § 6158.

In an overriding considerations determination, a discussion of the lack of feasible pest control options, including product alternatives, for one or more of the pest problems for which the product can be used under the amended label may be appropriate to support approval. However, that determination is not being made here as no significant adverse environmental impacts have been identified. Outside an overriding consideration determination, a discussion of product alternatives is irrelevant to a registration project.

If the proposed registration of these products under amended labels is denied (no project alternative), there will be no significant adverse environmental impact anticipated from the lack of additional pest control options. The benefit of accepting amended labels for these currently registered products is that such action may provide additional pest control options for specific pests or use sites allowing the selection of the optimal pest tool for each unique situation; or such action may result in new control measures or requirements on use that decrease the risk of adverse impact on human health and the environment.

†† This product is designated as a California restricted material based upon the increased hazard the active ingredient may pose to human health or the environment. Although the labels submitted for registration include mitigation measures and restrictions that significantly reduce the potential for a significant adverse environmental impact, restricted material products also require a permit to be issued by the local county agricultural commissioner before they can be applied. The local county agricultural commissioner is required to conduct an evaluation before issuing a permit for the use of restricted material products to determine if the specific use at a specific time and location will result in a significant adverse environmental impact. If the

## Notice of Proposed Decisions to Register (Continued)

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evaluation finds that there is a likelihood of a substantial adverse environmental impact, and there is a mitigation measure which will significantly reduce that impact, the permit shall be conditioned on the use of that measure. If, however, no mitigation is possible and there is a feasible alternative that will substantially reduce the environmental impact while still achieving the intended pest management purpose, the permit will be denied.

#### *Description of the Action – New Pesticide Products*

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*Tracking Number – (EPA Registration Number)*

*Applicant / Brand Name*

**None to report this issue Volume 2014-14.**

#### *Description of the Action – New Pesticide Products Containing New Active Ingredients*

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*Tracking Number – (EPA Registration Number)*

*Applicant / Brand Name*

**None to report this issue Volume 2014-14.**

#### *Description of the Action – California Only Products*

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*Tracking Number – (EPA Registration Number)*

*Applicant / Brand Name*

258140 - (9349 - 50005)

PRECISION LABORATORIES, LLC.

PERSIST ULTRA

USE: ADJUVANT - FOR USE AS AN ADJUVANT

TYPE: CALIFORNIA ONLY REGISTRATION -

This is a proposed decision to register certain products defined by California law as being a pesticide requiring California registration, but are not considered to be pesticides under federal law or required to be registered with U.S. EPA (project). The products listed above are the subject of this registration action and either meet the definition of a spray adjuvant as defined in Food & Agricultural Code section 12758; meet the definition of a structural pest control device as defined in Food & Agricultural Code section 15300; or have been designated minimum risk pesticides that do not require federal registration under Title 7, United States Code, section 136w(b)(2) and 40 Code of Federal Regulations, section 152.25(f). The registrants of these products have now applied to register these products in California.

## Notice of Proposed Decisions to Register (Continued)

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#### Mitigation and Alternatives

DPR evaluated these proposed products for their potential to create adverse environmental effects to human health, water, air, and non-target species (checklist). DPR's review of this project has determined that use of these products in a manner that does not conflict with their labels will have no direct or indirect significant adverse environmental impact and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. Cal. Code of Regs., tit. 14, § 15252(a)(2)(B).

If DPR determines that the use of any product proposed for registration in a manner consistent with its label is anticipated to have a significant adverse environmental impact, the only alternative or mitigation to the project of registering the product under the label presented is to deny registration. However, even if an adverse impact is identified, the registration project can be approved if the Director makes a written determination that the benefit of registering the product in providing an additional pest control option outweighs the risk of a significant adverse environmental impact from its use (overriding considerations determination). Cal. Code of Regs., tit. 3, § 6158.

In an overriding considerations determination, a discussion of the lack of feasible pest control options, including product alternatives, for one or more of the pest problems targeted by a particular product, may be appropriate to support registration. However, that determination is not being made here as no significant adverse environmental impacts have been identified. Outside an overriding consideration determination, a discussion of product alternatives is irrelevant to a registration project.

If the proposed registration of any of these products is denied (no project alternative), there will be no significant adverse environmental impact anticipated from the lack of additional pest control options. The benefit of registering these products is that they provide additional pest control options for each specific proposed use, allowing the selection of the optimal pest tool for each unique situation.

#### *Continuous Evaluation*

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All products proposed for registration here are subject a continuous evaluation under Food and Agricultural Code section 12824 to identify and evaluate any potential significant adverse environmental impact that may be indicated after the initial registration. Following the process outlined in Title 3, California Code of Regulations sections 6220 through 6224, action may be taken to cancel the registration under Food and Agricultural Code section 12825.

*April 4, 2014*

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Dated

*Original Signed by Shelley Lopez for*

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Ann M. Prichard, Branch Chief  
Pesticide Registration Branch

POST THROUGH MAY 3, 2014

**NOTICE OF FINAL DECISIONS TO REGISTER PESTICIDE PRODUCTS  
AND WRITTEN EVALUATION**

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Pursuant to Title 3, California Code of Regulations section 6255, the Director of the Department of Pesticide Regulation (DPR), files this Notice of Final Decisions to Register Pesticide Products with the Secretary of the Resources Agency for posting. For products conditionally registered pending the submission of specific data, the Director found that the use of the products during the time period(s) while the data are being developed is not expected to cause any significant adverse effect on the environment; there is a clear need for the products in California while the data are being developed; and that the benefits of using the products outweigh risks to human health and the environment. Conditional registration cannot be granted unless all the data required by Title 3, California Code of Regulations section 6200 and the other requirements of that section are satisfied. This notice must remain posted for a period of 30 days for public inspection. Contacts regarding this notice should be made to the Department of Pesticide Regulation's Pesticide Registration Branch at (916) 445-4400.

*Tracking Number – (EPA Registration Number)*

*Applicant / Brand Name*

256538 - (59639 - 185)

VALENT U.S.A. CORPORATION

ETHABOXAM TECHNICAL

USE: FUNGICIDE - FOR FORMULATING USE ONLY

TYPE: SECTION 3 REGISTRATION -

ACTIVE INGREDIENT(S):

ETHABOXAM

CAS NUMBER(S): 162650-77-3

*Written Evaluation*

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Pursuant to Title 3, California Code of Regulations section 6254, this notice includes a written evaluation of significant environmental points raised in comments submitted during the review and comment period required by Title 3, California Code of Regulations section 6253 for any of the products listed above.

**DPR received no comments on the above listed products.**

*April 4, 2014*

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Dated

*Original Signed by Shelley Lopez for*

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Ann Prichard, Branch Chief  
Pesticide Registration Branch

POST THROUGH MAY 3, 2014

## **NOTICE OF PROPOSED DECISIONS TO DENY PESTICIDE PRODUCTS**

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Pursuant to Title 3, California Code of Regulations section 6253, the Director of the Department of Pesticide Regulation (DPR), notices the Department's proposed decisions to deny the registration of the following pesticide products. Unless specified, the reason for denial is that the required data was not submitted, was determined to be inadequate, or there was a likelihood of a significant adverse environmental effect anticipated from the use of these products in a manner consistent with its label. This action will not have a significant adverse impact on the environment. Interested persons may comment on these proposed decisions up to and including the date shown on the top line of this notice to the Pesticide Registration Branch, Department of Pesticide Regulation, P.O. Box 4015, Sacramento, California 95812-4015. Contacts regarding this notice should be made to the Pesticide Registration Branch at (916) 445-4400.

*Tracking Number – (EPA Registration Number)*  
*Applicant / Brand Name*

261052 - (1258 - 1071)  
ARCH CHEMICALS, INC.  
TRIADINE 174 INDUSTRIAL MICROBIOSTAT  
USE: FUNGICIDE - FOR THE IN-CAN PRESERVATION OF LATEX AND OTHER  
AQUEOUS PAINTS, COATINGS, AND EMULSIONS  
TYPE: SECTION 3 LABEL AMENDMENT - TO REMOVE THE QUALIFIER "NOT FOR  
USE IN CALIFORNIA" FROM PATCHING COMPOUNDS, ADHESIVES, CAULKS, AND  
JOINT COMPOUNDS  
ACTIVE INGREDIENT(S):  
HEXAHYDRO-1,3,5-TRIS (2-HYDROXYETHYL)-S-TRIAZINE  
CAS NUMBER(S): 4719-04-4

263336 - (1021 - 2610)  
MCLAUGHLIN GORMLEY KING COMPANY D/B/A MGK  
MGK 27913  
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS DUST  
MITES, LICE, AND BED BUGS IN HOMES AND APARTMENTS  
TYPE: SECTION 3 REGISTRATION -  
ACTIVE INGREDIENT(S):  
N-OCTYL BICYCLOHEPTENE DICARBOXIMIDE  
PHENOTHRIN  
CAS NUMBER(S): 113-48-4, 26002-80-2

*April 4, 2014*

*Original Signed by Shelley Lopez for*

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Dated

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Ann Prichard, Branch Chief  
Pesticide Registration Branch

POST THROUGH MAY 3, 2014

## **NOTICE OF FINAL DECISIONS TO DENY PESTICIDE PRODUCTS**

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Pursuant to Title 3, California Code of Regulations section 6255, the Director of the Department of Pesticide Regulation (DPR) files this Notice of Final Decisions to Deny Pesticide Products with the Secretary of the Resources Agency for posting. Unless specified, the reason for denial is that the required data was not submitted, was determined to be inadequate, or there was a likelihood of a significant adverse environmental effect anticipated from the use of these products in a manner consistent with its label. This action will not have a significant adverse impact on the environment. This notice must remain posted for a period of 30 days for public inspection. Contacts regarding this notice should be made to the Department of Pesticide Regulation's Pesticide Registration Branch at (916) 445-4400.

*Tracking Number – (EPA Registration Number)*  
*Applicant / Brand Name*

262324 - (59639 - 152)

VALENT U.S.A. CORPORATION

ARENA 50 WDG INSECTICIDE 1

USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS APHIDS, MEALYBUGS, AND LEAFHOPPERS IN SITES SUCH AS PRODUCTION GREENHOUSES, RESIDENTIAL LANDSCAPES, AND INTERIORSCAPES

TYPE: SECTION 3 LABEL AMENDMENT - SUPPLEMENTAL LABELING TO ADD SOIL APPLICATIONS TO ORNAMENTALS AND REDUCED RATE APPLICATION FOR SUMMER WHITE GRUB CONTROL ON TURF

ACTIVE INGREDIENT(S):

CLOTHIANIDIN

CAS NUMBER(S): 205510-53-8

**\*APPLICATION FOR REGISTRATION OF PRODUCT ID#262324 WITHDRAWN PER REGISTRANT'S REQUEST.**

*April 4, 2014*

*Original Signed by Shelley Lopez for*

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Dated

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Ann Prichard, Branch Chief  
Pesticide Registration Branch