Notice of Proposed and Final Decisions and Public Reports

Volume 2014-24
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Department of Pesticide Regulation
Pesticide Registration Branch

POST THROUGH JULY 12, 2014

NOTICE OF PROPOSED DECISIONS TO REGISTER PESTICIDE PRODUCTS AND PUBLIC REPORTS

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 July 12, 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

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

264521 - (83623 - 50002) ††
BETA TEC HOP PRODUCTS
HOPGUARD II
USE: INSECTICIDE - FOR USE IN HONEYBEE HIVES TO CONTROL VARROA MITE
TYPE: SECTION 18 EMERGENCY EXEMPTION LABEL AMENDMENT - TO CHANGE THE CURRENT HOPGUARD PRODUCT TO AN IMPROVED HOPGUARD II STRIP AND TO REDUCE THE MAXIMUM NUMBER OF APPLICATIONS PER SEASON
ACTIVE INGREDIENT(S):
POTASSIUM SALT OF HOP BETA ACIDS
CAS NUMBER(S): (NO CAS NUMBER)

263085 - (4 - 419)
BONIDE PRODUCTS, INC.
ALL SEASONS HORTICULTURAL SPRAY OIL READY TO USE
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS APHIDS, MITES, AND THRIPS ON VARIOUS CROPS SUCH AS ASPARAGUS, BEANS, AND BEETS
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD CONTROL OF PESTS AND DISEASES SUCH AS LIGHT BROWN APPLE MOTH, RED BANDED LEAFROLLER, BLACK SCALE, AND POWDERY MILDEW ON CROPS SUCH AS GRAPES, FIGS, AND BANANAS
ACTIVE INGREDIENT(S):
MINERAL OIL
CAS NUMBER(S): 64741-56-9

264490 - (6836 - 340)
LONZA, INC.
LONZA DISINFECTANT WIPES PLUS 2
USE: DISINFECTANT - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS PSEUDOMONAS AERUGINOSA, SALMONELLA ENTERICA, AND STAPHYLOCOCCUS AUREUS ON HARD, NONPOROUS SURFACES
TYPE: SECTION 3 LABEL AMENDMENT - CONDITIONAL - TO ADD CLAIMS AGAINST INFLUENZA A VIRUS (H7N9) AND CANDIDA ALBICANS (ATCC 10321)
ACTIVE INGREDIENT(S):
ALKYL (50%C14, 40%C12, 10%C16) DIMETHYLBENZYL AMMONIUM CHLORIDE
DIDECYL DIMETHYL AMMONIUM CHLORIDE
DIOCTYL DIMETHYL AMMONIUM CHLORIDE
OCTYL DECYL DIMETHYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2, 126851-24-9, 154765-32-9, 7173-51-5, 5538-94-3, 32426-11-2

263888 - (6836 - 346)
LONZA, INC.
LONZAGARD RCS-256
USE: DISINFECTANT, FUNGICIDE, VIRUCIDE - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS STAPHYLOCOCCUS AUREUS, LISTERIA MONOCYTOGENES, AND SALMONELLA ENTERICA ON HARD, NONPOROUS SURFACES IN AREAS SUCH AS FLOORS, SINKS AND TUBS, AND EGG FLATS IN SITES SUCH AS DENTAL OFFICES, HOSPITALS, AND NURSING HOMES
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD CLAIMS AGAINST ESBL ESCHERICHIA COLI, ENTEROBACTER AEROGENES, AND SERRATIA MARCESCENS
ACTIVE INGREDIENT(S):
ALKYL (50%C14, 40%C12, 10%C16) DIMETHYLBENZYL AMMONIUM CHLORIDE
DIDECYL DIMETHYL AMMONIUM CHLORIDE
DIOCTYL DIMETHYL AMMONIUM CHLORIDE
OCTYL DECYL DIMETHYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2, 126851-24-9, 154765-32-9, 7173-51-5, 5538-94-3, 32426-11-2

263882 - (6836 - 349)
LONZA, INC.
LONZAGARD RCS-256 PLUS
USE: DISINFECTANT, FUNGICIDE, VIRUCIDE - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS STAPHYLOCOCCUS AUREUS, LISTERIA MONOCYTOGENES, AND PSEUDOMONAS AERUGINOSA ON HARD, NONPOROUS SURFACES ON AREAS SUCH AS FLOORS, SINKS, TUBS, AND EGG FLATS IN SITES SUCH AS DENTAL OFFICES, HOSPITALS, AND NURSING HOMES
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD CLAIMS AGAINST ESBL ESCHERICHIA COLI, ENTEROBACTER AEROGENES, AND SERRATIA MARCESCENS
ACTIVE INGREDIENT(S):
ALKYL (50%C14, 40%C12, 10%C16) DIMETHYLBENZYL AMMONIUM CHLORIDE
DIDECYL DIMETHYL AMMONIUM CHLORIDE
DIOCTYL DIMETHYL AMMONIUM CHLORIDE
OCTYL DECYL DIMETHYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2, 126851-24-9, 154765-32-9, 7173-51-5, 5538-94-3, 32426-11-2

264674 - (1839 - 95)
STEPAN COMPANY
NP 4.5 (D&F) DETERGENT/DISINFECTANT
USE: ANTIMICROBIAL, BACTERICIDE, DISINFECTANT, FUNGICIDE, VIRUCIDE - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS PSEUDOMONAS AERUGINOSA, ESHERICHIA COLI, AND SALMONELLA CHOLERAESUIS ON HARD, NONPOROUS SURFACES IN SITES SUCH AS RESTAURANTS, BARS, AND SWINE PREMISES
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD CLAIMS AGAINST ACINTOBACTER BAUMANNI, ENTEROCOCCUS FAECIUM, AND VANCOMYCIN RESISTANT ENTEROCOCCUS FAECALIS
ACTIVE INGREDIENT(S):
ALKYL (60%C14, 30%C16, 5%C12, 5%C18) DIMETHYLBENZYL AMMONIUM CHLORIDE
ALKYL (68%C12, 32%C14) DIMETHYLETHYLBENZYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2, 85409-23-0

262551 - (2724 - 791)
WELLMARK INTERNATIONAL
ZENIVEX E20
USE: INSECTICIDE - FOR USE ONLY BY GOVERNMENT OFFICIALS FOR THE CONTROL OF VARIOUS INSECTS SUCH AS ADULT MOSQUITOES, NON-BITING MIDGES, AND BLACK FLIES IN SITES SUCH AS RESIDENTIAL, INDUSTRIAL, AND COMMERCIAL AND RECREATIONAL AREAS
TYPE: SECTION 3 LABEL AMENDMENT - CONDITIONAL - TO ADD SUPPLEMENTAL LABELING FOR USE ON AGRICULTURAL CROPS, PASTURES, AND RANGELAND TO CONTROL ADULT MOSQUITOES, NON-BITING MIDGES, AND NUISANCE AND BITING FLIES
ACTIVE INGREDIENT(S):
ETOFENPROX
CAS NUMBER(S): 80844-07-1

262552 - (2724 - 807)
WELLMARK INTERNATIONAL
ZENIVEX E4 RTU
USE: INSECTICIDE - FOR USE ONLY BY GOVERNMENT OFFICIALS FOR THE CONTROL OF VARIOUS INSECTS SUCH AS MOSQUITOES, NON-BITING MIDGES, AND BLACK FLIES IN SITES SUCH AS RESIDENTIAL, INDUSTRIAL, AND RECREATIONAL AREAS
TYPE: SECTION 3 LABEL AMENDMENT - CONDITIONAL - TO ADD SUPPLEMENTAL LABELING FOR USE ON AGRICULTURAL CROPS, PASTURES, AND RANGELAND TO CONTROL ADULT MOSQUITOES, NON-BITING MIDGES, AND NUISANCE AND BITING FLIES
ACTIVE INGREDIENT(S):
ETOFENPROX
CAS NUMBER(S): 80844-07-1

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 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 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

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

261702 - (9804 - 1)
BIO-CIDE INTERNATIONAL, INC.
RESPICIDE GP DISINFECTING SOLUTION
USE: ANTIMICROBIAL, BACTERICIDE, DISINFECTANT, FUNGICIDE, VIRUCIDE - TO DISINFECT HEAT SENSITIVE, REUSABLE, NON-CRITICAL MEDICAL EQUIPMENT AND OTHER HARD, NONPOROUS SURFACES IN SITES SUCH AS HOSPITALS, NURSING HOMES, AND SCHOOLS
TYPE: SECTION 3 REGISTRATION -
ACTIVE INGREDIENT(S):
CHLORINE DIOXIDE
CAS NUMBER(S): 10049-04-4

264334 - (68506 - 2)
CA FRESH FIG GROWERS ASSOCIATION
UVASYS
USE: FUNGICIDE - FOR THE CONTROL OF BOTRYTIS CINERARIA ON PACKAGED GRAPES
TYPE: SECTION 18 EMERGENCY EXEMPTION - TO CONTROL BOTRYTIS CINERARIA ON FRESH FIGS POST-HARVEST
ACTIVE INGREDIENT(S):
SODIUM METABISULFITE
CAS NUMBER(S): 7681-57-4

This is a proposed decision to register certain pesticide products that already have been registered by U.S. EPA or for which federal registration is pending, under the specific labels that are now submitted for registration in California (project). The products listed and described above are the subject of this registration action and contain active ingredients already found in currently registered products, but may have different combinations and/or percentages of total ingredients, and/or be for different pests and/or types of sites. By law, all of these products must first be registered under a label approved by U.S. EPA before they can be registered for use in California. The label under which the 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 registration in California until the products are officially registered by U.S. EPA.

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, the registration of the above-identified products, has determined that use of each of these products in a manner consistent with its U. S. EPA-approved labeling 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 U.S. EPA-approved 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.

†† 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 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 Containing New Active Ingredients

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

None to report this issue Volume 2014-24.

Description of the Action – California Only Products

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

260723 - (1051186 - 50006)
MOMENTIVE PERFORMANCE MATERIALS
SAG* 1572 FOAM CONTROL AGENT
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.

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

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.

June 13, 2014	*Original Signed by Ann Prichard*
Dated	Ann M. Prichard, Branch Chief Pesticide Registration Branch

POST THROUGH JULY 12, 2014

NOTICE OF FINAL DECISIONS TO REGISTER PESTICIDE PRODUCTS AND WRITTEN EVALUATION

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

257475 - (62719 - 631)
DOW AGROSCIENCES LLC
SULFOXAFLOR TECHNICAL
USE: INSECTICIDE - FOR MANUFACTURING USE ONLY
TYPE: SECTION 3 REGISTRATION -
ACTIVE INGREDIENT(S):
SULFOXAFLOR
CAS NUMBER(S): 946578-00-3

247453 - (352 - 860)
E.I. DU PONT DE NEMOURS AND CO., INC.
DUPONT VERIMARK INSECT CONTROL
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS THRIPS, ARMYWORMS, AND LOOPERS ON CROPS SUCH AS BRASSICA, CURCUBITS, FRUITING, LEAFY, TUBEROUS, CORM VEGETABLES, AND CITRUS TREES
TYPE: SECTION 3 REGISTRATION - CONDITIONAL
ACTIVE INGREDIENT(S):
CYANTRANILIPROLE
CAS NUMBER(S): 736994-63-1

262316 - (86203 - 12)
MITSUI CHEMICALS AGRO, INC.
DINOTEFURAN 20SG
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS APHIDS, FLEA BEETLES, AND WHITEFLIES ON COLLARDS, CHINESE CABBAGE, AND KALE
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD DIRECTIONS FOR USE ON CROPS SUCH AS ONIONS, PEACHES, AND NECTARINES, TO ADD CONTROL OF GRAPE BERRY MOTH, AND TO ADD POLLINATOR PROTECTION LANGUAGE
ACTIVE INGREDIENT(S):
DINOTEFURAN
CAS NUMBER(S): 165252-70-0

262171 - (4822 - 530)
S.C. JOHNSON & SON INC.
SCRUBBING BUBBLES ALL PURPOSE CLEANER (FAIRWAY II)
USE: DISINFECTANT - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS INFLUENZA A VIRUS, ESCHERICHIA COLI, AND LISTERIA MONOCYTOGENES ON HARD, NONPOROUS SURFACES
TYPE: SECTION 3 LABEL AMENDMENT - TO REVISE THE MASTER LABEL LANGUAGE PURSUANT TO THE USEPA GUIDELINES DATED FEBRUARY 28, 2013 AND ADD USE DIRECTION LANGUAGE TO THE LABEL TARGETING THE GALLON SIZE CONTAINER
ACTIVE INGREDIENT(S):
ALKYL (60%C14, 30%C16, 5%C12, 5%C18) DIMETHYLBENZYL AMMONIUM CHLORIDE
ALKYL (68%C12, 32%C14) DIMETHYLETHYLBENZYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2 , 85409-23-0

260722 - (59639 - 135)
VALENT U.S.A. CORPORATION
VENOM INSECTICIDE
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS LEAFHOPPERS, WHITEFLIES, AND THRIPS ON CROPS SUCH AS COTTON, BELL PEPPERS, AND EGGPLANT
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD A SUPPLEMENTAL LABEL TO REVISE THE USE RATES FOR CUCURBITS AND LEAFY VEGETABLES AND ADD CONTROL OF PESTS ON GRAPES AND HEAD AND STEM BRASSICA, AND USE IN FRUITING VEGETABLES, LEAFY BRASSICA GREENS, AND TURNIP GREENS
ACTIVE INGREDIENT(S):
DINOTEFURAN
CAS NUMBER(S): 165252-70-0

263150 - (53883 - 276)
WELLMARK INTERNATIONAL
CENTYNAL INSECTICIDE
USE: INSECTICIDE - FOR THE CONTROL OF INSECTS SUCH AS INDIAN MEAL MOTHS, SAW-TOOTHED GRAIN BEETLES, AND RICE WEEVILS IN AND AROUND GRAIN STORAGE FACILITIES
TYPE: SECTION 3 SUBREGISTRATION -
ACTIVE INGREDIENT(S):
DELTAMETHRIN
CAS NUMBER(S): 52918-63-5

Written Evaluation

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 comments raising environmental points and other concerns from Dr. Eric Mussen, University of California Cooperative Extension on DPR's proposed decision to accept Valent U.S.A. Corporation's (Valent's) amendment to their currently registered dinotefuran product, Venom Insecticide, EPA Reg. No. 59639-135. Mr. Gregory C. Loarie of EarthJustice also submitted comments on Valent's product, as well as Mitsui Chemicals Agro, Inc.'s Dinotefuran 20SG, EPA Reg. No. 86203-12. Mr. Loarie also provided comments on DPR's proposed decision to register products containing new active ingredients – E.I. Du Pont de Nemours and Co., Inc.'s DuPont Verimark Insect Control, EPA Reg. No. 352-860 (containing cyantraniliprole) and Dow Agroscience LLC's Sulfoxaflor Technical, EPA Reg. No. 62719-631 (containing sulfoxaflor) [Notices of Proposed Decisions to Register Pesticide Products (Notices), Vol. 2014-3, 2014-4, 2014-6, and 2014-8]. DPR evaluated these comments and provided a comprehensive response. A summary of the points raised and DPR's responses are provided below. A copy of DPR's full response to Dr. Mussen and Mr. Loarie can be found at the bottom of this notice.

COMMENT: The commenters expressed concern that approving the dinotefuran product label amendments will have significant adverse effects on honey bees and other pollinators.
Dr. Mussen identified the possibility of honey bees consuming field-dose levels of dinotefuran in chemigation water that leaks from the tubing and tube connections during chemigation. Mr. Loarie urged DPR to withdraw its proposed decisions and to reject any future applications to register new neonicotinoid products, applications to expand the uses for existing neonicotinoid products, and applications to register new pesticide products containing any new active ingredient that pose a risk to bees, pending the completion of DPR's neonicotinoid reevaluation process.

RESPONSE: Venom Insecticide is currently registered in California with existing bee hazard language in the Environmental Hazards section of the label. Valent submitted a request to DPR to amend the label to add use on fruiting vegetables, leafy brassica greens, and turnip greens. A

short time later, DPR received an updated container label for this product bearing the new pollinator protection language and bee icons. While the proposed label amendment does expand use of this product to additional vegetable crops, use on vegetable crops is already present on the labels of a number of neonicotinoid containing products. Current label use directions prohibit application of the product when bees are foraging. Similarly, Dinotefuran 20SG is currently registered in California with existing bee hazard language in the Environmental Hazards section of the label. Mitsui submitted a request to DPR to amend the label to include pollinator protection language; expand uses to include commodities within crop groups berry and small fruit (subgroup 13-07F and 13-07H), cucurbits, and tuberous and corm vegetables (subgroup 1C); add use on the crops bulb onion, green onion, peach and nectarine, and watercress. The added crops - berry and small fruit, cucurbits, tuberous and corm vegetables, onions, peaches, nectarines, and watercress - are already present on the labels of a number of currently registered neonicotinoid containing products. Therefore, the addition of crops to which this product can be applied as listed on the proposed label amendment does not represent new or expanded risk to pollinators, particularly in light of additional pollinator protection language that has been added to the proposed label.

DPR performed a thorough scientific analysis of the label expansions for the products identified above. DPR has determined that all identified potential adverse environmental effects associated with the use of the products have been mitigated and that the product's label instructions provide the necessary environmental protections. Therefore, approving the proposed label amendments does not represent additional risk to pollinators. Data indicate that neonicotinoids are acutely toxic to honey bees and other pollinators; however, DPR does not yet have sufficient scientifically robust data to support a regulatory action to implement additional mitigation measures, over and above current label restrictions. If at any point during its reevaluation of neonicotinoids, after consultation with U.S. EPA and PMRA Health Canada, DPR has sufficient scientifically robust data indicating a need for additional mitigation measures, DPR will propose such measures.

COMMENT: Mr. Loarie states that in light of the scientific information already before DPR, it is both inappropriate and illegal for DPR to continue to expand the use of neonicotinoids while simultaneously approving products containing new active ingredients, such as cyantraniliprole and sulfoxaflor, which are also known to be toxic to pollinators.

RESPONSE: Cyantraniliprole is far less toxic than neonicotinoids, approximately 1/10. Verimark is a less toxic alternative and controls the same pests on similar commodities as neonicotinoids. Mitigation for honey bee contact exposure can be found in the Environmental Hazards section of the product label. In studies submitted to DPR, the evaluated data show no impacts honey bee reproduction, colony survival, or hive health. When nectar residue was converted to a dose, it was determined that this dose was approximately 1/6 of the dose required to exceed the Level of Concern (LOC). Based on data and the current label application instructions and rates, there is no evidence that foraging honey bees will be exposed to oral doses that will exceed the LOC. For hive bees, the dose would need to be much higher to exceed the LOC. The exposure of honey bees to aged residues on treated foliage showed minimal effects on mortality and behavior. Residual toxicity does not appear to be an exposure route of concern.

While no larval toxicity tests were submitted, no effects on colony strength and brood development were observed in field and semi-field studies.

Sulfoxaflor Technical is labeled solely for formulating into end use products. Since the product will only be used in a manufacturing facility, there will be no exposure or hazard to pollinators. Sulfoxaflor is a systemic insecticide, belonging to a new class of insecticide known as sulfoximines.

It is important to continually add new compounds to the existing tools for farmers in order to address insect resistance management. DPR performed a thorough scientific analysis of the new active ingredient registration requests for the products identified above. DPR has determined that all identified potential adverse environmental effects associated with the use of the products have been mitigated and that the product's label instructions provide the necessary environmental protections. Therefore, DPR is proceeding with the registration of Verimark and Sulfoxaflor Technical.

COMMENT: Mr. Loarie expressed concern that DPR failed to identify and evaluate alternatives to the registration actions identified above.

RESPONSE: Under section 6254 of Title 3 of the California Code of Regulations, DPR's certified regulatory program requires a statement of reasonable alternatives to the proposed action to reduce any significant adverse environmental impact that could reasonably be expected to occur from the registration action. DPR determined that the registration action of amending two dinotefuran products and registering new products containing cyantraniliprole and sulfoxaflor would not cause a significant adverse change in the environment, and as a result, no alternatives to the registration action are proposed. If DPR were to determine that a registration action (project), such as label amendments and new active ingredient registrations, would cause or likely cause a significant adverse change in the environment the only alternative action in this instance would be to not approve the amended labels or register the products containing the new active ingredients (no project alternative).

Based upon the above information, DPR determined that acceptance of amended labeling of the currently registered products and registration of the two new products will not result in significant adverse impacts to honey bees. With regard to neonicotinoids, DPR has sufficient data to initiate a reevaluation of such products and the two dinotefuran products are included in that reevaluation. DPR plans to proceed with accepting amended labeling for Venom Insecticide, EPA Reg. No. 59639-135 and Dinotefuran 20SG, EPA Reg. No. 86203-12. In addition, DPR plans to proceed with the registration of DuPont Verimark Insect Control, EPA Reg. No. 352-860 and Sulfoxaflor Technical, EPA Reg. No. 62719-631.

June 13, 2014	***Original Signed by Ann Prichard***
Dated	Ann Prichard, Branch Chief Pesticide Registration Branch

POST THROUGH JULY 12, 2014

NOTICE OF PROPOSED DECISIONS TO DENY PESTICIDE PRODUCTS

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

262994 - (81803 - 6)
AUSTIN GRANT INC., D/B/A JET HARVEST SOLUTIONS
JET-AG
USE: ALGAECIDE, BACTERICIDE, FUNGICIDE - FOR THE CONTROL OF VARIOUS DISEASES SUCH AS DOWNY MILDEW, LEAF SPOT, AND RUST ON CROPS SUCH AS POTATOES, CITRUS FRUIT, AND HERBS
TYPE: SECTION 3 LABEL AMENDMENT - TO REVISE THE DIRECTIONS FOR USE AND REMOVE "NOT FOR USE IN CALIFORNIA" STATEMENTS
ACTIVE INGREDIENT(S):
HYDROGEN PEROXIDE
PEROXYACETIC ACID
CAS NUMBER(S): 7722-84-1, 79-21-0

264150 - (5813 - 96)
CLOROX COMPANY, THE
STRIPES
USE: ANTIMICROBIAL, DISINFECTANT, VIRUCIDE - FOR THE CONTROL OF VARIOUS ORGANISMS SUCH AS ENTEROBACTER AEROGENES, STAPHYLOCOCCUS AUREUS, AND STREPTOCOCCUS PYOGENES ON HARD, NONPOROUS SURFACES IN VARIOUS SITES SUCH AS BATHROOMS, KITCHENS, AND OFFICES
TYPE: SECTION 3 REGISTRATION -
ACTIVE INGREDIENT(S):
ALKYL (50%C14, 40%C12, 10%C16) DIMETHYLBENZYL AMMONIUM CHLORIDE
CAS NUMBER(S): 63449-41-2

260297 - (40391 - 15)
ENTECH SYSTEMS CORPORATION
ENTECH FOG-30
USE: INSECTICIDE - FOR THE CONTROL OF VARIOUS INSECTS SUCH AS CARPET BEETLES, ANTS, AND HORN FLIES IN SITES SUCH AS ANIMAL SHELTERS, APARTMENTS, AND CREMATORIUMS
TYPE: SECTION 3 REGISTRATION -
ACTIVE INGREDIENT(S):
PIPERONYL BUTOXIDE
PYRETHRINS
CAS NUMBER(S): 51-03-6, 121-21-1

263008 - (62097 - 6 - 82917)
FINE AMERICAS, INC.
PERLAN
USE: GROWTH REGULATOR - FOR USE AS A PLANT GROWTH REGULATOR ON APPLES, NON-BEARING PEARS, AND NON-BEARING SWEET CHERRIES
TYPE: SECTION 3 LABEL AMENDMENT - TO ADD APPLICATION INSTRUCTIONS FOR IMPROVING FRUIT SET IN APPLES CAUSED BY FREEZE DAMAGE
ACTIVE INGREDIENT(S):
GIBBERELLINS
N6-BENZYL ADENINE
CAS NUMBER(S): 77-06-5, 1214-39-7

June 13, 2014	*Original Signed by Ann Prichard*
Dated	Ann Prichard, Branch Chief Pesticide Registration Branch

POST THROUGH JULY 12, 2014

NOTICE OF FINAL DECISIONS TO DENY PESTICIDE PRODUCTS

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

261766 - (1258 - 1260)
ARCH CHEMICALS, INC.
PROXEL BD 20
USE: FUNGICIDE - FOR INDUSTRIAL USE ONLY AS A MICROBIOSTAT
TYPE: SECTION 3 LABEL AMENDMENT - TO REMOVE THE "1" REPRESENTING "NOT FOR USE IN CALIFORNIA" FROM INK, HOUSEHOLD PRODUCTS, CAR CARE PRODUCTS, TAPE JOINT COMPOUNDS, AQUEOUS MINERAL SLURRIES, AND PESTICIDE FORMULATIONS
ACTIVE INGREDIENT(S):
1,2-BENZISOTHIAZOLIN-3-ONE
CAS NUMBER(S): 2634-33-5

261983 - (1258 - 843)
ARCH CHEMICALS, INC.
SODIUM OMADINE 40% AQUEOUS SOLUTION INDUSTRIAL FUNGICIDE & BACTERICIDE
USE: BACTERICIDE, FUNGICIDE - FOR THE CONTROL OF FUNGI AND BACTERIA IN GYPSUM WALLBOARD, ADHESIVES, AND SEALANTS
TYPE: SECTION 3 LABEL AMENDMENT - TO REMOVE THE "NOT FOR USE IN CALIFORNIA" DISCLAIMER FOR AQUEOUS FLUIDS SUCH AS METALWORKING, CUTTING, COOLING, AND LUBRICATING FLUIDS
ACTIVE INGREDIENT(S):
SODIUM PYRITHIONE
CAS NUMBER(S): 15922-78-8

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

260174 - (70385 - 5)
PRORESTORE PRODUCTS
MICROBAN DISINFECTANT SPRAY PLUS
USE: ANTIMICROBIAL, BACTERICIDE, DISINFECTANT, FUNGICIDE - TO DISINFECT HARD, NONPOROUS SURFACES SUCH AS FLOORS, WALLS, AND BARNS IN SITES SUCH AS HOMES, OFFICES, AND FARM PREMISES
TYPE: SECTION 3 REGISTRATION -
ACTIVE INGREDIENT(S):
ALKYL (95%C14, 3%C12, 2%C16) DIMETHYL BENZYL AMMONIUM CHLORIDE MONOHYDRATE
ORTHO-PHENYLPHENOL
CAS NUMBER(S): , 90-43-7

June 13, 2014	***Original Signed by Ann Prichard***
Dated	Ann Prichard, Branch Chief Pesticide Registration Branch

Department of Pesticide Regulation

Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

May 27, 2014

Mr. Gregory C. Loarie, Staff Attorney
EarthJustice, California Office
50 California Street, Suite 500
San Francisco, California 94111

Dear Mr. Loarie,

Thank you for your recent letters on behalf of Pesticide Action Network, Center for Food Safety, and Beyond Pesticides expressing concern regarding the Department of Pesticide Regulation's (DPR's) proposed decisions to accept amendments to currently registered dinotefuran products – Valent U.S.A. Corporation's "Venom Insecticide, EPA Reg. No. 59639-135" and Mitsui Chemicals Agro, Inc.'s "Dinotefuran 20SG, EPA Reg. No. 86203-12" – and register new products – E.I. Du Pont de Nemours and Co., Inc.'s "DuPont Verimark Insect Control, EPA Reg. No. 352-860" and Dow Agroscience LLC's "Sulfoxaflor Technical, EPA Reg. No. 62719-631" [Notices of Proposed Decisions to Register Pesticide Products (Notices), Vol. 2014-3, 2014-4, 2014-6, and 2014-8].

Specifically, your comments express concern that approving the amendments to the two currently registered products and registering the two new products identified above will have significant adverse effects on honey bees and other pollinators. Additionally, you stated DPR's proposals are contrary to California law in numerous respects, and that DPR has amassed ample scientific evidence demonstrating that neonicotinoids are having a devastating impact on pollinators. You state that in light of the scientific information already before DPR, it is both inappropriate and illegal for DPR to continue to expand the use of neonicotinoids while simultaneously approving products containing new active ingredients, such as cyantraniliprole and sulfoxaflor, which are also known to be toxic to pollinators. You stated that DPR's conclusions with respect to cyantraniliprole and sulfoxaflor are unfounded. Furthermore, you urge DPR to withdraw its proposed decisions and to reject any future applications to register new neonicotinoid products, applications to expand the uses for existing neonicotinoid products, and applications to register new pesticide products containing any new active ingredient that pose a risk to bees, pending the completion of DPR's neonicotinoid reevaluation process.

DPR's Proposed Registration Decisions

Venom Insecticide: Valent U.S.A. Corporation's Venom Insecticide, EPA Reg. No. 59639-135, containing dinotefuran a nitroguanidine neonicotinoid, is currently registered in California with bee hazard language in the Environmental Hazards section of the label. Valent U.S.A. submitted a request to DPR to amend the label to increase use rates for cucurbits and leafy vegetables; to

add control of additional pests on grapes and head and stem brassica; and to add use on fruiting vegetables, leafy brassica greens, and turnip greens. A short time later, DPR received updated container labels for this product including new pollinator protection language and bee icons. The environmental hazard statement specific to bee protection on the amended labels reads, “This compound is toxic to honey bees. The persistence of residues and potential residual toxicity of dinotefuran in nectar and pollen suggest the possibility of chronic risk to honey bee larvae and the eventual instability of the hive. This product is toxic to bees exposed to treatment for more than 38 hours following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants during this time period, unless the application is made in response to a public health emergency declared by appropriate state and federal authorities.” The proposed label amendment expands use of this particular product to three additional vegetable crops, not previously on the product label. However, the currently approved product label already allows use of this product on many vegetable crops (e.g., head and stem brassica, cucurbits, leafy vegetables) and the three new vegetable crops are on the labels of a number of currently registered neonicotinoid containing products. Therefore, the addition of crops to which this product can be applied on the proposed label amendment does not represent a new or expanded risk to pollinators, particularly in light of additional pollinator protection language that has been added to the proposed label.

Dinotefuran 20SG: Mitsui Chemicals Agro, Inc.’s Dinotefuran 20SG, EPA Reg. No. 86203-12 is also currently registered in California with existing bee hazard language in the Environmental Hazards section of the label. Mitsui submitted a request to DPR to amend the label to include pollinator protection language; expand uses to include commodities within crop groups berry and small fruit (subgroup 13-07F and 13-07H), cucurbits, and tuberous and corm vegetables (subgroup 1C); add use on the crops bulb onion, green onion, peach and nectarine, and watercress; add control of grape berry moth, multi-colored Asian lady beetle, and suppression of grape phylloxera; and to remove personal protective equipment requirements for applicators and handlers to wear gloves. The environmental hazard statement specific to bee protection on the amended label reads, “This compound is toxic to honey bees. The persistence of residues and potential residual toxicity of dinotefuran in nectar and pollen suggests the possibility of chronic risk to honey bee larvae and the eventual instability of the hive. This product is toxic to bees exposed to residue for more than 38 hours following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants during this time period, unless the application is made in response to a public health emergency declared by appropriate state and federal authorities.” The added crops - berry and small fruit, cucurbits, tuberous and corm vegetables, onions, peaches, nectarines, and watercress - are already present on the labels of a number of currently registered neonicotinoid containing products. Therefore, the addition of crops to which this product can be applied as listed on the proposed label amendment does not represent new or expanded risk to pollinators, particularly in light of additional pollinator protection language that has been added to the proposed label.

DuPont Verimark Insect Control: E.I. Du Pont de Nemours and Co., Inc.'s DuPont Verimark Insect Control ("Verimark"), EPA Reg. No. 352-860, contains the active ingredient, cyantraniliprole, which is new to California. Verimark is labeled for the control of various insects such as thrips, armyworms, and loopers on crops such as brassica, citrus, cucurbits, fruiting, leafy, tuberous, and corm vegetables. DPR's Fish and Wildlife evaluation station carefully evaluated the application to register Verimark. Their evaluation focused on the toxicity of cyantraniliprole to non-target organisms, including possible adverse effects on honey bees and other pollinators. DPR scientists concluded that cyantraniliprole is highly toxic to honey bees on an acute oral and contact basis. The proposed label mitigates this concern through specific language in the Environmental Hazards section. The mitigation language reads, "This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are foraging the treatment area." Additionally the product's use directions only allow for soil applications, which further mitigate concerns regarding contact toxicity to honey bees and other pollinators.

Sulfoxaflor Technical: Dow Agrosciences LLC's Sulfoxaflor Technical, EPA Reg. No. 62719-631, contains an active ingredient, sulfoxaflor, which is new to California. Sulfoxaflor Technical is labeled solely for formulating into end use products. Since the product will only be used in a manufacturing facility, there will be no exposure or hazard to pollinators. However, DPR is currently evaluating two end use pesticide products containing sulfoxaflor. DPR will take your comments into consideration during the evaluation process on those two submissions. While you are correct that sulfoxaflor is a systemic insecticide, it is not a neonicotinoid. It belongs to a new class of insecticide known as sulfoximines.

Response to Comments

Neonicotinoids: Your letter states that "There is now abundant scientific evidence that widespread use of nitroguanidine neonicotinoids is causing or at least contributing to the precipitous decline in insect pollinators." To support this statement seven studies were referenced.

Neonicotinoids are acutely toxic to bees. Direct exposure to sprays or spray drift and/or the consumption of toxic levels of residue in pollen and nectar is likely to cause mortality to honey bees and non-*Apis* pollinators. As you noted, in 2009 DPR placed all nitroguanidine neonicotinoid products into reevaluation based on concerns regarding possible adverse effects to honey bees that were not mitigated by current label use restrictions. As part of the reevaluation, DPR required registrants to conduct nectar and pollen residue studies in several crops, as well as, honey bee larval toxicity tests. Working together with the U.S. Environmental Protection Agency and Health Canada Pest Management Regulatory Agencies (PMRA), all three agencies are requiring neonicotinoid registrants to conduct additional residues studies under worst-case scenarios, semi-field feeding studies, and full field studies.

DPR scientists are aware of all of the referenced studies. However, none so far have been conducted with sufficient scientific rigor to support a regulatory measure. For example, the paper by Goulson[1] (2013) identifies knowledge gaps and makes suggestions for further research. The types of studies suggested are academic in nature and scope. Many of the claims and interpretations of open literature research are of the opinion of the author. The article by Henry[2] et al. (2012) is a Radio Frequency Identification (RFID) study investigating effects of a single high dose of imidacloprid (1 ng) in the morning and observed for effects. The rate of application used in this study is 36 times higher than field relevant doses. The paper by Lu[3] et al. (2012) represents the results of research of extremely low quality. The hypothesis supporting the need for the study was flawed. The methods include a number of obvious errors, such as assessing honey bee colonies in mid-winter. Opening hives in mid-winter is a significant stress on the colony. Mortality in the controls was excessive and it appears that no colonies would have survived the mishandling they were subjected to during this study, if the study had run two additional weeks. The author's conclusions are not justified based on the quality and results of the test. None of DPR's regulatory partners have accepted this paper and it has been widely rejected by bee researchers nationwide. The paper by Whitehorn[4] et al. (2012) evaluated the effects of an imidacloprid diet on bumble bee colony development. The article provided information indicating that bumble bees may be more sensitive than honey bees to imidacloprid. The number of new queens was reduced in two treatment groups [low treatment group (pollen 6 μg/kg; sugar water 7 μg /kg) and high treatment group (pollen 12 μg /kg; sugar water 14 μg /kg)]. This paper is a descriptive, rather than a mechanistic study. That is, the study did not identify the underlying reasons for the observed effects.

Typically, DPR does not use open literature studies to determine regulatory mitigation measures. DPR requires registrants to conduct studies under a set of worst case scenarios that could occur when used in accordance with product label use directions. Other lines of evidence DPR may rely upon include incident reports, peer-reviewed open literature studies of exceptional quality and typically where the raw data may be available. This is often called primary literature. Review articles summarize open literature and draw conclusions that are not based on a regulatory framework. Often times, open literature studies lack scientific merit which may bias the entire review. The articles include conclusions and positions that DPR feels are not fully supported by the data incorporated in the review.

Data indicate that neonicotinoids are acutely toxic to honey bees and other pollinators; however, DPR does not yet have sufficient scientifically robust data to support a regulatory action to implement additional mitigation measures, over and above current label restrictions. If at any point during its reevaluation of neonicotinoids, after consultation with U.S. EPA and PMRA Health Canada, DPR has sufficient scientifically robust data indicating a need for additional mitigation measures, DPR will propose such measures.

Cyantraniliprole: Your letter states that cyantraniliprole is a systemic insecticide highly toxic to honeybees by both oral and contact exposure, risk quotients show direct risk to honeybees, and larval toxicity was not assessed.

Cyantraniliprole is far less toxic than neonicotinoids, approximately 1/10. Verimark is a less toxic alternative and controls the same pests on similar commodities as neonicotinoids. Mitigation for honeybee contact exposure can be found in the Environmental Hazards section of the product label. The Environmental Hazard section reads: "This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are foraging (sic) the treatment area." Application rates on the Verimark label range from 0.065-0.391 lbs active ingredient (a.i.) per acre. For pollinator attractive crops, the maximum application rate is 0.176 lbs per acre.

In studies submitted to DPR, the evaluated data show no impacts honey bee reproduction, colony survival, or hive health. When nectar residue was converted to a dose, it was determined that this dose was approximately 1/6 of the dose required to exceed the Level of Concern (LOC). Based on data and the current label application instructions and rates, there is no evidence that foraging honey bees will be exposed to oral doses that will exceed the LOC. For hive bees, the dose would need to be much higher to exceed the LOC. The exposure of honey bees to aged residues on treated foliage showed minimal effects on mortality and behavior. Residual toxicity does not appear to be an exposure route of concern. While no larval toxicity tests were submitted, no effects on colony strength and brood development were observed in field and semi-field studies. DPR is currently evaluating additional end use products containing cyantraniliprole that allow for foliar applications.

Comment A. DPR's Proposed Decisions with Respect to Venom Insecticide, Dinotefuran 20SG, Cyantraniliprole [DuPont Verimark Insect Control], and Sulfoxaflor [Sulfoxaflor Technical] Are Contrary to Law.

1. DPR Concluded Incorrectly that the Proposed Decisions Will Have No Significant Adverse Environmental Impacts.

Your letter states that DPR's proposed decisions to accept the dinotefuran amendments, and register pesticide products containing the new active ingredients cyantraniliprole and sulfoxaflor, by finding no significant impact and the agency's decision to prepare only the functional equivalent of negative declarations was an abuse of discretion. It further states that DPR failed to analyze and disclose the significant direct, indirect and cumulative impacts the above compounds and numerous other neonicotinoid registration decisions have had and will have on honey bees and other pollinators. You state that contrary to CEQA, DPR failed entirely to analyze the cumulative impact of its proposed decision with regard to the four

products identified above and numerous other neonicotinoid registration decisions that the agency has issued over the course of the last five years.

DPR Response:

As stated above, the crops added to the two dinotefuran products identified above will not result in new significant direct, indirect and cumulative impacts to honey bees because the uses are already present on the labels of a number of currently registered neonicotinoid containing products. The determination of whether the use of neonicotinoid products is resulting in adverse effects that require additional mitigation will be addressed by the reevaluation. The two amended dinotefuran products are already included in DPR's reevaluation. If at any point during its reevaluation of neonicotinoids, after consultation with U.S. EPA and PMRA Health Canada, DPR has sufficient scientific robust data indicating a need for additional mitigation measures, DPR will propose such measures. Such measures will include all neonicotinoid products, including the two dinotefuran products as applicable.

2. DPR Failed to Consider Alternatives to Its Proposed Decisions.

Your letter states that the public reports that accompany DPR's proposed decisions with respect to the above registration actions do not identify and evaluate alternatives to the proposals. Instead, the public reports conclude that no alternatives analysis is necessary. You claim that DPR's boilerplate discussion of alternatives mischaracterizes the law and fails to comply with the California Environmental Quality Act (CEQA).

DPR Response:

DPR meets its CEQA obligation by complying with the statutes and regulations that have been approved by the Public Resources Agency as a certified regulatory program. As a certified regulatory program, DPR's registration actions are exempt from Chapter 3 of CEQA that sets forth the environmental review process required for State agency projects, in this instance the registration of amended labels and new active ingredient registrations. California Code of Regulations, Title 3, section 6254, part of DPR's certified program, requires a statement of reasonable alternatives to the proposed action to reduce any significant adverse environmental impact that could reasonably be expected to occur from registration. If DPR were to determine that a registration action (project), such as label amendments and new active ingredient registrations, would cause or likely cause a significant adverse change in the environment the only alternative action in this instance would be to not approve the amended labels or register the products containing the new active ingredients (no project alternative).

The alternative of another product that may address the same pest problem as the product proposed for registration is distinctly different from the alternatives available to the agency in

carrying out its project. The agency project does not involve selecting a pesticide for use in a particular instance, but making a decision on whether a particular product should be added to the other available pest management tools without having a substantial adverse environmental impact. As stated in California Code of Regulations, Title 3, section 6158, the availability of feasible alternatives [products] may be considered, where applicable, when making the decision whether or not to register a product. That section goes on to clarify that the availability of alternative products may be appropriate to consider in certain circumstances. It requires the Director to consider whether a substantial adverse environmental impact would occur from the lack of pest control options (a lack of feasible product alternatives) for the proposed use of the product under consideration for registration. However, as noted in the proposed notices to register, approving amended labels for Venom, Dinotefuran 20SG and registering, Verimark and Sulfoxaflor Technical is not anticipated to have a significant adverse environmental impact. It is important to continually add new compounds to the existing tools for farmers in order to address insect resistance management.

Comment B. DPR Has Not Proceeded in the Manner Required by Law in Reevaluating Neonicotinoids.

1. DPR Has Failed to Conduct Its Reevaluation in a Timely Manner.

Your letter states that DPR's failure to conduct its reevaluation in a timely manner is contrary to law.

DPR Response:

DPR disagrees with your comment that it has failed to conduct its reevaluation in a timely manner. Under the regulations governing DPR's registration process, before a final decision can be made on a registration action, DPR must respond to any significant environmental points raised during the comment period. As this comment is strictly a legal argument, and not a significant environmental point raised DPR will not respond to this comment. *See* California Code of Regulations, Title 3, section 6254(b).

2. DPR Has Failed to Act Expeditiously to Protect Pollinators.

Your letter states that there is "overwhelming evidence" that neonicotinoids are having a substantial and imminent adverse impact on honey bees and other insect pollinators. You further state that DPR's failure to act expeditiously to address these impacts pending reevaluation is contrary to law.

DPR Response:

As stated earlier in this letter, while there is scientific data that neonicotinoids are acutely toxic to honey bees and other pollinators, DPR does not yet have sufficient scientifically robust data to support a regulatory action to implement additional mitigation measures, over and above current labeling. If at any point during its reevaluation of neonicotinoids, after consultation with U.S. EPA and PMRA Health Canada, DPR has sufficient scientific robust data indicating a need for additional mitigation measures, DPR will propose such measures.

Comment C. DPR Has Engaged in an Illegal Pattern and Practice With Respect to Its Registration and Reevaluation of Pesticides.

Your letter states that DPR engaged in an illegal pattern and practice of registering new pesticides without analyzing direct, indirect, and cumulative impacts, and without considering alternatives, as is required by CEQA and DPR's own implementing regulations. You also state that DPR has likewise engaged in an illegal pattern and practice of failing to conduct its reevaluations in a timely manner.

DPR Response:

DPR addressed both of these comments in its responses to comments A 1, A 2, and comment B 1.

Based upon the above information, DPR determined that acceptance of amended labeling or registration of the four products will not result in significant adverse impacts to honey bees. With regard to neonicotinoids, DPR has sufficient data to initiate a reevaluation of such products and the two dinotefuran products are included in that reevaluation. DPR plans to proceed with accepting amended labeling for Venom Insecticide, EPA Reg. No. 59639-135 and Dinotefuran 20SG, EPA Reg. No. 86203-12. In addition, DPR plans to proceed with the registration of DuPont Verimark Insect Control, EPA Reg. No. 352-860 and Sulfoxaflor Technical, EPA Reg. No. 62719-631. The submitted data and references will be added to DPR's neonicotinoid reevaluation file.

Thank you for your comments and participation in DPR's regulatory process. If you have any questions, please contact Ms. Denise Alder by e-mail at <denise.alder@cdpr.ca.gov> or by telephone at (916) 324-3522.

Sincerely,

Original signed by L. Pelham for

Ann M. Prichard, Chief
Pesticide Registration Branch
916-324-3931

cc: Ms. Denise Alder, Senior Environmental Scientist (Specialist)
Ms. Polly Frenkel, Chief Counsel

References Cited

1. Goulson, D., 2013, "An Overview of the Environmental Risks Posed by Neonicotinoid Insecticides," *Journal of Applied Ecology*, Vol. 50, Pp. 977-987.
2. Henry, M., M. Beguin, F. Requier, O. Rollin, P. Aupinel, J. Aptel, S. Tchmitcian, A. Decourtye, 2012, "A Common Pesticide Decreases Foraging Success and Survival in Honey Bees," *Science*, 2012, <http://www.sciencemag.org/content/336/6079/348>, accessed on November 8, 2012.
3. Lu, C., K. M. Warchol, and R. A. Callahan, "*In Situ* Replication of Honey Bee Colony Collapse Disorder," *Bulletin of Insectology*, 2012, <http://www.hsph.harvard.edu/chensheng-lu/files/2012/10/in-situ-replication-of-honey-bee-colony-collapse-disorder.pdf>, accessed on March 20, 2013.
4. Whitehorn, P. R., S. O'Connor, F. L. Wackers, D. Goulson, "Neonicotinoid Pesticide Reduces Bumble Bee Colony Growth and Queen Production," *Science*, 2012, <http://www.sciencemag.org/content/336/6079/351.full.pdf?sid=fc8f0624-99a0-473d-9958-aedadbb48162>, accessed on October 31, 2012.