

Continuous Evaluation and Reevaluation

California law (Food and Agricultural Code 12824) requires DPR to “eliminate from use in the state” any pesticide that “endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented.” To perform this function, the law requires the Department to “develop an orderly program for the continuous evaluation” of currently registered pesticides.

The principle that chemical use should not cause unacceptable risks to human health or the environment guides all DPR decisions. Before any pesticide is registered for use in California, DPR evaluates the pesticide’s toxic potential, its potential exposure to people and the relationship between toxic effects and that potential exposure, and the potential for a pesticide to cause environmental problems. After a pesticide is registered, several DPR programs evaluate use practices to detect possible problems. For example, the Pesticide Illness Surveillance Program (*see Chapter 9*) identifies high-risk situations warranting DPR action to implement additional California restrictions on pesticide use. DPR conducts field studies to monitor exposure to workers and measure how pesticides move and break down in air, soil, and water. The Department uses the data collected to evaluate the effectiveness of DPR’s regulatory programs and to assess the need for changes. Risk assessments completed on currently registered active ingredients may also trigger changes in DPR requirements on how a pesticide is used. Registrants are also required by law to report to DPR any adverse effects (for example, harm to humans, animals, or the environment) that occur after their products are registered.

The Reevaluation Process

In addition, DPR has a formal Reevaluation Program. California regulations (Title 3, CCR Section 6221) require DPR to investigate all reports of actual or potentially significant adverse effects to people or the environment resulting from the use of pesticides. (*See Chapter 9 for a discussion of incident investigation.*) If DPR has reason to believe that a pesticide may cause unreasonable adverse effects to people or the environment, the regulations require DPR to reevaluate the pesticide to determine if it should remain registered.

The regulations specify factors that may initiate reevaluation. They include: (1) public or worker health hazard; (2) fish or wildlife hazard; (3) other information suggesting a significant adverse risk; (4) environmental contamination; (5) unwanted damage to plants; (6) residues over allowable limits; (7) hazardous packaging; (8) inadequate labeling; (9) lack of efficacy; (10) disruption of the implementation or conduct of pest management; or (11) availability of an effective and feasible alternative material or procedure which is demonstrably less destructive to the environment. Reevaluation is often triggered by ongoing Departmental registration reviews, State and county pesticide use surveillance and illness investigations, pesticide residue sample analyses, or environmental monitoring activities. Information from other State or federal agencies, or other sources, may also trigger a reevaluation.

The Pesticide Registration Branch administers the reevaluation process and coordinates data reviews and communication with registrants. When a pesticide enters the reevaluation process, DPR reviews existing data. DPR also requires registrants to provide additional data to determine the nature or the extent of the potential hazard or identify appropriate mitigation measures, if needed.

Legislation (Chapter 483, Statutes of 1997, SB 603) gave DPR the authority to cancel the registration of, or refuse to register, any pesticide if the registrant fails to

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submit data requested in a reevaluation. If DPR cancels a registration, the registrant may request a hearing.

Data submitted by registrants are evaluated by the appropriate scientists or specialists in the Pesticide Registration, Medical Toxicology, Worker Health and Safety, Environmental Monitoring, Pest Management and Licensing, and Pesticide Enforcement Branches.

DPR concludes reevaluations in several ways. If the data show that use of the pesticide presents no significant adverse effects, DPR concludes the reevaluation without additional mitigation measures. If additional mitigation measures are necessary, DPR adopts regulations to mitigate the potential adverse effect. In applicable situations, DPR works with registrants and the U.S. EPA to revise labels to mitigate hazards. If the adverse impact cannot be mitigated, DPR cancels or suspends the registration of the pesticide product.

CCR Section 6225 regulations require DPR to prepare a semiannual report describing pesticides evaluated, under reevaluation, or for which factual or scientific information was received, but no reevaluation was initiated.

The U.S. EPA administers a program called Special Review that parallels DPR's reevaluation process. However, California's process deals with a broader range of issues that may affect only certain products rather than all products containing an active ingredient, and focuses on conditions peculiar to California use. U.S. EPA's Special Review, on the other hand, addresses risks posed by pesticide use on a national scale. HAPs under Section 7412 of Title 42 of the United States Code. DPR is responsible for the evaluation of pesticides as TACs. (The Air Resources Board [ARB] is lead agency for nonpesticidal substances in air.)

In general, the law focuses on the evaluation and control of pollutants in ambient community air. In implementing the law, DPR must conduct a review of the physical properties, environmental fate and human health effects of the candidate pesticide; determine the levels of the pesticide in air; and estimate human exposure and the potential human health risk from those exposures. The law requires DPR to list in regulation those pesticides that meet the criteria to be TACs. DPR must then determine the appropriate degree of control measures for the pesticide. Under its general regulatory authority, DPR may also conduct compliance monitoring to assure that users adhere to the control measures as appropriate.