



Department of Pesticide Regulation



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

September 14, 2017

Pesticide Programs Division #17-01

TO: County Agricultural Commissioners

SUBJECT: METHYL BROMIDE PHASE-OUT

As you know, the U.S. Environmental Protection Agency (EPA) is phasing out methyl bromide pursuant to the Clean Air Act due to its ozone depletion effects. For the last several years, U.S. EPA has granted critical use exemptions for some uses in California, particularly for strawberry fruit production. All critical use exemptions ended on December 31, 2016. Historically, the critical use exemptions were limits on production and importation of methyl bromide. With the end of the critical use exemptions, most field fumigation uses of methyl bromide are prohibited. As specified by the Code of Federal Regulations, Title 40, part 82.4(p)(2)(ii)-(iv), this includes use of methyl bromide products possessed by growers or applicators prior to January 1, 2017.

While the critical use exemptions have ended, uses under the quarantine/pre-shipment (QPS) exemption can legally continue with no additional restrictions. The QPS uses include all post-harvest commodity uses as well as field fumigations that must comply with schedules for methyl bromide found in CDFA NIPM 7.

Use of methyl bromide for non-QPS purposes is a violation of the Clean Air Act. Issuance of restricted materials permits for non-QPS purposes would create the potential for legal liability under the Clean Air Act. Until U.S. EPA modifies labels to reflect the expiration of the critical use exemptions, DPR recommends that you issue a permit for a field fumigation only if the permittee provides a signed statement that the fumigation is for QPS purposes. Any leftover methyl bromide should be returned to the place of purchase.



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Thank you for your assistance. If you have any questions or need further assistance, please contact Mr. Randy Segawa, Special Advisor of my staff at 916-324-4137 or <Randy.Segawa@cdpr.ca.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "George Farnsworth". The signature is fluid and cursive, with the first name "George" written in a larger, more prominent script than the last name "Farnsworth".

George Farnsworth
Assistant Director

cc: Mr. Randy Segawa, DPR Special Advisor
Dr. Marylou Verder-Carlos, DPR Assistant Director
Ms. Polly Frenkel, DPR Chief Counsel
Ms. Donna Marciano, DPR Branch Chief
Mr. Joe Marade, DPR County/State Liaison