



**DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE REGISTRATION AND EVALUATION COMMITTEE
Meeting Minutes – July 19, 2013**

Committee Members/Alternates in Attendance:

Lynn Baker, Air Resources Board (ARB)
Martha Harnley, Department of Public Health (DPH)
Tom Iniechen, Structural Pest Control Board
David Luscher, Department of Food and Agriculture
Ann Prichard, Department of Pesticide Regulation (DPR)
Valerie Mitchell, Department of Toxic Substances Control (DTSC)
Charles Salocks, Office of Environmental Health Hazard Assessment (OEHHA)
Matt Hengel, University of California, IR-4 Program
Dave Whitmer, California Agriculture Commissioners and Sealers Association (CACASA)
Jodi Pontureri, Alternate for Rich Breuer, State Water Resources Control Board

Visitors in Attendance:

Josh Adams, Pest Control Operators of California
Denise Alder, DPR
Brian Bret, Dow AgroSciences
Maddy Dunlap, California Rice Commission
Amy Duran, DPR
Natalya Eagan, DPR
Roberta Firoved, California Rice Commission
Jeff Fowles, DPH
Carlos Gutierrez, DPR
Anne Katten, California Rural Legal Assistance Foundation
Eileen Mahoney, DPR
Joe Marade, DPR
Jeanne Martin, DPR
Pat Matteson, DPR
Layla Muto, Sierra College Student
Lisa Ross, DPR
Regina Sarracino, DPR
Jim Shattuck, DPR
Laura Whatley, BASF
Sherique Zuberi, DPR

1. Introductions and Committee Business – Ann Prichard, Chairperson, DPR

- a. About 29 people attended the meeting.



- b. No corrections to the minutes of the previous meeting, held on March 15, 2013, were identified.
- c. Lynn Baker announced that Martha Harley was retiring and this will be her last meeting. Mr. Baker, on behalf of the committee, thanked Martha for her contribution on the evaluation on toxic air contaminants and her collaboration in various projects in the last 25 years. Ann Prichard thanked Martha for her years of serving on the committee. Martha gave her thanks for the opportunity to serve on the committee and announced that Jeff Fowles will represent DPH on the committee. Martha also announced that Dave Whitmer will be retiring at the end of the year.

2. Overview of Phase II Soil Fumigant Label Changes – Regina Sarracino, DPR

The federal U.S. Environmental Protection Agency (U.S. EPA) required changes to soil fumigant labels containing methyl bromide, methyl bromide with chloropicrin, sodium and potassium metam, dazomet, chloropicrin, and chloropicrin with 1,3-d. This was done in two phases of label changes from 2010 through 2012. USEPA's risk assessment concluded that nationwide all of these products should be made restricted materials and the use further limited. In California, these were already restricted materials with many of the restrictions in place through regulations and permit conditions. DPR conducted trainings for the County Agricultural Commissioner inspectors and issued several summary and interpretation letters, including the most recent ENF 12-21 recommended permit conditions and ENF 13-9 question/answer letter. What's new on the December 2012 phase II labeling included buffer zone distances and duration, notification of neighbors versus monitoring the buffer zone, emergency preparedness and response measures, and proximity to difficult to evacuate sites. Fumigant Management Plans and registrant-based training and outreach are also aspects of the phase I and II labeling changes. DPR continues to work on reconciling the new labeling requirements with California laws, regulations and restricted materials permit conditions. For more information, see DPR's Web site http://www.cdpr.ca.gov/docs/emon/fumigants/fum_labels.htm which also links to U.S. EPA's toolbox.

3. Conclusion of Sulfuryl Fluoride Reevaluation – Carlos Gutierrez, DPR

On March 13, 2013, DPR concluded its reevaluation on sulfuryl fluoride (SF) structural fumigants under California Notice 2013-03. Carlos Gutierrez of DPR's reevaluation group described the reevaluation program and outlined the reevaluation process for the SF structural fumigant reevaluation into four phases: Preliminary Investigation; Formal Reevaluation (Reevaluation) Initiation; Reevaluation Review & Analysis; Reevaluation Conclusion.

Preliminary investigation of SF structural fumigants began in one of DPR's continuous evaluation programs and activities, risk assessment. Based on DPR's 2006 Risk Characterization Document (RCD), DPR scientists identified several scenarios where exposures to SF were of concern. In May 2007, after DPR's proposal to include it on the Toxic Air Contaminant (TAC) list, SF was formally placed on the TAC list. In March 2008, DPR's Worker Health & Safety (WH&S) Branch requested that DPR place SF structural

fumigants into reevaluation and in April DPR's director placed it into formal reevaluation.

On June 27, 2008, DPR initiated formal reevaluation of all SF products intended for structural fumigation under CA Notice 2008-04, based on its July 2006 RCD. DPR was concerned that workers using the Tarpaulin Removal Aeration Plan (TRAP) method would be exposed to SF levels above the permissible reentry level of 1 ppm, thereby triggering the requirement to wear self-contained breathing apparatus (SCBA). SF worker-exposure and post-application monitoring data was needed to assess whether the TRAP plan was adequate to reduce SF fumigation worker exposures to 1 ppm (the current label standard). Under this reevaluation, SF registrants were required to submit fumigation worker-exposure data (area air monitoring and personal air monitoring) and residential post-application monitoring (instantaneous and continuous air measurements) for residues of SF in single-story family units.

In October 2009 and February 2010, during the course of DPR's review of the submitted data for the reevaluation, DPR announced that in addition to monitoring data for residues of SF from the fumigation of a single-story single family residence, data were also needed for residues of chloropicrin in multiple-story multiple dwelling units. Data were considered necessary since chloropicrin is a label requirement on SF structural fumigant products as a warning agent when fumigating homes. In June 2010, SF and chloropicrin monitoring studies were submitted on residential and multi-unit structures. In January 2013, DPR's WH&S completed its comprehensive review and evaluation of the submitted data and found it to be acceptable.

DPR concluded the SF structural fumigant reevaluation under California Notice 2013-03. During the course of the reevaluation and from the required data, the structural pest control industry developed the California Aeration Plan (CAP) to replace the TRAP fumigation safety program, for employers and employees to follow in lieu of SCBA requirement to meet the 1 ppm permissible reentry level of exposure. DPR accepted CAP as meeting the requirements of Title 3 California Code of Regulations section 6780(c) under DPR's County Agricultural Commissioner's Enforcement Letter 2010-20 (CAP), 2011-16 (FAQ), and 2013-07 (Rev. CAP). DPR determined that no additional mitigation is need and the mitigation measures implemented to be acceptable.

4. California Aeration Plan (CAP) – Jim Shattuck, DPR

Jim Shattuck of DPR's Enforcement Branch, spoke on the California Aeration Plan (CAP). In 2010, the structural pest control industry developed CAP, approved by DPR Director Leahy, as a Fumigation Safety Program (Program), for employers and employees to follow to meet the requirements of Title 3, California Code of Regulations (3 CCR) section 6780. Employers may use this Program in lieu of requiring air-supplied respirator equipment or continuous monitoring when aerating tarp-contained or tape/seal structural fumigations with sulfuryl fluoride. CAP may be used for all structural fumigations such as dwellings, multi-unit buildings, commercial and industrial structures as well as boats, transport vehicles, sheds, garages/carports and gazebos.

While the use of a self-contained breathing apparatus (SCBA) is legally acceptable under DPR regulations for removing tarps from any structure, the CAP plan minimizes the potential risk to workers by providing the option to remove tarps without the use of an SCBA. The goal of the new CAP is to help reduce the potential exposure from structural fumigations during aeration. It clarifies aeration ducting placement and remote opening of ducts, develops a range for both inlet sizes and the number of inlets to number of ducts, sets a standard for ducting material, and addresses use of reduced chloropicrin (warning agent) rates when practical. Overall the new plan allows for a more effective, streamlined and more modern regulatory framework.

CAP supersedes “Aeration Procedures 1 and 2” on all structural sulfuryl fluoride (SF) labeling; all other SF labeling must be followed. The *New* CAP was amended in DPR’s Enforcement Letter 2013-07, which supersedes the previous instructions outlined in DPR’s Enforcement Letter 2010-20 “Implementation of California Aeration Plan for Structural Fumigations” and Enforcement Letter 2011-16 “CAP Frequently Asked Questions.”

The process to revise CAP began in July 2012 at the direction of DPR and was a collaborative team effort of structural fumigators, a SF registrant, DPR & CAC staff. It was a productive nine-month process of in-person meetings and phone conferences. The final document is a reflection of those efforts. Collaborators included: Pest Control Operators of California Fumigation Enforcement Sub-committee members Travis Swope, Mike Watkins, Lee Whitmore led by committee chair John Sansone, Stan Woodward of DowAgroSciences, DPR’s Peggy Byerly, James Shattuck, Kathy Boyle, Harvard Fong, Tom Ineichen, Ron Moss and Los Angeles CAC representative Sherlan Neblett on behalf of Orange, San Diego, and Santa Clara CACs.

Prior to May 20, 2013 the PCOC Fumigation Sub-committee provided statewide training of the *New* CAP to over 300 structural fumigators. Training was held in Long Beach, San Diego, San Jose, Fresno and Goleta. CAC structural enforcement staff received training from Sub-committee members and DPR staff at several locations statewide.

5. School IPM Program Update – Natalya Eagan, DPR

Natalya Eagan gave a brief update on the School and Child Care Integrated Pest Management (IPM) Programs. These programs are mandated by the Healthy Schools Act (HSA), which is a right-to-know law passed in 2000. The HSA requires K-12 public schools and public and private child care centers to send notifications, post warning signs, and keep records for each pesticide application. While the adoption of IPM is voluntary under the HSA, DPR’s School IPM (SIPM) program continues to expand and update outreach activities to train every California school district in IPM principles. The backbone of SIPM training for school staff continues to be the full-day, hands-on workshops in landscape and structural IPM offered by DPR throughout the state. SIPM recently added a turf grass training course in response to

feedback from trainees. In an effort to boost the train-the-trainer aspect of the program, SIPM is developing a series of short IPM training videos that address some of the barriers to implementation of IPM in schools. The Child Care IPM program has already begun filming a similar series of training videos that will allow DPR to better reach the approximately 10,000 child care centers in California.

6. Public Comment

None Received.

7. Agenda Items for Next Meeting

No agenda items were suggested.

The next meeting will be held on Friday, August 16, 2013, in the Sierra Hearing Room on the second floor of the Cal/EPA building, located at 1001 I Street, Sacramento, California.

8. Adjourn