



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

December 7, 2009

Mr. Gregory Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Dear Mr. Schmidt and Mr. Wilson:

Pursuant to the provisions required in Food and Agricultural Code (FAC) section 12836.6, enclosed is a copy of the report to the Legislature entitled: Consequences of Data Sharing Agreements on the Volume of High-Hazard Pesticides Sold in California.

FAC section 12836.6 requires the Department of Pesticide Regulation (DPR) to conduct a study to consider the consequences of data-sharing agreements and the volume of high-hazard pesticides sold in California. DPR concluded that there was a seven-to-eight percent increase in the number of registered products containing active ingredients listed by DPR as high or moderate priority for risk assessment sold in California. However, the increase in the number of these registered products had no discernable effect on the volume of the high- and moderate-priority active ingredients sold in California.

If you have any questions, please contact Mr. Christopher Reardon, DPR Chief Deputy Director, at 916-445-4000 or <creardon@cdpr.ca.gov>.

Sincerely,

Mary-Ann Warmerdam
Director
916-445-4000

Enclosure

cc: See next page.



Mr. Gregory Schmidt
Mr. E. Dotson Wilson
December 7, 2009
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Mr. Christopher Reardon (w/o Enclosure)

Department of Pesticide Regulation

**Consequences of Data Sharing Agreements on the Volume of
High-Hazard Pesticides Sold in California**

December 31, 2008

**Department of Pesticide Regulation
California Environmental Protection Agency
1001 I Street, Sacramento, California 95814-5624**

Executive Summary

Assembly Bill 1011 (Matthews, Chapter 612, Statutes of 2005) resulted in significant changes to the Department of Pesticide Regulation's (DPR's) pesticide registration process. This bill:

- Eliminated the need for DPR to obtain a letter of authorization before using one company's data to support the registration of another company's product;
- Authorized DPR to use previous evaluations to support new and amended pesticide product registrations and to maintain product registrations; and
- Required DPR to accept all applications for registration of pesticide products containing new active ingredients concurrently with the company's submission of an application to the U.S. Environmental Protection Agency (U.S. EPA) for federal registration.

During the legislative process, concerns were raised as to whether the amendment of Food and Agricultural Code (FAC) section 12811.5 would result in the registration of additional pesticide products containing older, more toxic chemicals (e.g., organochlorines, organophosphates, and carbamates). This, in turn, could result in increased use in California of these more hazardous materials. To address this issue, the Legislature added FAC section 12836.6, which requires DPR to conduct a study to consider the consequences of data-sharing agreements and the volume of high-hazard pesticides sold in California.

Since the statute does not define "high-hazard pesticides," DPR staff sought the advice of staff from the Assembly Environmental Safety and Toxic Materials Committee and the Legislative Analyst's Office. This discussion resulted in an agreement that DPR would provide information on the volume of all pesticide products sold from 2004 through 2007 that contained active ingredients listed as high- or moderate-priority for risk assessment in DPR's most recent "Prioritization and Status of Active Ingredient For Risk Characterization" (dated March 21, 2008). It is important to note that DPR does not believe that all pesticide products containing the active ingredients listed in high- and moderate-priority for risk assessment are considered "high hazard pesticides," since they are a broad group of active ingredients. This is because exposure is a key element of risk, and prioritization for risk assessment necessarily focuses more on the inherent toxicity of the active ingredient and less on potential human exposure to products formulated with that active ingredient.

- After reviewing the number of pounds of both high- and moderate-priority active ingredients sold in California from 2004 through 2007, DPR determined that there were no apparent trends. During the four year period, the number of pounds of high- and moderate-priority active ingredients sold in California varied from year to year without either a consistent upward or downward trend.
- DPR also looked at the total number of California-registered products containing either high- or moderate-priority active ingredients in each of the same four years. For both high- and moderate-priority active ingredients, there was a clear increase in the number of registered products containing these active ingredients after the implementation of AB 1011. The number of registered products containing high-priority active ingredients increased 8.0 percent between 2005 and 2006 (one year before implementation of AB 1011 and one year after). Between 2005 and 2006, the number of registered products containing moderate-priority active ingredients increased 7.2 percent. Based on the sales

data noted above, there is no correlation between the increased number of such pesticide products and sales, that is; the increased number of products registered does not translate into increased pounds sold.

- A review of registered pesticide products containing active ingredients for which DPR has completed a risk assessment indicates that the number of pounds sold steadily declined from 2004 to 2007. Over this same period, there was also a decline in the number of registered products containing active ingredients with completed risk assessments. Staff analysis indicates that the decline in the amount of products sold and registered containing active ingredients with completed risk assessments is due to federal and state restrictions placed on use sites or formulation types and voluntary cancellations by registrants.

In summary, the passage of Assembly Bill 1011 had no apparent effect on the *volume* (that is, pounds sold) of pesticides sold in California that contained active ingredients listed as high- or moderate-priority for risk assessment. AB 1011 did result in a 7 to 8 percent increase in the number of products containing these active ingredients that are offered for sale in California. However, the small increase in the number of products *registered* containing high- and moderate-priority active ingredients in 2006 and 2007 had no effect on the *volume* of high- and moderate-priority active ingredients sold in California.

Background

This report is mandated by Food and Agricultural Code (FAC) section 12836.6, which states “The director shall, with the assistance of the Legislative Analyst, conduct a study to consider more carefully the consequences of data-sharing agreements required under Sections 12011.5 and 12836.5 and the volume of high-hazard pesticides sold in California. The report shall be submitted to the Legislature no later than December 31, 2008.” Section 12836.6 was added to the FAC in January 1, 2006 by Assembly Bill 1011 (Matthews, Chapter 612, Statutes of 2005).

The bill impacted the Department of Pesticide Regulation’s (DPR’s) pesticide registration program by amending FAC section 12811.5, and adding FAC sections 12836.5. It resulted in significant changes to DPR’s pesticide registration process including: 1) eliminating the need for DPR to obtain a letter of authorization (LOA) before using one company’s data to support the registration of another company’s product; 2) authorizing DPR to use “previous evaluations” to support new and amended pesticide product registrations and to maintain product registrations; and 3) requiring DPR to accept all applications for registration of pesticide products containing new active ingredients concurrently with the applicant’s submission of an application to the U.S. Environmental Protection Agency (U.S. EPA) for federal registration.

Amended FAC section 12811.5 states that “The director may rely upon any evaluations of previously submitted data to determine whether to accept an application for registration of a new pesticide product, an amendment to the registration of a registered pesticide product, or to maintain the registration of a registered pesticide product regardless of the ownership of the data previously evaluated. Prior to the amendment, DPR was prohibited from using one company’s data to support the registration of another company’s product, without the authorization of the data owner. As a result, a pesticide company wishing to register its product in California had two choices, obtain a letter of authorization from a data owner or conduct and submit their own

duplicate data to DPR. The requirement for a letter of authorization allowed data generating companies to essentially keep smaller competitor companies out of the California marketplace by refusing to grant them a letter of authorization. Many small companies could not afford to conduct the required data themselves. FAC section 12811.5 also provides compensation to data generators for the use of their data, but data generators cannot refuse to allow use of their data. Amended FAC section 12811.5 means that DPR no longer needs to expend resources reviewing duplicative data submitted to support the registration and amendment of pesticide products that are similar to other currently registered pesticide products or tracking and maintaining letters of authorization. The bill allows DPR to concentrate its limited resources on reviewing data submitted to support: (1) new pesticide products containing new active ingredients; and (2) amendments to currently registered products to add major new uses not currently registered in California.

During the legislative process, concerns were raised as to whether the amendment of FAC section 12811.5 could result in companies bringing additional products into California that contained the older more toxic chemicals (i.e., organochlorines, organophosphates, and carbamates) and that the availability of those products would result in increased use of these older chemistries. In order to determine the effects of the bill, FAC section 12836.6 requires DPR to conduct a study to consider the “consequences of data-sharing agreements required under Sections 12011.5 and 12836.5 and the volume of high-hazard pesticides sold in California.”

FAC section 12836.6 uses the term “high-hazard pesticides” without providing a definition for the term. Since no definition was provided, DPR staff sought the advice of the analyst for the Assembly Environmental Safety and Toxic Materials Committee and staff from the Legislative Analyst Office. The discussion resulted in an agreement that DPR would provide information on the volume of all pesticide products sold during the years 2004, 2005, 2006 and 2007 that contained active ingredients listed in DPR’s most recent “Prioritization and Status of Active Ingredient For Risk Characterization: Report 50” dated March 21, 2008 as high- and moderate-priority for risk assessment (Appendix A). A copy of the report can also be found on DPR’s website at <http://www.cdpr.ca.gov/docs/risk/priot.pdf>.

It is important to note that DPR does not believe that pesticide products containing the active ingredients listed in high- and moderate-priority for risk assessment are all considered “high-hazard pesticides.” The hazard that a pesticide poses to human health and the environment is a function of many factors including toxicity, exposure, and concentration. A pesticide product may contain a chemical that is highly toxic to humans, but if the product will be used in a manner that results in little or no exposure to humans, the product would not be considered high hazard. On the other hand, if a pesticide product contains a chemical that is only moderately toxic to humans; but, the product is widely used and in a manner where exposure to humans is likely, that product may be seen as a higher hazard than the more toxic chemical. In addition, a pesticide product that contains 100% of a chemical is more likely to be a higher hazard than a product containing 5% of the same chemical, regardless of the toxicity of the chemical. There are also differences between chemicals. For example, one chemical may be moderately toxic to fish but relatively non-toxic to birds and another may be moderately toxic to birds, but relatively nontoxic to fish. Which product is the higher hazard depends upon where the product will be used and whether exposure to birds and fish is likely to occur.

The Birth Defect Prevention Act of 1984 (FAC 13121-13135) requires DPR to review toxicology data for all active ingredients currently registered in California. If as a part of this review, DPR identifies an active ingredient as having potential adverse health effects in laboratory animal studies of sufficient quality to permit risk characterization, that active ingredient enters the risk characterization process. During this process, DPR staff identify the seriousness of the adverse effect, determine the expected levels of human exposure, assess the resulting risk to human health, and, if necessary, explore possible mitigation measures.

Priority setting is necessary for DPR to make the best use of staff and other resources, and to ensure that DPR focuses on the chemicals with the greatest potential human health hazard. DPR prioritizes active ingredients for risk characterization into three categories High, Moderate, and Low. The prioritization of the active ingredients is a qualitative process based upon numerous factors including the nature of the potential adverse effect, the number of potential adverse effects, the number of species affected, the no observable effect level (NOEL), potential human exposure, use patterns, and quantity used. Other considerations that may also impact prioritization include eradication programs for new pests and regulatory actions by other state or federal agencies. For further information on how DPR prioritizes active ingredients for risk assessment, please see: <http://www.cdpr.ca.gov/docs/risk/raprocess.pdf> on the DPR website (www.cdpr.ca.gov). It should be noted that the prioritization process is dynamic and that the prioritization of a given pesticide active ingredient may change with additional data, advancements in science and changes in pesticide use patterns.

In the March 21, 2008 Prioritization report, DPR identified 75 active ingredients (comprising a total 97 individual active ingredients) as being in high-priority. The moderate-priority category includes 127 active ingredients (comprising a total of 176 individual active ingredients). For purposes of chronic toxicity data requirements and risk characterization, DPR groups certain active ingredients with similar or identical characteristics under a single active ingredient name in the report. For example, the active ingredient 2, 4-D is grouped with its ten salts and esters (e.g., 2, 4-D Dimethylamine salt, 2, 4-D Isooctyl ester). The report only lists the pesticide active ingredient 2, 4-D. A risk assessment conducted on 2, 4-D would include an assessment of all pesticide products containing any of the ten individual salts and esters of 2, 4-D as well as 2, 4-D itself. For purposes of this report, DPR included information on all pesticide products containing any of the active ingredients included within each grouping. For example, the volume of pounds sold for 2, 4-D also includes pounds sold of all products that contain 2, 4-D salts and esters.

DPR completes risk assessment on active ingredients in high-priority first because of their inherent toxicity, use patterns, exposure to workers or bystanders, or some other specific issues. Once DPR completes the risk characterization of a given active ingredient, that active ingredient no longer appears in DPR's Prioritization and Status of Active Ingredient for Risk Characterization report. However, many of these chemicals were initially prioritized in high-priority for risk assessment. In order to be thorough, DPR included information on these chemical in the report, as well as those currently in high- and moderate-priority. For a list of active ingredients for which DPR has completed risk assessments see Appendix B.

FAC section 12836.6 states that DPR is to report the "volume of pesticides sold" in California. The first seller of a pesticide product into California is required by state law to pay a mill assessment on each dollar of sales. In order to collect the fees, DPR requires registrants to report quarterly the pounds/gallons of formulated pesticide products sold and dollar value of each

pesticide sold. DPR compiles the information in a database and prepares an annual report. Links to DPR pesticide product label database convert the reported pound/gallons of formulated product sold to pounds of active ingredient sold. The reports are available on DPR's website. Pesticide pounds sold data for 2004, 2005, and 2006 are publically available on the DPR website at www.cdpr.ca.gov/docs/mill. Data on pesticide sales for 2007 are still undergoing final validation and are not yet published on DPR's website.

Sales of pesticide products vary from year to year. Factors influencing the sale of pesticide products in any given year include: weather, disease, weed, and insect pest pressures, introduction of newly registered active ingredients which may reduce other active ingredients' sales, restrictions on sale or use of particular active ingredients by the U.S. EPA or DPR, product price, and the general economic outlook for various crop systems in California. Newly registered products containing a new active ingredient may take several years to establish a foothold in the California market. If U.S. EPA or DPR subject an active ingredient to restrictions on sales or use, sales may decrease. Economic factors such as the price of petroleum and its derivatives may cause product prices to rise. Pest pressures vary from year to year, and from crop to crop; fungal or bacterial diseases are often linked to weather conditions, insect and weed pests may be introduced to California, or may suddenly explode in population.

In order to evaluate the consequences of data-sharing agreements under FAC sections 12811.5 and 12836.6 on the volume of high-hazard pesticides sold in California, DPR looked at both the number of pounds sold and the number of registered products containing high- or moderate-priority active ingredients as well as for products with completed risk assessments. This report covers the years 2004 and 2005 (two years before the implementation of AB 1011) as well as 2006 and 2007 (two years after implementation).

Results and Discussion

High-priority Active Ingredients

DPR's records indicate that the pounds of high-priority active ingredients sold in 2004, 2005, 2006, and 2007 ranged from a high of 53,942,953 pounds in 2004 to a low of 31,776,885 pounds in 2005 (Fig.1). There were no apparent trends, either up or down, in the number of pounds of high-priority active ingredients sold between 2004 and 2007.

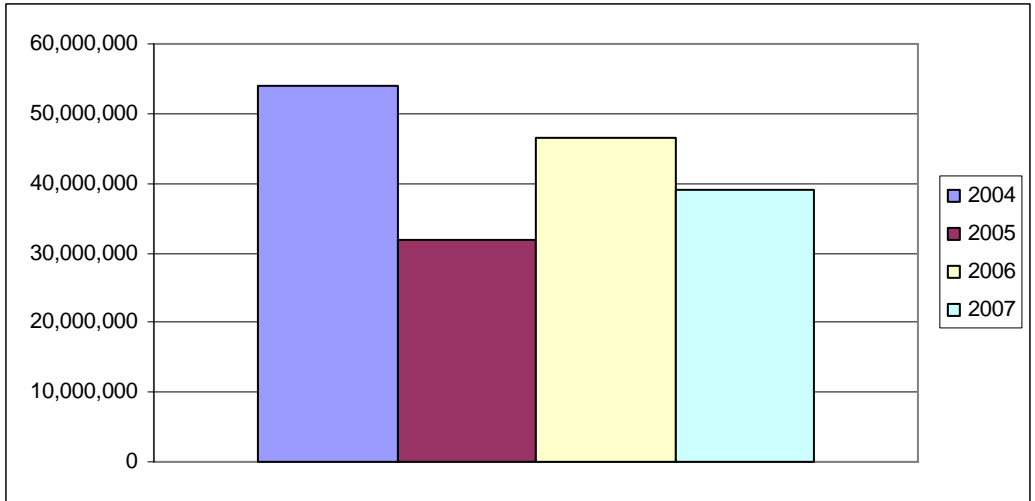


Fig. 1. Pounds of high-priority active ingredients sold from 2004 to 2007.

As can be seen in Figure 2, there was a small increase in the number of registered products containing high-priority active ingredients after the implementation of AB 1011. Prior to the enactment of AB 1011, DPR registered 2,325 in 2004 and 2286 products in 2005 containing high-priority active ingredients. After implementation of AB 1011, the number of registered products containing high-priority active ingredients increased to 2,468 products in 2006 and 2,441 products in 2007. The data indicate an 8 percent increase in the number of products containing high-priority active ingredients from 2005 to 2006.

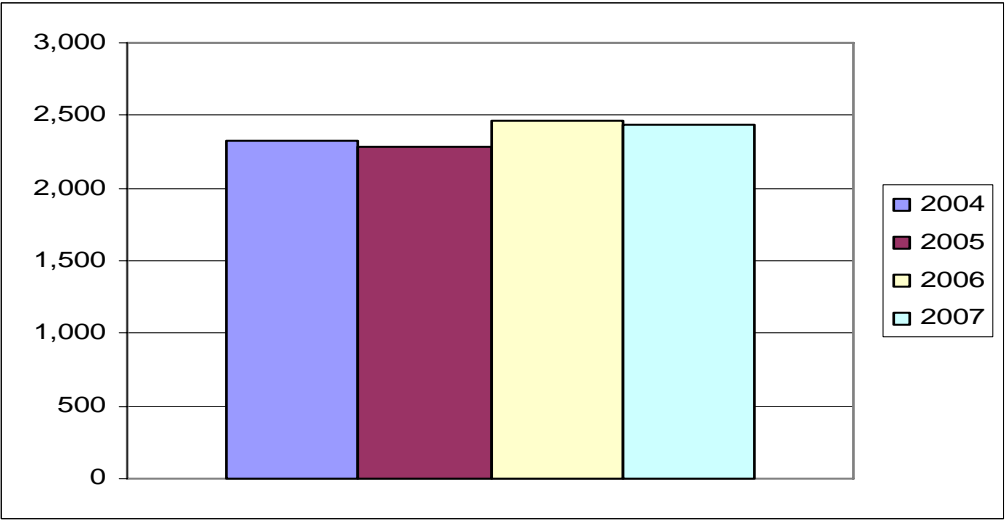


Fig. 2. Number of products registered containing high-priority active ingredients, from 2004 to 2007.

Although AB 1011 resulted in a small increase in the number of products containing high-priority active ingredients registered for use in California, the increase had no impact on the total volume (pounds) of pesticide products containing the same high-priority active ingredients sold in California.

Moderate-priority Active Ingredients

DPR's records indicate that the number of pounds of moderate-priority active ingredients that registrants sold between 2004 to 2007 ranged from a high of 80,041,907 pounds in 2005 to a low of 56,827,001 pounds in 2006 (Fig.3). There are no obvious trends either up or down in the number of pounds of moderate-priority active ingredients sold between 2004 and 2007.

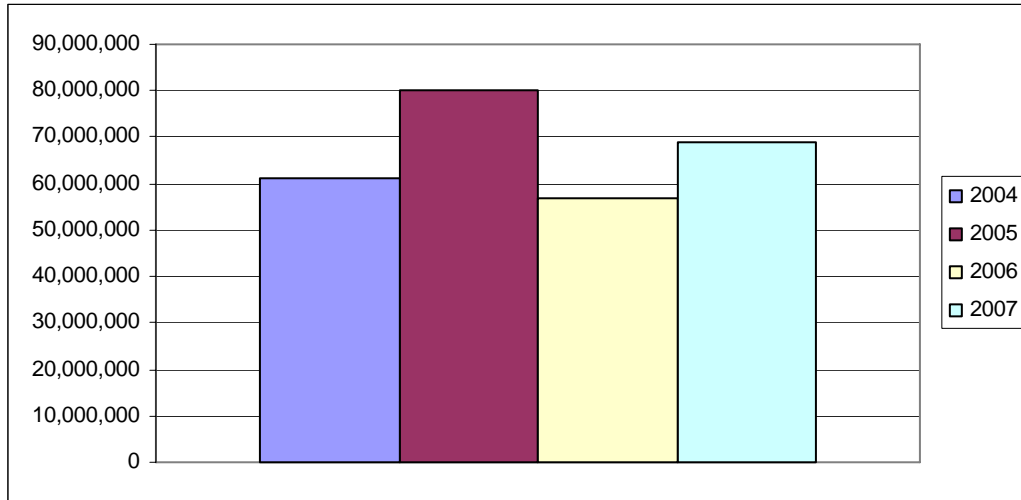


Fig. 3. Pounds of moderate-priority active ingredients sold from 2004 to 2007.

Similar to high-priority active ingredients, DPR's data indicate a small increase in the number of registered products containing moderate-priority active ingredients after the implementation of AB 1011 (Fig. 4). The number of registered products containing moderate-priority active ingredients ranged from 6,636 products in 2005 to 7,115 products in 2006, a 7.2 percent increase.

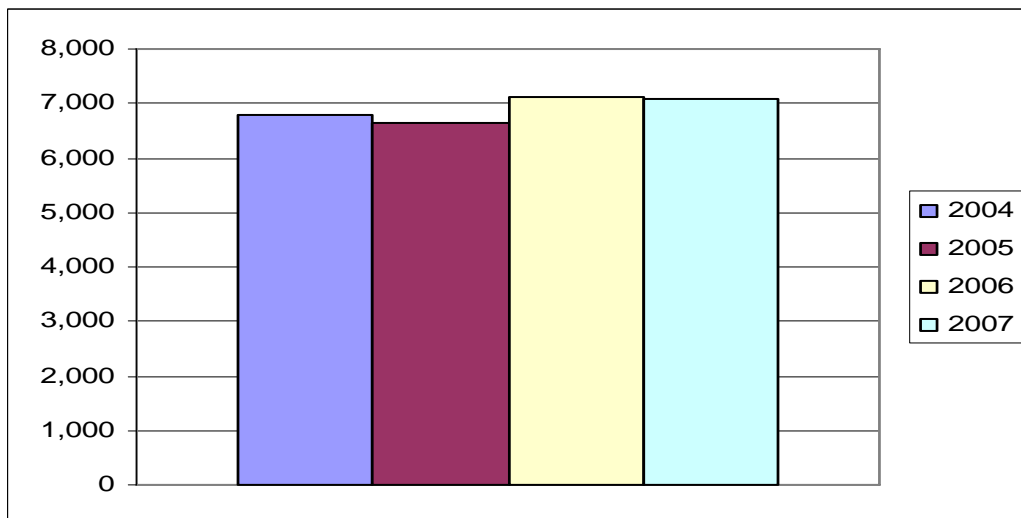


Fig. 4. Number of products registered containing moderate-priority active ingredients, from 2004 to 2007.

Thus, although there was a small increase in the number of products containing moderate-priority active ingredients registered in California after the implementation of AB 1011, this

increase in the number of products did not result in an increase in the amount of pounds sold of these active ingredients.

Active Ingredients with Completed Risk Assessments

The number of pounds of pesticide products containing active ingredients with completed risk assessments shows a steady decline from 2004 to 2007 (Fig. 5).

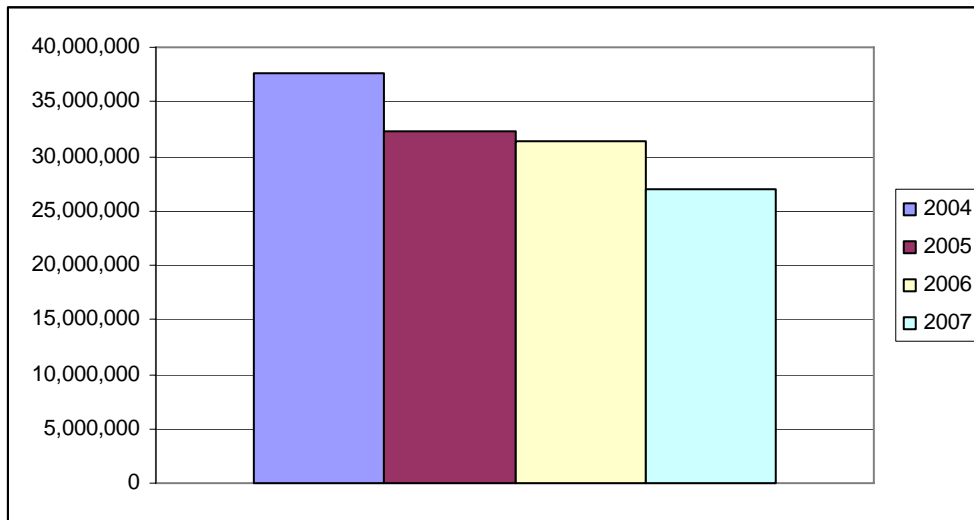


Fig. 5. Pounds sold of active ingredients with completed risk assessments, from 2004 to 2007.

Over this same time period, there was also a decline in the number of registered products containing active ingredients with completed risk assessments (Fig. 6). Staff analysis indicates that the decline in the amount of products sold and registered containing active ingredients with completed risk assessments is due to Federal and California restrictions placed on use sites or formulation types and voluntary cancellations by registrants.

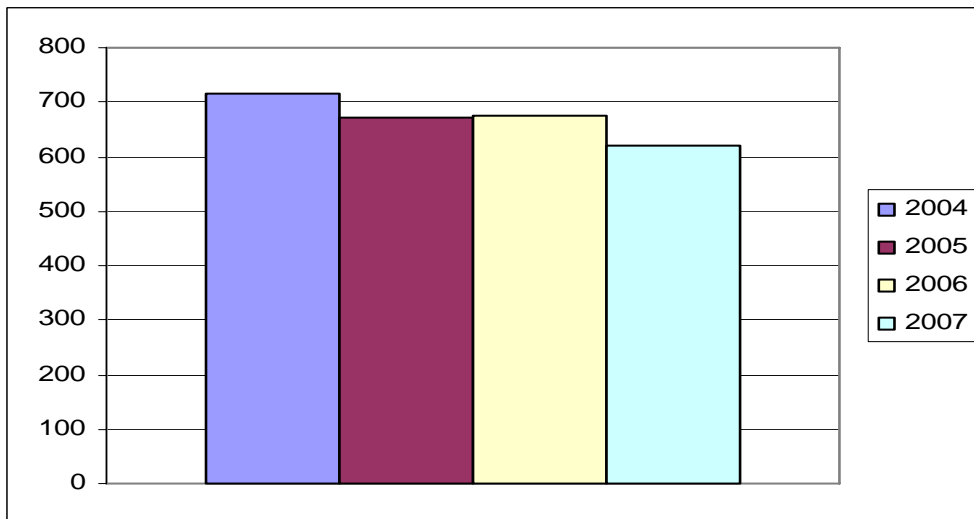


Fig. 6. Number of products registered containing active ingredients with completed risk assessments, from 2004 to 2007.

Conclusion

Based on the above data, DPR concludes that the amendment of FAC section 12811.5 and adoption of FAC section 12836.5 had no discernable effect on the volume of pesticide products sold in California containing active ingredients listed as high- or moderate-priority for risk assessment. The statutory changes did result in a seven to eight percent increase in the number of registered products containing these active ingredients offered for sale in California. However, the increase in the number of registered products containing active ingredients listed as high- or moderate-priority for risk assessment had no discernable effect on the volume of the high- and moderate-priority active ingredients sold in California.

Appendix A.

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|--|------------------|------------------|------------------|---|
| HIGH-PRIORITY FOR RISK ASSESSMENT | | | | |
| 1,3-DICHLOROPROPENE | 4,573,703.45 | 4,138,547.29 | 6,155,432.79 | 5,236,179.02 |
| 2,4-D (all salts and esters): | 1,669,701.30 | 1,201,498.90 | 1,181,475.40 | 39,255,028.00 |
| ACEPHATE | 6,152,637.04 | 253,955.42 | 163,769.17 | 251,070.34 |
| ACROLEIN | 470,832.66 | 521,718.63 | 1,033,843.34 | 1,196,942.21 |
| ALDICARB | 331,715.25 | 232,374.75 | 237,112.20 | 39,857.19 |
| INORGANIC ARSENIC COMPOUNDS | 112,274.72 | 186,937.54 | 234,231.75 | 909,999.55 |
| AZAFENIDIN | 0.00 | 0.00 | 0.00 | 0.00 |
| BROMOXNYL (all salts and esters): | 127,504.32 | 84,376.95 | 100,097.75 | 108,790.95 |
| CAPTAN | 380,675.30 | 623,705.97 | 697,869.43 | 590,860.00 |
| CARBARYL | 388,235.51 | 412,954.62 | 411,710.66 | 323,349.83 |
| CHLOROPICRIN | 4,508,574.69 | 4,301,992.28 | 12,664,971.85 | 4,498,603.15 |
| CHLOROTHALONIL | 1,064,256.04 | 1,102,057.06 | 1,275,207.12 | 1,068,298.08 |
| CHLORPYRIFOS | 2,324,084.90 | 2,374,322.46 | 2,516,047.67 | 1,806,444.30 |
| CYFLUTHRIN | 46,184.19 | 36,920.30 | 40,507.63 | 23,071.64 |
| DAMINOZIDE | 16,367.60 | 7,418.46 | 11,843.05 | 9,447.75 |
| DAZOMET | 46,951.38 | 100,138.86 | 589,477.82 | 239,091.95 |
| DIAZINON | 809,813.25 | 512,108.90 | 419,698.14 | 596,193.24 |
| DICAMBA (all salts and esters): | 294,894.12 | 276,735.32 | 210,592.50 | 179,302.88 |
| DICHOLOBENIL | 44,860.67 | 37,071.01 | 57,963.29 | 71,317.92 |
| DICOFOL | 259,939.28 | 232,193.41 | 139,124.42 | 83,503.87 |
| DIMETHOATE | 393,686.61 | 422,087.44 | 352,843.50 | 447,395.12 |
| DISULFOTON | 97,437.43 | 79,648.96 | 50,795.34 | 56,665.46 |
| EMAMECTIN BENZOATE | 1,351.14 | 2,551.85 | 8,807.64 | 2,080.38 |
| ENDOSULFAN | 190,653.56 | 110,704.03 | 113,595.61 | 68,828.22 |
| ESFENVALERATE | 57,221.40 | 49,670.85 | 80,229.37 | 67,629.90 |
| ETHYLENE OXIDE | 4,241,711.73 | 1,371,388.04 | 4,318,463.73 | 3,926,034.56 |
| ETHYLENE THIOUREA (ETU) | 0.00 | 0.00 | 0.00 | 0.00 |
| FAMOXODONE | 0.00 | 14,996.50 | 6,856.88 | 3,684.49 |
| FENAMIPHOS | 80,925.58 | 93,825.10 | 56,297.65 | 66,161.77 |
| FENBUCONAZOLE | 720.00 | 1,548.00 | 1,620.00 | 63.00 |
| FENVALERATE | 0.00 | 0.00 | 0.00 | 0.00 |
| FIPRONIL | 18,107.93 | 21,712.65 | 23,553.59 | 27,724.12 |
| FLONICAMID | 0.00 | 0.00 | 60.50 | 22,803.25 |
| FLUMIOXAZIN | 20,790.73 | 81,954.07 | 82,122.04 | 101,044.28 |
| GLUFOSINATE-AMMONIUM | 40,042.91 | 51,606.65 | 182,561.33 | 264,617.76 |
| GLUTARALDEHYDE | 6,803,654.37 | 1,935,950.36 | 1,374,396.67 | 5,579,396.95 |
| IMAZALIL | 1,210,649.91 | 28,181.53 | 42,675.02 | 24,350.49 |
| INDOXACARB | 45,319.24 | 124,257.39 | 358,806.21 | 325,029.58 |
| IPRODIONE | 365,052.33 | 314,148.86 | 349,618.26 | 417,320.62 |

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|---|------------------|------------------|------------------|---|
| LAMBDA CYHALOTHRIN (CYHALOTHRIN) | 25,688.86 | 37,757.31 | 54,754.22 | 85,775.96 |
| LINURON | 61,620.00 | 111,990.00 | 87,850.00 | 148,210.00 |
| MANCOZEB | 612,319.03 | 1,270,798.23 | 1,550,448.93 | 1,054,294.67 |
| METHIOCARB | 3,526.90 | 3,067.20 | 2,707.60 | 2,515.50 |
| METHYL PARATHION | 87,210.58 | 96,543.40 | 105,706.54 | 83,411.85 |
| METOFLUTHRIN | 0.00 | 0.00 | 0.00 | 0.00 |
| MILBEMECTIN | 0.00 | 0.00 | 0.00 | 3.49 |
| N-OCTYL BICYCLOHEPTENE DICARBOXIMIDE | 41,263.38 | 64,236.22 | 43,209.75 | 43,528.49 |
| NOVALURON | 511.23 | 36.53 | 34.60 | 1,709.53 |
| ORTHO-PHENYLPHENOL (and salts): | 122,240.49 | 95,660.48 | 58,535.42 | 78,054.21 |
| OXADIAZON | 53,253.47 | 51,799.53 | 47,277.45 | 46,757.50 |
| OXYDEMETON-METHYL | 234,306.96 | 236,788.99 | 147,294.27 | 181,015.77 |
| PARA-DICHLOROBENZENE | 880,715.46 | 717,811.20 | 667,748.59 | 623,122.28 |
| PARAQUAT DICHLORIDE | 1,521,270.61 | 1,437,514.52 | 2,262,189.81 | 1,654,161.95 |
| PCNB | 102,555.90 | 73,145.44 | 87,220.95 | 59,491.09 |
| PROFENOFOS | 36,930.68 | 32,672.78 | 19,699.77 | 4,324.34 |
| PROPANIL | 2,159,255.78 | 2,170,099.65 | 1,659,622.07 | 1,701,100.73 |
| PROPARGITE | 8,910,105.12 | 1,290,010.38 | 853,175.29 | 708,460.01 |
| PROPYLENE OXIDE | 379,241.35 | 314,444.65 | 385,043.42 | 455,925.40 |
| PROPYZAMIDE | 161,485.37 | 146,566.41 | 147,246.25 | 137,843.40 |
| PYRACLOSTROBIN | 84,226.34 | 125,861.43 | 191,777.12 | 140,357.90 |
| SODIUM TETRATHIOCARBONATE | 148,695.26 | 165,767.73 | 340,628.77 | 675,017.67 |
| SPIRODICLOFEN | 0.00 | 0.00 | 0.00 | 42,699.20 |
| SPIROMESIFEN | 0.00 | 26,829.78 | 85,424.65 | 47,743.55 |
| SPIROTE TRAMAT | 0.00 | 0.00 | 0.00 | 0.00 |
| SULFENTRAZONE | 0.00 | 0.00 | 1,838.72 | 1,578.82 |
| TEBUCONAZOLE | 250,600.94 | 92,332.60 | 73,850.08 | 67,378.38 |
| THIACLOPRID | 0.00 | 0.00 | 133.93 | 137.36 |
| THIAZOPYR | 1,858.04 | 4,310.64 | 4,459.29 | 2,155.32 |
| THIOPHANATE-METHYL | 194,158.19 | 251,702.01 | 184,381.43 | 179,008.60 |
| TRALKOXYDIM | 0.00 | 488.89 | 107.80 | 414.98 |
| TRIADIMEFON | 4,611.36 | 3,645.08 | 15,048.53 | 4,372.73 |
| TRIALATE | 0.00 | 0.00 | 0.00 | 715.91 |
| TRIBUTYL TIN COMPOUNDS | 51,819.45 | 54,502.89 | 17,017.04 | 11,580.85 |
| TRIFLOXYSULFURON-SODIUM | 0.00 | 208.50 | 31,810.58 | 0.00 |
| VINCLOZOLIN | 18,264.38 | 1,173.13 | 426.25 | 214.50 |
| ZIRAM | 604,686.80 | 1,557,859.48 | 1,811,396.68 | 934,631.56 |
| | | | | |

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|--|------------------|------------------|------------------|---|
| MODERATE-PRIORITY FOR RISK ASSESSMENT | | | | |
| 2,4-DB (and salts): | 54,817.88 | 147,236.35 | 76,391.50 | 35,592.56 |
| ACEQUINOCYL | 0.00 | 1,834.88 | 451,312.38 | 8,037.74 |
| ACETAMIPRID | 38,280.61 | 40,280.91 | 47,293.72 | 31,028.05 |
| ACIBENZOLAR-S-METHYL | 723.00 | 1,411.50 | 14,520.00 | 1,410.00 |
| ALKYL DIMETHYL BENZYL AMMONIUM CHLORIDE (all combinations): | 2,103,783.59 | 1,889,207.75 | 2,352,247.99 | 3,789,526.55 |
| AZOXYSTROBIN | 76,644.78 | 138,755.91 | 166,728.67 | 114,679.34 |
| BENSULIDE | 298,135.48 | 331,911.96 | 336,954.36 | 348,363.65 |
| BENTAZON, SODIUM SALT | 8,850.38 | 6,218.23 | 9,127.17 | 10,138.36 |
| BIFENAZATE | 98,241.69 | 109,747.79 | 96,387.83 | 107,009.36 |
| BORATES (all) | 2,080,404.12 | 1,709,041.35 | 1,966,828.04 | 1,318,199.23 |
| BOSCALID (BAS 510F) | 110,245.72 | 216,725.54 | 311,776.07 | 239,210.95 |
| BROMACIL (and salts) | 76,193.75 | 73,280.63 | 106,967.68 | 128,215.35 |
| BUPROFEZIN | 61,703.02 | 55,422.26 | 67,558.56 | 75,232.23 |
| CACODYLIC ACID (and salts): | 5,840.45 | 4,362.39 | 35.66 | 0.00 |
| CARBOXIN | 2,689.24 | 4,301.35 | 5,580.56 | 1,419.96 |
| CHLORFLURENOL, METHYL ESTER | 120.37 | 331.01 | 144.59 | 251.74 |
| CHLORTHAL-DIMETHYL | 296,509.59 | 307,270.67 | 287,732.90 | 197,757.99 |
| CLOMAZONE | 14,168.00 | 48,617.50 | 60,130.00 | 85,000.00 |
| CLOTHIANIDIN | 0.00 | 0.00 | 142.51 | 368.09 |
| CRYOLITE | 1,269,408.64 | 1,034,082.60 | 687,139.20 | 812,751.40 |
| CYANURIC ACID (and salts) | 41,962,861.97 | 39,285,721.50 | 3,457,381,261.08 | 48,473,775.17 |
| CYCLANILIDE | 5,240.87 | 2,772.56 | 2,844.03 | 2,450.05 |
| CYMOXANIL | 1,990.20 | 21,049.30 | 6,820.88 | 6,295.69 |
| CYPERMETHRIN | 77,896.87 | 91,364.00 | 84,958.02 | 66,083.02 |
| CYPHENOTHRIN | 0.00 | 0.00 | 0.00 | 11,018.34 |
| CYPRODINIL | 48,622.97 | 138,832.69 | 192,942.66 | 155,801.81 |
| DICLORAN | 105,842.54 | 300,520.03 | 115,610.86 | 206,135.36 |
| DIDECYL DIMETHYL AMMONIUM CHLORIDE (and carbonates): | 1,144,121.33 | 1,317,404.79 | 1,582,555.50 | 1,317,116.11 |
| DIFENACOU | 0.00 | 0.00 | 0.00 | 0.00 |
| DIFENOCONAZOLE | 2,905.13 | 11,123.03 | 1,838.48 | 1,590.24 |
| DIFETHIALONE | 3.79 | 4.00 | 4.94 | 4.77 |
| DIMETHENAMID-P | 0.00 | 0.00 | 0.00 | 479.59 |
| DIMETHOMORPH | 35,650.00 | 50,641.54 | 31,692.24 | 5,002.14 |
| DINOTEFURAN | 0.00 | 739.40 | 8,041.70 | 16,907.68 |
| DIPHENYLAMINE | 5,873.06 | 7,138.86 | 5,213.17 | 60,103.16 |
| DIPROPYL ISOCINCHOMERONATE | 4,090.51 | 40,206.80 | 1,571.23 | 1,055.16 |
| DITHIOPYR | 17,660.89 | 13,052.31 | 17,678.52 | 23,584.04 |
| DIURON | 1,673,020.59 | 2,172,967.73 | 1,793,218.60 | 1,228,768.89 |
| DODINE | 87,467.25 | 6,058.26 | 0.00 | 6,810.43 |

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|---|------------------|------------------|------------------|---|
| ENDOTHALL (and salts): | 42,051.82 | 27,954.78 | 18,589.53 | 19,324.28 |
| ESBIOTHRIN | 18.97 | 119.93 | 15.54 | 7.40 |
| ETHALFLURALIN | 60,275.82 | 70,829.09 | 75,249.91 | 54,175.93 |
| ETHOFUMESATE | 19,807.62 | 21,488.87 | 20,221.42 | 23,423.58 |
| ETOXAZOLE | 536.80 | 4,714.10 | 19,803.52 | 33,656.58 |
| FENARIMOL | 4,887.67 | 8,341.76 | 5,788.78 | 6,093.05 |
| FLUBENDIAMIDE | 0.00 | 0.00 | 0.00 | 0.00 |
| FLUDIOXONIL | 40,959.35 | 10,933.40 | 83,971.01 | 18,405.41 |
| FLUOPICOLIDE | 0.00 | 0.00 | 0.00 | 0.00 |
| FLUOXASTROBIN | 0.00 | 0.00 | 0.00 | 0.00 |
| FLUROXYPYR (and ester): | 0.00 | 181.21 | 719.72 | 1,393.15 |
| FLURPRIMIDOL | 0.00 | 0.00 | 0.51 | 14.44 |
| FORCHLORFENURON | 0.00 | 642.65 | 529.42 | 0.00 |
| FORMALDEHYDE | 342,059.75 | 189,195.28 | 81,568.62 | 178.83 |
| HALOSULFURON METHYL | 32,554.07 | 60,801.37 | 17,752.31 | 13,500.85 |
| HEXAHYDRO-1,3,5-TRIETHYL-S-TRIAZINE (VANCIDE TH) | 0.00 | 0.00 | 0.00 | 0.00 |
| hexahydro-1,3,5-tris (2-hydroxyethyl)-s-triazine | 654,251.46 | 621,323.71 | 1,217,345.31 | 1,736,803.60 |
| HEXYTHIAZOX | 15,297.72 | 17,677,267.00 | 26,673.79 | 27,393.74 |
| IMIDACLOPRID | 208,964.44 | 169,485.30 | 406,205.06 | 753,482.42 |
| IMIPROTHRIN | 24,444.19 | 20,733.72 | 13,697.03 | 5,924.76 |
| ISOXABEN | 28,134.70 | 38,304.62 | 19,046.43 | 30,548.64 |
| KRESOXIM-METHYL | 7,970.00 | 17,607.50 | 20,433.00 | 20,364.25 |
| MCPA (and salts and esters): | 239,240.41 | 211,231.64 | 324,482.25 | 348,281.96 |
| MCPP (and salts) | 311,028.13 | 191,311.89 | 212,424.03 | 179,243.88 |
| MEFENOXAM | 113,357.43 | 107,729.51 | 279,334.57 | 100,687.40 |
| MEFLUIDIDE, DIETHANOLAMINE SALT | 2,937.49 | 1,618.48 | 1,539.41 | 1,793.44 |
| METAFLUMIZONE | 0.00 | 0.00 | 0.00 | 55.92 |
| METALAXYL | 1,474.27 | 1,693.48 | 1,464.55 | 841.74 |
| METHOMYL | 331,238.56 | 428,530.76 | 366,603.92 | 414,140.97 |
| METHOXYFENOZIDE | 102,452.01 | 187,921.65 | 239,766.93 | 225,376.70 |
| METRIBUZIN | 39,456.32 | 31,746.06 | 45,065.32 | 52,280.00 |
| MSMA | 261,539.10 | 223,440.01 | 150,128.00 | 226,135.99 |
| N,N-DIETHYL-2-(4-METHYLBENZYLOXY) ETHYLAMINE HYDROCHLORIDE (PT807- HCL) (ECOLYST) | 0.00 | 0.00 | 0.00 | 0.00 |
| NAPHTHALENEACETIC ACID (and salts and esters): | 1,148.45 | 2,275.12 | 2,457.14 | 2,585.52 |
| NAPROPAMIDE | 27,419.33 | 69,815.47 | 33,850.73 | 27,379.45 |
| NORFLURAZON | 434,217.84 | 121,617.78 | 121,727.82 | 98,484.23 |
| NOVIFLUMURON (XDE-007) | 0.00 | 0.00 | 0.00 | 0.00 |

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|--|------------------|------------------|------------------|---|
| O,O-DIMETHYL-O-(4-NITRO-M-TOLYL) PHOSPHOROTHIOATE (SUMITHION / FENITROTHION) | 0.00 | 0.00 | 0.00 | 0.00 |
| ORTHO-BENZYL-PARA-CHLOROPHENOL (and salts): | 30,659.46 | 21,747.90 | 18,155.51 | 32,882.85 |
| ORYZALIN | 941,340.68 | 951,898.12 | 1,079,781.23 | 677,234.26 |
| OXYFLURFEN | 1,410,185.39 | 5,170,891.65 | 960,601.17 | 1,344,945.19 |
| OXYTHIOQUINOX | 0.00 | 0.00 | 0.00 | 0.00 |
| PEBULATE | 0.00 | 0.00 | 0.00 | 0.00 |
| PENOXULAM | 0.00 | 3,609.72 | 2,905.89 | 3,278.89 |
| PERMETHRIN | 474,760.62 | 484,145.56 | 605,304.35 | 354,736.78 |
| PHENOL (and salt) | 269.34 | 770.91 | 677.03 | 605.73 |
| PHENOTHRIN | 24,221.03 | 17,308.74 | 79,782.15 | 95,248.40 |
| PHORATE | 36,032.00 | 73,184.00 | 24,872.00 | 31,917.00 |
| PICARIDIN | 0.00 | 26,132.38 | 22,694.24 | 24,983.77 |
| PICLORAM | 0.00 | 0.00 | 0.00 | 0.00 |
| POLY HEXAMETHYLENE BIGUANIDINE | 35,692.86 | 68,530.01 | 310,587.96 | 1,422,385.34 |
| PRALLETHRIN (ETOC) | 1,514.14 | 1,182.90 | 1,840.50 | 1,053.72 |
| PROMETON | 20,052.42 | 17,295.75 | 24,638.94 | 9,968.18 |
| PROPICONAZOLE | 26,164.22 | 35,732.28 | 51,088.22 | 86,940.39 |
| PYMETROZINE | 9,196.50 | 7,492.58 | 47,558.72 | 7,415.38 |
| PYRAFLUFEN-ETHYL | 744.25 | 1,804.96 | 1,272.55 | 1,341.03 |
| PYRETHRINS | 89,166.13 | 159,917.30 | 37,286.43 | 30,784.54 |
| PYRIDABEN | 23,568.79 | 35,029.83 | 57,407.45 | 5,273.76 |
| PYRIDATE | 139,276.80 | 0.00 | 0.00 | 0.00 |
| PYRIMETHANIL | 0.00 | 2,941.56 | 61,192.85 | 56,629.09 |
| PYRIPROXYFEN | 75,313.25 | 17,063.06 | 14,634.46 | 15,491.72 |
| PYRITHIOPAC-SODIUM | 3,939.33 | 73,498.23 | 111,792.00 | 23,562.00 |
| QUINCLORAC | 1,988.25 | 2,701.37 | 4,599.91 | 11,995.77 |
| RESMETHRIN | 1,598.98 | 1,089.20 | 1,115.19 | 661.32 |
| RIMSULFURON | 2,479.11 | 2,427.92 | 37,630.00 | 37,491.70 |
| SIMAZINE | 1,074,699.58 | 1,367,534.03 | 924,464.01 | 785,778.61 |
| SPINETORAM | 0.00 | 0.00 | 0.00 | 1,141.23 |
| SPINOSAD | 84,336.41 | 97,929.09 | 101,999.19 | 94,207.10 |
| SULFOSULFURON | 0.00 | 0.00 | 0.00 | 1,025.48 |
| TAU-FLUVALINATE | 2,745.46 | 3,632.26 | 2,547.49 | 2,689.50 |
| TCMTB | 19,526.06 | 17,187.91 | 13,122.66 | 12,023.52 |
| TEBUFENOZIDE | 3,027.75 | 10,278.09 | 8,783.67 | 3,541.94 |
| TERBUTHYLAZINE (BELLACIDE) | 82,464.04 | 1,389.48 | 374.74 | 3,944.08 |
| TETRACHLORVINPHOS | 11,213.03 | 9,161.95 | 13,098.66 | 11,581.43 |
| TETRACONAZOLE | 0.00 | 0.00 | 0.00 | 0.00 |
| TETRAKIS (HYDROXY METHYL) PHOSPHONIUM SULFATE | 35,521.60 | 28,406.39 | 11,433.42 | 17,080.13 |

| Chemical Name | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|-----------------------------------|------------------|------------------|------------------|---|
| THIAMETHOXAM | 19,290.58 | 41,735.15 | 356,461.17 | 37,542.02 |
| THIODICARB | 1,736.27 | 1,157.51 | 1,157.51 | 578.76 |
| THIRAM | 111,187.99 | 37,225.60 | 34,439.50 | 45,962.14 |
| TRICHLORFON | 320.00 | 0.00 | 0.00 | 0.00 |
| TRICLOPYR (and salts and esters): | 291,218.99 | 272,953.35 | 265,498.29 | 258,271.92 |
| TRIFLOXYSTROBIN | 23,169.63 | 39,958.13 | 37,975.30 | 32,272.75 |
| TRIFLUMIZOLE | 28,767.00 | 30,682.36 | 31,038.74 | 30,592.78 |
| TRIFLURALIN | 1,602,658.60 | 1,310,026.08 | 1,608,958.35 | 1,186,402.44 |
| TRIFLUSULFURON METHYL | 641.50 | 6,229.00 | 7,360.00 | 7,060.00 |
| TRIFORINE | 17,723.01 | 4,914.63 | 4,235.08 | 2,436.50 |
| TRIS(HYDROXYMETHYL) NITROMETHANE | 52,750.21 | 51,600.17 | 16,500.00 | 3,500.00 |
| UNICONIZOLE-P | 18.62 | 2.92 | 282.60 | 3.37 |
| ZINC-2-PYRIDINETHIOL-1-OXIDE | 77,594.57 | 56,337.16 | 411,952.94 | 441,085.12 |

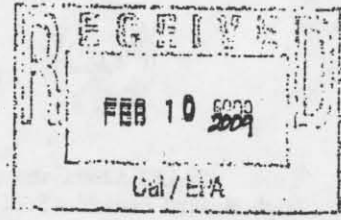
Appendix B.

| Chemical Name: | 2004 Pounds Sold | 2005 Pounds Sold | 2006 Pounds Sold | 2007 Pounds Sold (information not publicly available) |
|------------------------------------|------------------|------------------|------------------|---|
| Risk Assessments Completed: | | | | |
| AMITRAZ | 171.51 | 184.31 | 311.61 | 310.47 |
| ATRAZINE | 46,738.12 | 44,727.69 | 40,283.65 | 40,384.10 |
| AZINPHOS-METHYL | 69,810.00 | 70,592.50 | 50,820.00 | 42,620.00 |
| CARBOFURAN | 22,649.02 | 40,617.05 | 30,872.80 | 26,811.10 |
| CHLOROTHALONIL | 1,064,256.04 | 1,102,057.06 | 1,275,207.12 | 1,068,298.08 |
| S,S,S-TRIBUTYLPHOSPHOROTHIOATE | 254,220.88 | 194,796.32 | 99,163.94 | 40,282.23 |
| DELTAMETHRIN | 3,852.54 | 4,047.59 | 4,679.17 | 3,489.01 |
| 1,3-DICHLOROPROPENE | 4,573,703.45 | 4,138,547.29 | 6,155,432.79 | 5,236,179.02 |
| DDVP | 35,368.33 | 17,421.85 | 15,709.37 | 19,311.67 |
| IMIDACLOPRID | 208,964.44 | 169,475.30 | 406,205.06 | 753,482.42 |
| METAM SODIUM | 20,417,166.92 | 17,336,471.72 | 15,688,249.59 | 13,428,532.70 |
| METHAMIDOPHOS | 115,540.31 | 43,271.45 | 37,024.64 | 26,944.92 |
| METHIDATHION | 72,529.43 | 65,819.91 | 53,009.53 | 31,756.71 |
| METHYL ISOTHIOCYANATE | 0.00 | 0.00 | 0.00 | 0.00 |
| METHYL PARATHION | 87,210.58 | 96,543.40 | 105,706.54 | 83,411.85 |
| NALED | 234,138.96 | 281,655.44 | 208,989.59 | 184,890.76 |
| ORTHO-PHENYLPHENOL | 51,631.07 | 36,256.83 | 23,392.26 | 29,462.68 |
| ORTHO-PHENYLPHENOL, SODIUM SALT | 69,275.96 | 57,479.10 | 42,204.79 | 36,381.33 |
| PROPARGITE | 8,910,105.12 | 1,290,010.38 | 853,175.29 | 708,460.01 |
| SULFURYL FLUORIDE | 3,591,873.11 | 3,406,266.32 | 2,341,857.90 | 2,332,652.49 |
| TRALOMETHRIN | 4,181.48 | 1,519.10 | 2,518.84 | 95.68 |

1/27/09; recd. from Agency



MEMORANDUM



TO: Linda Adams, Secretary
California Environmental Protection Agency

FROM: Victoria Bradshaw, Cabinet Secretary

C/O: David Knudsen
Cabinet Affairs

Date: 2/9/2009

Subj: Consequences of Data Sharing Agreements on the Volume
of High-Hazard Pesticides Sold in California

The attached Governor's Office Action Request is being returned to you
APPROVED by Cabinet Secretary Victoria Bradshaw.

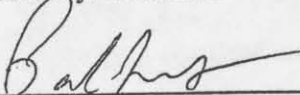
Please call the Cabinet Office at (916)445-6131 if you have any
questions or concerns. Thank you.



Governor's Cabinet Office
Governor's Office Action Request


Title: CALEPA260 Consequences of Data Sharing Agreements on the Volume of High-Hazard Pesticides Sold in California

Approved by: 12/31/2008




Paul Feist
Chief Deputy Cabinet Secretary

1/12/09
Date



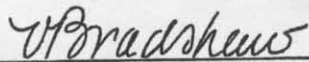
Chris Kahn
Secretary of Legislative Affairs

1/27/09
Date



Jeffrey Barker
Chief Deputy Communications Director

2/6/09
Date



Victoria Bradshaw
Secretary of Cabinet Affairs

2-9-09
Date



DEC 15 2008
CALEPA 260

**GOVERNOR'S OFFICE ACTION REQUEST
REQUEST FOR REPORT APPROVAL**

TO: Victoria Bradshaw
Cabinet Secretary

FROM: Linda S. Adams
Secretary for Environmental Protection
California Environmental Protection Agency

PREPARED BY: Mary-Ann Warmerdam, Director
Department of Pesticide Regulation
Telephone: 916-445-4000
Fax: 916-324-1452
E-mail: mwarmerdam@cdpr.ca.gov

DATE: December 10, 2008

SUBJECT: CONSEQUENCES OF DATA SHARING AGREEMENTS ON THE
VOLUME OF HIGH-HAZARD PESTICIDES SOLD IN CALIFORNIA

DUE TO LEGISLATURE: December 31, 2008.

REPORT PRIORITY: Low.

REPORT TITLE: Consequences of Data Sharing Agreements on the Volume of High-Hazard Pesticides Sold in California.

AUTHORITY/MANDATE: Food and Agricultural Code (FAC) section 12836.6.

FREQUENCY: One time.

POLICY ISSUES ADDRESSED: Assembly Bill 1011 (Matthews, Chapter 612, Statutes of 2005) resulted in significant changes to the Department of Pesticide Regulation's (DPR's) pesticide registration process. The bill: (1) eliminated the need for DPR to obtain a letter of authorization before using one company's data to support the registration of another company's product; (2) authorized DPR to use previous evaluations to support new and amended pesticide product registrations and to

Victoria Bradshaw, Cabinet Secretary

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SUBJECT: CONSEQUENCES OF DATA SHARING AGREEMENTS ON THE
VOLUME OF HIGH-HAZARD PESTICIDES SOLD IN CALIFORNIA

maintain product registrations; and (3) required DPR to accept all applications for registration of pesticide products containing new active ingredients concurrently with the company's submission of an application to the U.S. Environmental Protection Agency (U.S. EPA) for federal registration.

During the legislative process, concerns were raised as to whether the amendment of FAC section 12811.5 and the adoption of section 12836.5 would result in the registration of additional pesticide products containing older, more toxic chemicals (e.g., organochlorines, organophosphates, and carbamates). There was concern that this, in turn, could result in increased use in California of these older chemicals. To address this issue, the Legislature added FAC section 12836.6, which requires DPR to conduct a study to consider the consequences of data-sharing agreements and the volume of high-hazard pesticides sold in California.


REPORT RECOMMENDATIONS: DPR concluded that the amendment of FAC section 12811.5 and adoption of FAC section 12836.5 had no discernable effect on the volume of pesticide products containing active ingredients listed by DPR as high or moderate priority for risk assessment sold in California. The statutory changes did result in a seven-to-eight percent increase in the number of registered products containing these active ingredients offered for sale in California. However, the increase in the number of registered products containing active ingredients listed as high or moderate priority for risk assessment had no discernable effect on the volume of the high- and moderate-priority active ingredients sold in California.

Victoria Bradshaw, Cabinet Secretary

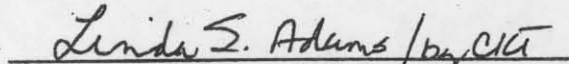
Page 3

SUBJECT: CONSEQUENCES OF DATA SHARING AGREEMENTS ON THE
VOLUME OF HIGH-HAZARD PESTICIDES SOLD IN CALIFORNIA

APPROVED:


Director, Department of Pesticide Regulation

20 December 2008
Date


Secretary for Environmental Protection

December 10, 2008
Date