



California Notice 2011-02

NOTICE OF PUBLIC HEARING

**NOTICE OF HEARING PERTAINING TO
HEXAZINONE DETECTIONS IN GROUND WATER**

May 9, 2011 – 9:00 am
California Environmental Protection Agency
Sierra Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

BACKGROUND

The 1985 Pesticide Contamination Prevention Act (PCPA) is intended to prevent pollution of ground water by the agricultural use of pesticides and requires the Department of Pesticide Regulation (DPR) to conduct ground water monitoring (Assembly Bill 2021, Food and Agricultural Code sections 13141 through 13152). If a pesticide is detected in ground water, DPR is required to determine if the detection was the result of legal agricultural use (i.e., applications made according to the label). Once DPR determines that a pesticide detected in ground water is the result of legal agricultural use, the PCPA describes a well-defined process to evaluate if continued use should be allowed, and if so, under what conditions. This evaluation process begins when DPR notifies all registrants of agricultural use products containing the detected pesticide active ingredient. Registrants are provided the opportunity to request a hearing in response to the notification. If the registrants do not request a hearing, the agricultural use product registrations are subject to cancellation.

Hexazinone residues have been found in California's ground water. DPR determined that the source of these detections was predominantly from the use of this pesticide on alfalfa. At the request of the registrants of hexazinone products, DPR is holding this public hearing to determine if agricultural use of hexazinone should continue, and if so, under what conditions.

PURPOSE

The purpose of this public hearing is to gather evidence from the registrant and the public regarding the continued agricultural use of hexazinone products. The PCPA calls for a formal review of this evidence by a subcommittee of DPR's Pesticide Registration and Evaluation Committee. The three-member subcommittee acts in an advisory capacity to DPR's Director and consists of one representative each from DPR, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board. The subcommittee



reviews documented evidence presented and submitted by the registrant and others in order to determine whether:

- 1) The ingredient found in ground water has not polluted, and does not threaten to pollute, the ground water of the state.
- 2) The agricultural use of the pesticide can be modified so that there is a high probability that the pesticide would not pollute the ground water of the state.
- 3) Modification of the agricultural use of the pesticide or cancellation of the pesticide will cause severe economic hardship on the state's agricultural industry, and that no alternative products or practices can be effectively used so that there is a high probability that pollution of the ground water of the state will not occur.

The Director will issue a decision regarding the continued agricultural use of the pesticide within 30 days of the submission of the subcommittee's reported findings. If none of the above findings are made, the product registrations may be subject to cancellation.

HEARING AGENDA

1. Opening remarks
2. Presentation of testimony by the registrant(s) of hexazinone products
3. Public comments
4. Concluding remarks

DOCUMENT AVAILABILITY

The registrant(s) will submit a report and evidence regarding continued use of hexazinone products for agricultural purposes. Documents submitted to DPR by the registrant(s) will be made available to view or download at:

<http://www.cdpr.ca.gov/docs/emon/grndwtr/hexazinone.htm>.

REQUEST FOR COMMENTS

The public is invited to submit written comments prior to the hearing regarding the continued use of hexazinone relevant to the subcommittee's findings. Submit written comments by April 29, 2011, by e-mail to <hexazinonecomments@cdpr.ca.gov>, or mail to:

Hexazinone Comments
Attention: Ann Hanger
Department of Pesticide Regulation
Pesticide Registration Branch, Mail Stop 3D
1001 I Street, P.O. Box 4015
Sacramento, CA 95812

In addition, the public may provide written comments and oral testimony during the hearing. Oral testimony will be limited to assure that every commenter has an opportunity to speak in the allotted time for the hearing. The hearing will be transcribed by a court reporter and the transcript, along with any written comments submitted during the hearing, will be added to the record. For information regarding future public notices on hexazinone or other ground water-related matters, go to the DPR Web site <www.cdpr.ca.gov>, click “News and Publications” in the left column, click “E-mailing lists,” scroll to “Ground Water Protection” and click “Subscribe,” and follow the instructions.

PARKING

A parking garage between “I” and “J” Streets, with entrances on both 10th Street and 11th Street, is located across from the Cal/EPA building. Metered parking spaces are also available in the vicinity of the building. For a map and additional information, refer to the Cal/EPA Web site: <<http://www.calepa.ca.gov/EPABldg/Location.htm>>.

If you have any questions regarding the May 9, 2011, hearing, please contact Ms. Ann Hanger, Staff Environmental Scientist, by e-mail at <ahanger@cdpr.ca.gov> or by telephone at 916-324-3535.

Original signed by

March 25, 2011

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

Date

cc: Ms. Ann Hanger, Staff Environmental Scientist