



California Notice 2012-01

NOTICE OF FINAL DECISION REGARDING RENEWAL OF REGISTRATION OF PESTICIDE PRODUCTS FOR 2012

The Director of the Department of Pesticide Regulation (DPR), pursuant to Title 3, California Code of Regulations (3CCR) section 6255, files this notice regarding the 2012 renewal of pesticide product registrations with the Secretary of the Resources Agency to be posted for a period of 30 days for public inspection. DPR initially proposed to renew the registrations of pesticide products for the calendar year 2012 by posting a notice, dated October 12, 2011, for public review and comment pursuant to 3CCR section 6253.

Introduction

DPR thoroughly evaluates each pesticide active ingredient substance before it is registered for the first time. In addition, DPR endeavors to eliminate from use any pesticide product that endangers the environment or is not beneficial for the purpose for which it was sold or is misrepresented.

The renewal of the certificate of registration of a pesticide product for a subsequent year requires submission of a renewal application and fee within one month of the December 31 expiration date. Food and Agricultural Code (FAC) section 12812 authorizes the Director to establish, by regulation, annual fees for each product submitted for registration and penalties for the late payment of registration fees. The adoption of 3CCR section 6216 established the annual renewal fee at \$750 for each pesticide product. Late submissions incur a penalty fee as provided for in FAC section 12818 and 3CCR section 6217. The registrations of pesticide products are renewed following each registrant's compliance with filing and fee payment requirements.

If a case for reevaluation of a registered pesticide is advanced, DPR evaluates the information to determine if a reevaluation should be initiated. DPR may decide to place a pesticide product into reevaluation as a result of input derived from various sources including:

1. DPR's evaluation of public and private research studies.
2. DPR's regular consultation with DPR's Pesticide Registration and Evaluation Committee.
3. Daily registration activities and contact with the U.S. Environmental Protection Agency.
4. Registrant submissions of adverse effects disclosures pursuant to FAC section 12825.5.



5. Public comments, which may be received at any time or may result from DPR's posting of notices of registration activities for review.

DPR posts notices of proposed reevaluations for 30 days to provide opportunity for public comment. DPR files notices of final reevaluation decisions with the Secretary of the Resources Agency to be posted for a period of 30 days for public inspection. DPR prepares and makes available to the public semiannual reports on pesticide products under reevaluation or for which factual information has been received.

Comments Received in Response to the Notice of Proposed Decision

The October 12, 2011, Notice of Proposed Decision to Renew Pesticide Product Registrations for 2012, elicited 9 comments.

DPR received letters from California Safe Schools, Raptors are the Solution (RATS), WildCare, Natural Resources Defense Council (NRDC), Golden Gate Audubon Society, Marin Audubon Society, Californians For Pesticide Reform, Poison Free Action Coalition, and San Francisco Department of Environment. The letters requested that DPR refuse to renew the registrations of 20 rodenticide products identified in the U.S. Environmental Protection Agency's (U.S. EPA's) November 2, 2011, *Draft Notice of Intent to Cancel and Notice of Denial of Registrations for Certain Rodenticide Bait Products*. U.S. EPA initiated regulatory action to cancel these products because the manufacturers refused to voluntarily comply with mitigation measures specified in U.S. EPA's 2008 *Risk Mitigation Decision for Ten Rodenticides* that are intended to reduce risks to children, pets, and non-target wildlife. The letters stated that California residents should not be exposed to rodenticides identified by U.S. EPA as posing unreasonable risk to children, pets and wildlife, and more effective and safer methods of controlling rats and mice, both indoors and out, are available. Of the 20 federally registered products subject to cancellation by U.S. EPA, eight of the products are currently registered with DPR.

DPR evaluated and responded to the submitted letters. In California, the renewal of the registrations of pesticide products is a relatively ministerial process. Title 3 of the California Code of Regulations (3 CCR) section 6215 specifies:

“(a) Each registrant shall submit with each renewal application a statement, signed by an authorized official of the applicant under penalty of perjury, that, prior to filing the renewal application the registrant has, to the best of the applicant's knowledge based upon all information available to the applicant, complied with the provisions of Section 6210, (Adverse Effect Disclosure).

(b) Each renewal shall be issued within 60 days after the director receives an accurate and complete renewal application, unless the director takes action pursuant to Sections 12816, 12825, or 12827 of the Food and Agricultural Code.

(c) The director shall, when renewing a pesticide registration without a reevaluation, make a written finding that he or she has not received sufficient information necessitating reevaluation pursuant to Sections 6220 and 6221.”

3CCR section 6215(b) states that renewals are to be issued, “...unless the director takes action pursuant to sections 12816, 12825, or 12827 of the Food and Agricultural Code.” FAC sections 12816, 12825, and 12827 describe the grounds upon which DPR can cancel or refuse registration. The initiation of a cancellation action by U.S. EPA is not valid grounds for state cancellation and DPR cannot refuse to renew a product’s registration on that basis. As long as each registrant complies with adverse effects reporting requirements and submits a signed and complete renewal application, and DPR has not cancelled the products through the hearing process as required by FAC section 12816, 12825, or 12827, DPR must renew the product’s registration. With regard to 3CCR section 6125(c), DPR has received sufficient information to initiate a reevaluation of the second-generation anticoagulant rodenticide, brodifacoum. That reevaluation is ongoing. The placement of a product in reevaluation does not preclude renewal of registration of the product.

DPR also informed the commenters that DPR is carefully monitoring U.S. EPA’s progress towards cancellation of the 20 rodenticides. In addition to any mitigation measures implemented by DPR, if at any point the product’s registrations are cancelled federally, the products would also no longer be registered for use in California.

Finding

The Director finds that the pesticides currently under reevaluation and those pesticides under consideration for reevaluation constitute all of the pesticides for which sufficient information that would necessitate reevaluation pursuant to 3CCR sections 6220 and 6221 has been received or may have been received. Insufficient information has been received to necessitate reevaluation of other pesticides at this time. DPR is currently conducting risk assessments of certain pesticides, pursuant to the Birth Defect Prevention Act. A risk assessment is more comprehensive than a reevaluation under 3CCR sections 6220 and 6221.

The decision to renew the registrations of those pesticide products registered in 2011 for the calendar year 2012 is adopted pursuant to FAC sections 12817-12820.

Original Signed by

January 26, 2012

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

Date