



California Notice 2018-24

NOTICE OF DECISION PERTAINING TO CHLORTHAL-DIMETHYL DEGRADATE DETECTIONS IN GROUND WATER

Pursuant to Food and Agricultural Code (FAC) section 13150 of the 1985 Pesticide Contamination Prevention Act (PCPA), the Director of the Department of Pesticide Regulation (DPR) issued a decision regarding the continued agricultural use of pesticide products containing the active ingredient chlorthal-dimethyl (DCPA).

Background

The PCPA is intended to prevent pollution of ground water by the agricultural use of pesticides and requires DPR to conduct ground water monitoring. If a pesticide or its degradation product 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 pesticide product label). Once DPR determines that a pesticide or its degradate is detected in ground water as a result of legal agricultural use, the PCPA describes the process DPR must follow to evaluate if continued use should be allowed, and if so, under what conditions.

The evaluation process begins when DPR notifies all registrants of agricultural use products containing the detected pesticide active ingredient or parent of the detected degradate. 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.

The evaluation process is conducted 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 (OEHHA), and the State Water Resources Control Board.

DPR detected two degradation products, monomethyl tetrachloroterephthalate (MTP) and 2,3,5,6-tetrachloroterephthalic acid (TPA), of the pesticide active ingredient DCPA in California's ground water. DPR determined that these detections were the result of legal agricultural use of pesticide products containing DCPA and provided notice to the sole registrant of the only actively registered DCPA pesticide product.

At the request of the registrant, DPR held a public hearing on August 29, 2018, to review information presented by the registrant, state scientists, and the public. During this hearing, the

registrant and representatives of DPR and OEHHA presented oral testimony regarding the ground water detections, use of DCPA in agriculture, and the toxicity of DCPA and its degradates. In addition, the registrant submitted written evidence prior to the hearing and public comments were accepted until September 13, 2018.

Subcommittee's Finding and Recommendations

The subcommittee reviewed evidence presented at the public hearing and submitted to DPR in order to make one of the following findings and recommendations:

- 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 subcommittee presented its findings and recommendations to the Director on November 13, 2018. Based on the evidence reviewed, the subcommittee members found that the presence of DCPA degradates in California's ground water has not polluted and does not threaten to pollute the ground water of the state, based on the definition of "pollution" in Food and Agricultural Code section 13142(j). The law defines pollution as "...the introduction into the ground waters of the state of an active ingredient, other specified product, or degradation product of an active ingredient of a pesticide above a level, with an adequate margin of safety, that does not cause adverse health effects."

The subcommittee recommended that the Director allow the continued registration, sale, and agricultural use of pesticide products containing DCPA. The subcommittee also recommended that the parent compound, DCPA, be subject to subcommittee review under Food and Agricultural Code section 13149(c) if it is detected in California ground water and the detection is determined to be the result of legal agricultural use.

Director's Decision

The Director concurs with the findings and recommendations of the subcommittee that the presence of DCPA degradates in the ground water of the state has not polluted and does not threaten to pollute the ground water of the state. The Director finds continued monitoring of DCPA and its degradates in ground water an appropriate approach to protect against pollution. As required by Food and Agricultural Code section 13152(a)(1), DPR will continue to conduct ground water monitoring for DCPA and its degradates, and review new science and data that could impact the subcommittee's findings. The Director will take immediate additional action

if there is sufficient evidence that either DCPA degradate is approaching the health-protective drinking water level, factoring in an adequate margin of safety. If the parent compound, DCPA, is ever detected in California ground water and determined to be the result of legal agricultural use, it will be subject to subcommittee review under Food and Agricultural Code section 13149(c).

The Director's decision and the subcommittee's finding and recommendations are available on DPR's Web site at

https://www.cdpr.ca.gov/docs/emon/grndwtr/chlorthal_dimethyl/chlorthal_dimethyl.htm.

If you have any questions regarding this decision, please contact Ms. Kara James, Environmental Scientist at kara.james@cdpr.ca.gov or by telephone at 916-324-3523.

Original signed by Ann M. Prichard

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

December 11, 2018

Date

cc: Ms. Kara James, Environmental Scientist