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Environmental
Protection Agency

California Notice 2003-6

NOTICE OF FINAL DECISION REGARDING RENEWAL OF REGISTRATION OF PESTICIDE PRODUCTS FOR 2003

The Director of the Department of Pesticide Regulation (DPR), pursuant to Title 3, California Code of Regulations (3 CCR) section 6255, files this notice regarding the 2003 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 pesticide products for the calendar year 2003 in a notice dated October 21, 2002.

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 that endangers the environment or is not beneficial for the purpose for which it was sold or for which it was 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 required a registration renewal fee of \$200 per product for 2003. Late submissions incur a penalty fee as provided for in FAC section 12818. Renewal of registration follows registrants' 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. 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 submitting adverse effects disclosures pursuant to FAC section 12825.5.
5. Public comments, which may be received at anytime or may result from DPR's posting of notices of registration activities for review.

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DPR posts notices of proposed reevaluations for 30 days to provide for public comment. DPR submits notices of final reevaluation decisions to the Secretary of the Resources Agency to be posted for 30 days. 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 21, 2002 Notice and Public Report on the renewal of the registrations of pesticide products for the calendar year 2003 elicited one comment.

On December 1, 2002, Mr. Michael Graf submitted a letter and several scientific articles on behalf of Waterkeepers Northern California, dba DeltaKeeper and San Francisco BayKeeper, and Californians for Alternatives to Toxics. Mr. Graf requested that DPR place the pesticide active ingredients chlorpyrifos and diazinon into reevaluation. Mr. Graf based this request on the submitted studies, which he feels demonstrate that the continued use and registration of these agricultural pesticides is "...likely to have a significant impact on water quality in the Delta and its tributaries and on the aquatic ecosystem throughout California's waterways."

DPR's scientists reviewed all of the submitted data and information. After evaluating the submitted data and other data on file with DPR, DPR determined that there is not yet sufficient information to warrant the placement of chlorpyrifos into reevaluation. DPR placed all dormant spray agricultural use pesticide products containing diazinon into reevaluation on February 19, 2003. To that end, diazinon registrants have responded with proposed label amendments to reduce aerial drift to waterways and runoff from treated sites. In addition, in June of 2003, DPR began working with growers and chemical company representatives on potential mitigation strategies to reduce or eliminate residues of all dormant spray pesticide products from contaminating surface water through runoff and drift. DPR expects to issue the proposed regulations in January 2004 for public comment. A copy of Mr. Graf's submission and DPR's response can be obtained upon request.

Conclusion

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 3 CCR 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, including methyl bromide, pursuant to the Birth Defect Prevention Act. A risk assessment is more comprehensive than a reevaluation under CCR sections 6220 and 6221.

The decision to renew the registrations of those pesticide products registered in 2002 for the calendar year 2003 is adopted pursuant to FAC sections 12817-12820.

Original signed by Barry Cortez

Barry Cortez, Chief
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10-23-03

Date