



California Notice 2004-5

NOTICE OF FINAL DECISION REGARDING RENEWAL OF REGISTRATION OF PESTICIDE PRODUCTS FOR 2004

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 2004 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 2004 in a notice dated November 20, 2003.

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 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 3 CCR 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 3 CCR section 6217. 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 submissions of 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.



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 November 20, 2003 Notice and Public Report on the renewal of the registrations of pesticide products for the calendar year 2004 elicited one comment.

On December 24, 2003, the Pesticide Action Network (PAN) submitted a letter requesting that DPR place the pesticide active ingredient molinate into reevaluation and immediately list the active ingredient as a Toxic Air Contaminant (TAC). The request was based on submitted studies and information, which PAN stated demonstrate that the continued use and registration in California of agricultural pesticide products containing molinate is "...likely to have a significant impact on air quality and human health."

DPR scientists evaluated all of the submitted data and information, and at DPR's request the California Air Resources Board staff also reviewed the submission. DPR determined that the air monitoring data submitted by PAN appeared to be valid, although the data did not provide sufficient detail to make a conclusive determination. DPR also informed PAN that the use of molinate in California is declining, and that in the Sacramento Metropolitan nonattainment area, volatile organic content emissions from pesticide products are within acceptable limits.

PAN's letter also stated that, "DPR's TAC assessment of molinate did not use the most current NOELs put forward by U.S. EPA in their preliminary risk assessment for re-registration." After reviewing the submitted data, DPR's toxicologist found that the amount of molinate to which members of the general public are exposed is less than 1/1000th of the amount that has been determined to have no adverse health effects in laboratory animals. As a result, DPR maintains its conclusion that the margins of exposure (MOEs) for acute or seasonal exposure to ambient air concentrations of molinate in communities, and at molinate application sites, are all greater than one thousand. In addition, MOEs for lifetime exposure for oncogenicity are also greater than one thousand.

Based on a careful evaluation of all submitted data, DPR determined that there is insufficient information to warrant the placement of molinate into reevaluation, or to resume evaluation of molinate as a potential TAC. A copy of PAN'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 2003 for the calendar year 2004 is adopted pursuant to FAC sections 12817-12820.

Original signed by Barry Cortez

April 29, 2004

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Date