



California Notice 2022-03

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING PERTAINING TO IMIDACLOPRID PRODUCT RESIDUE DETECTIONS IN GROUNDWATER

Phase 1: Tuesday, March 22, 2022, through Thursday, March 24, 2022
Phase 2: To be determined (approximately 3 weeks after Phase 1, if needed)
9:00 am (Pacific Time)
Conducted via Zoom

BACKGROUND

The Department of Pesticide Regulation (DPR) detected residues of the active ingredient imidacloprid in 15 groundwater wells at concentrations that exceeded the reporting limit of 0.05 parts per billion (ppb). Detected concentrations ranged from 0.051 to 5.97 ppb. Wells with detections above the reporting limit are located in Fresno, Santa Barbara, and Tulare counties. Based on its investigation, DPR determined the imidacloprid residues detected in groundwater were the result of legal agricultural use of a pesticide product or pesticide products containing imidacloprid. As such, on September 23, 2021, DPR initiated the Pesticide Contamination Prevention Act (PCPA) review process for imidacloprid. In accordance with the PCPA (Assembly Bill 2021, Food and Agricultural Code [FAC] sections 13141 through 13152), and at the request of the affected registrants, DPR is conducting a public hearing to determine if the registration of imidacloprid agricultural use products should be allowed to continue. DPR plans to conduct the hearing in two phases, as described below.

PURPOSE OF HEARING

The PCPA calls for a formal review of evidence by a Subcommittee of DPR's Pesticide Registration and Evaluation Committee (PREC Subcommittee or Subcommittee). 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 (SWRCB). The purpose of the hearing is for the Subcommittee to review documented evidence submitted and presented by the registrants, state scientists, and others, and make findings and recommendations regarding continued agricultural use of the active ingredient, imidacloprid, and its potential to pollute groundwater.

At the hearing, the registrants, or their designated agents, will be given an opportunity to provide written and oral testimony for the PREC Subcommittee's consideration and answer questions from the Subcommittee about the registrants' reports and any other materials that the registrants

submit to DPR. Staff from OEHHA, SWRCB, and DPR may provide written and oral testimony to the PREC Subcommittee for its consideration. The public may also provide written and oral testimony to the Subcommittee. The Subcommittee may limit oral testimony from the public to ensure that every commenter has an equal opportunity to speak.

The Subcommittee will review the documented evidence presented and submitted by the registrants, the public, and others, and will make one of the following findings and recommendations to the Director within 90 days of the conclusion of the hearing:

1. That the ingredient found in the soil or groundwater has not polluted, and does not threaten to pollute, the groundwater of the state,
2. That the agricultural use of the pesticide can be modified so that there is a high probability that the pesticide would not pollute the groundwater of the state, or
3. That 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 groundwater of the state will not occur. The Subcommittee will recommend a level of the pesticide that does not significantly diminish the margin of safety recognized by the Subcommittee to not cause adverse health effects.

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 affected pesticide product registrations will be canceled.

TENTATIVE HEARING AGENDA

While a formal agenda will be posted before each phase of the hearing, a tentative hearing agenda is as follows:

Phase 1 of the Hearing (Tuesday, March 22, 2022, through Thursday, March 24, 2022)

1. Opening Remarks by Hearing Officer
2. Presentation by State Agencies
3. Presentation by Imidacloprid Registrant(s)/Representative(s) of Registrant(s)
4. Public Comments – time allotments determined by the Hearing Officer
5. Questions from Subcommittee Members
6. Concluding Remarks by Hearing Officer

At the Subcommittee Chairperson's discretion, hearing dates for each phase may be extended to allow for adequate time for presentations, rebuttals, public comments, and Subcommittee deliberations. Hearing participants, including state agencies and registrants, may make presentations and present rebuttal evidence at the hearing. Registrants are encouraged to coordinate with one another and make joint presentations, when appropriate.

After Phase 1 of the hearing is complete, the hearing will resume approximately 3 weeks later, unless the Subcommittee Chairperson/Hearing Officer determines Phase 2 is not necessary after Phase 1 concludes. The purpose of Phase 2 of the hearing is limited to receiving rebuttal evidence, public comments, and allowing the Subcommittee to deliberate in an optional closed session.

Phase 2 of the Hearing (1-2 days, To Be Determined)

1. Opening Remarks by Hearing Officer
2. Rebuttals from Registrant(s) and State Agencies (optional)
3. Public Comments – time allotments will be determined by the Hearing Officer
4. Questions from Subcommittee Members
5. Concluding Remarks by Hearing Officer
6. Subcommittee Deliberations (optional closed session)

HEARING PROCEDURES

In accordance with the Governor’s Executive Order N-1-22, DPR will host Phase 1 of the hearing as a virtual hearing solely through Zoom teleconference. Under this executive order, state agencies are permitted to continue holding public meetings via teleconference through March 31, 2022. A detailed hearing agenda and information on joining the hearing will be posted on DPR’s Web site at least ten days before each phase of the hearing.

Additional information regarding hearing procedures is available on DPR’s Web site at https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid/pcpa_imidacloprid_hearing_procedures_20210912.pdf. Please refer to this document for details on DPR’s separation of functions, the format of submitted evidence, important dates, and other details pertinent to the hearing.

SPECIAL ASSISTANCE OR LANGUAGE NEEDS

If you require special assistance or language needs to participate in this hearing, please notify DPR’s Reasonable Accommodation and Hearing Coordinator at PCPA.Comments@cdpr.ca.gov by **Tuesday, March 1, 2022**.

SUBMISSION OF EVIDENCE

Affected registrants are required to submit a report and evidence regarding continued agricultural use of imidacloprid products to DPR. On September 23, 2021, DPR issued the “Suggested Information for Registrant Report and Documented Evidence for Hearing” document (available on DPR’s Web site at https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid/pcpa_report_content.pdf).

The report and evidence should be submitted to DPR at least 30 days before the hearing (by **Friday, February 18, 2022**). Documents submitted to DPR by the registrant and other parties may be posted to DPR's Web site at <https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid.htm>. Documents can also be requested by e-mailing PCPA@cdpr.ca.gov.

PUBLIC COMMENTS

The public is invited to submit written comments prior to the public hearing regarding the continued agricultural use of imidacloprid relevant to its potential to pollute groundwater. Written public comments are requested by **Friday, February 18, 2022**, by e-mail to PCPA.Comments@cdpr.ca.gov or mailed to the address below, to ensure circulation to hearing participants and the Subcommittee members prior to the hearing:

PCPA Imidacloprid Comments
Attn: Kara James
Pesticide Registration Branch
1001 I Street
Sacramento, CA 95814-4015

DPR intends to post the name and affiliation of all public commenters to its Web site. Public comments and submitted evidence will be subject to release absent a contrary ruling by the Subcommittee Chairperson. The Hearing Coordinator will provide written public comments received by the deadline above to all hearing participants prior to the hearing. Providing a written comment by the deadline above is not a prerequisite to providing oral or written testimony during the hearing.

Members of the public may provide written comments or oral testimony during the hearing, relevant to the matter in this proceeding. Members of the public are encouraged to sign up to speak at the hearing in advance by e-mailing PCPA.Comments@cdpr.ca.gov by **Friday, March 18, 2022**. For purposes of allotting hearing time for oral testimony, members of the public who sign up in advance will be given priority. Members of the public who did not provide advance notice of their intent to give oral testimony will be given a chance to testify as time permits. Public comments not relevant to matters related to the proceeding will not be considered by the Subcommittee.

IMIDACLOPRID PRODUCTS CURRENTLY SUBJECT TO THE PCPA REVIEW PROCESS

A table identifying the 112 imidacloprid products currently subject to this review process can be found on pages 6 through 12 of this notice. This table reflects imidacloprid products subject to the PCPA review process and supersedes the table issued on September 23, 2021.

More information regarding the PCPA review process for imidacloprid can be found on DPR's Web site at <https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid.htm>. Requests for additional information or questions should be directed to Ms. Kara James, Pesticide Registration Branch, at 916-324-3523 or by e-mail to PCPA@cdpr.ca.gov.

Original signed by Tulio Macedo

Tulio Macedo, Chief
Pesticide Registration Branch
916-324-3572

January 20, 2022

Date

IMIDACLOPRID PRODUCTS CURRENTLY SUBJECT TO THE PCPA REVIEW PROCESS

As of September 10, 2021, 253 pesticide products containing the active ingredient imidacloprid were registered for sale and use in California. On September 23, 2021, DPR issued California Notice 2021-08 (available on DPR's Web site at <https://www.cdpr.ca.gov/docs/registration/canot/2021/ca2021-08.pdf>), identifying 125 products subject to the PCPA process based on their potential for agricultural use. Since September 10, 2021, following additional input from registrants, DPR reassessed four products and determined these products were no longer subject to the PCPA process. In addition to DPR's updated determinations, several registrants have voluntarily inactivated nine products. As of January 20, 2022, DPR has determined that the below 112 currently registered products listed in Table 1 are subject to the PCPA process based on their potential for agricultural use. This table supersedes the table found on pages 4 through 10 of California Notice 2021-08 and may be subject to further revision prior to the initiation of the hearing.

Table 1. Currently Registered Imidacloprid Products Subject to the PCPA Process as of January 20, 2022

Registrant	EPA Registration Number	Product Name
ALBAUGH, LLC	42750-153-ZA	IMIDACLOPRID 60WP GH
ALBAUGH, LLC	42750-115-ZA	IMIDASTAR 2L T&O
ALBAUGH, LLC	42750-110-AA	MACHO 2.0 FL
ALBAUGH, LLC	42750-140-ZA	MACHO 4.0
ARBORJET, INC.	74578-1-AA	IMA-JET
ARBORJET, INC.	74578-6-AA	IMA-JET 10
ARBORSYSTEMS, INC. D/B/A ARBORSYSTEMS	69117-8-AA	DIY TREE CARE PRODUCTS MULTI-INSECT KILLER
ARBORSYSTEMS, INC. D/B/A ARBORSYSTEMS	69117-1-AA	POINTER INSECTICIDE
BAYER CROPSCIENCE LP	264-827-ZA	ADMIRE PRO SYSTEMIC PROTECTANT
BAYER CROPSCIENCE LP	264-957-AA	GAUCHO 480 FLOWABLE
BAYER CROPSCIENCE LP	264-968-ZA	GAUCHO 600 FLOWABLE
BAYER CROPSCIENCE LP	264-968-AA	GAUCHO GRANDE SEED APPLIED INSECTICIDE
BAYER CROPSCIENCE LP	264-1104-AA	LEVERAGE 360 INSECTICIDE
BAYER CROPSCIENCE LP	264-1081-AA	SEPRESTO 75 WS
BAYER ENVIRONMENTAL SCIENCE	432-1417-AA	ALLECTUS 0.225 G PLUS TURF FERTILIZER INSECTICIDE

Registrant	EPA Registration Number	Product Name
BAYER ENVIRONMENTAL SCIENCE	432-1427-AA	ALLECTUS 0.225 GC PLUS TURF FERTILIZER INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE	432-1455-AA	MAXFORCE FLY SPOT BAIT
BAYER ENVIRONMENTAL SCIENCE	432-1375-ZA	MAXFORCE GRANULAR FLY BAIT
BAYER ENVIRONMENTAL SCIENCE	432-1314-AA	MERIT 75 WP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE	432-1483-AA	TEMPRID SC INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1457-ZB	CORETECT
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZD	CRITERION 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZA	CRITERION 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZF	CRITERION 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZF	LESCO BANDIT 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZB	LESCO BANDIT 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZA	LESCO BANDIT 75 WSP INSECTICIDE

Registrant	EPA Registration Number	Product Name
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1506-AA	MAXFORCE QUANTUM ANT BAIT
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-AA	MERIT 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-AA	MERIT 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-AA	MERIT 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZA	PROKOZ ZENITH 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZF	PROKOZ ZENITH 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZC	PROKOZ ZENITH 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1544-AA	TEMPRID FX INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1527-ZA	TEMPRID READY-TO-SPRAY
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION	11556-146-AA	CREDO SC INSECTICIDE
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION	11556-147-AA	QUICKBAYT

Registrant	EPA Registration Number	Product Name
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION CONTROL SOLUTIONS, INC.	11556-137-ZA	QUICKBAYT FLY BAIT
CONTROL SOLUTIONS, INC.	53883-229-AA	DOMINION 2L TERMITICIDE/INSECTICIDE
CONTROL SOLUTIONS, INC.	53883-225-AA	DOMINION 4L
CONTROL SOLUTIONS, INC.	53883-367-AA	QUALI-PRO IMIDACLOPRID 0.5G INSECTICIDE
ENSYSTEX IV, INC.	83923-2-AA	BITHOR SC
ENSYSTEX IV, INC.	83923-4-AA	PROTHOR SC 2
EVERISS NA, INC.	42750-153-ZA- 58185	BENEFIT 60 WP
FMC CORPORATION	279-3332-AA	BRIGADIER INSECTICIDE
HELENA CHEMICAL COMPANY	279-3459-AA-5905	TEMPEST DUAL-ACTION INSECTICIDE
INNVICTIS CROP CARE, LLC	89168-21-AA- 89391	AVENGER S3
INNVICTIS CROP CARE, LLC	89168-23-AA- 89391	PROVOKE
J.J. MAUGET CO.	7946-16-AA	IMICIDE
J.J. MAUGET CO.	7946-25-AA	IMICIDE HP
KOPPERS PERFORMANCE CHEMICALS, INC.	3008-120-AA	ORD-1302
LESCO, INC.	432-1349-ZA- 10404	LESCO MERIT 0.2 PLUS TURF FERTILIZER
LOVELAND PRODUCTS, INC.	34704-940-AA	DYNA-SHIELD IMIDACLOPRID 5
LOVELAND PRODUCTS, INC.	34704-960-AA	MALICE 0.5G
LOVELAND PRODUCTS, INC.	34704-893-ZA	MALICE 2F INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-1009-AA	MALICE 75 WSP
LOVELAND PRODUCTS, INC.	34704-894-AA	PREY 1.6 INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-983-AA	SHERPA INSECTICIDE
LOVELAND PRODUCTS, INC.	432-1349-AA- 34704	SIGNATURE BRAND FERTILIZER WITH 0.2% MERIT
LOVELAND PRODUCTS, INC.	34704-1045-AA	SWAGGER
LOVELAND PRODUCTS, INC.	34704-893-AA	WIDOW INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-931-AA	WRANGLER INSECTICIDE
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-203-ZB	ALIAS 2F FLOWABLE INSECTICIDE

Registrant	EPA Registration Number	Product Name
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-203-AA	QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-199-AA	QUALI-PRO IMIDACLOPRID 75 WSB
MAKHTESHIM AGAN OF NORTH AMERICA, INC., D/B/A ADAMA	66222-156-ZA	ALIAS 4F
NUFARM AMERICAS INC. AGT DIVISION	55146-113-AA	SATIVA IM MAX
NUFARM AMERICAS INC. AGT DIVISION	55146-111-AA	SATIVA IM RTU
NUFARM AMERICAS, INC.	228-485-ZA	GRUBEX PRO
NUFARM AMERICAS, INC.	228-501-AA	MALLET 0.5G INSECTICIDE
NUFARM AMERICAS, INC.	228-695-AA	MALLET 2 F T&O INSECTICIDE
NUFARM AMERICAS, INC.	228-588-AA	MALLET 75 WSP INSECTICIDE
NUFARM AMERICAS, INC.	228-523-AA	MANTRA 1 G GREENHOUSE AND NURSERY INSECTICIDE
NUFARM AMERICAS, INC.	228-681-AA	MANTRA 60 WSP
NUFARM AMERICAS, INC.	228-572-AA	NUPRID 2SC SOIL/FOLIAR INSECTICIDE
NUFARM AMERICAS, INC.	228-527-AA	NUPRID 4.6F PRO INSECTICIDE
NUFARM AMERICAS, INC.	228-528-AA	NUPRID 4F MAX INSECTICIDE
NUFARM AMERICAS, INC.	228-522-AA	SENATOR 600 FS
OHP, INC.	59807-18-AA	DISCUS L
OHP, INC.	59807-15-AA	MARATHON 1% GRANULAR
PRIME SOURCE, LLC	89442-19-AA	IMIDACLOPRID 2F SELECT T/I
PRIME SOURCE, LLC	89442-11-AA	IMIDACLOPRID 75WSP SELECT
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	74779-11-AA	XYTECT 10% INFUSIBLE INSECTICIDE
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	42750-115-AA-74779	XYTECT 2F INSECTICIDE
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	42750-117-AA-74779	XYTECT 75WSP INSECTICIDE
ROCKWELL LABS LTD D/B/A MAGGIE'S FARM LTD	73079-10-AA	INVICT GOLD COCKROACH GEL

Registrant	EPA Registration Number	Product Name
ROCKWELL LABS LTD D/B/A MAGGIE'S FARM LTD	73079-14-AA	INVICT XPRESS GRANULAR BAIT
ROTAM NORTH AMERICA, INC.	83100-6-AA-83979	LADA 2F INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-26-AA- 83979	LADA 75WSP INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-7-AA-83979	MONTANA 2F INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-21-AA- 83979	MONTANA 4F INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-33-AA- 83979	OBELISK
SCIMETRICS LTD. CORPORATION	72500-18-AA	ADIOS COMBO BAIT CUBES
SCIMETRICS LTD. CORPORATION	72500-14-AA	KAPUT COMBO BAIT MINI BLOCKS FOR RODENTS AND FLEAS
SCIMETRICS LTD. CORPORATION	72500-13-ZA	KAPUT COMBO BAIT PELLETS
SCIMETRICS LTD. CORPORATION	72500-24-AA	KAPUT GROUND SQUIRREL BAIT
SCIMETRICS LTD. CORPORATION	72500-11-ZA	KAPUT-D GROUND SQUIRREL BAIT
SHARDA USA LLC	83529-4-AA	MIDASH 2SC AG INSECTICIDE
SHARDA USA LLC	83529-3-AA	MIDASH 2SC T&O/PCO INSECTICIDE/TERMITICIDE
SHARDA USA LLC	83529-6-AA	MIDASH FORTE INSECTICIDE
SULPHUR MILLS LIMITED	70905-3-ZA	IMIDASHOT DF INSECTICIDE
TELEBRANDS CORP.	73079-10-AA- 93417	ROACH DOCTOR (TM) COCKROACH GEL
UNITED PHOSPHORUS, INC.	70506-142-AA	IMIGOLD 0.5 G TURF & ORNAMENTAL INSECTICIDE
UNITED PHOSPHORUS, INC.	70506-150-AA	IMIGOLD 2 F TURF & ORNAMENTAL INSECTICIDE
UNITED PHOSPHORUS, INC.	70506-157-ZA	IMIGOLD 70DF TURF, ORNAMENTAL AND GREENHOUSE INSECTICIDE
VOLUNTARY PURCHASING GROUPS, INC.	228-587-ZA-7401	FERTI-LOME AZALEA/EVERGREEN FOOD PLUS WITH SYSTEMIC

Registrant	EPA Registration Number	Product Name
VOLUNTARY PURCHASING GROUPS, INC.	228-587-ZB-7401	FERTI-LOME PALM TREE FOOD WITH SYSTEMIC
VOLUNTARY PURCHASING GROUPS, INC.	228-587-AA-7401	FERTI-LOME ROSE & FLOWER FOOD WITH SYSTEMIC INSECTICIDE
WILLOWOOD, LLC	87290-26-AA	WILLOWOOD IMIDACLOPRID 4SC
WINFIELD SOLUTIONS, LLC	1381-219-ZA	ADVISE FOUR
WINFIELD SOLUTIONS, LLC	83222-32-ZA	S-CLOPRID 4 AG