



Brian R. Leahy  
Director

# Department of Pesticide Regulation



Edmund G. Brown, Jr.  
Governor

California Notice 2017-03

## NOTICE OF PUBLIC HEARING

### NOTICE OF HEARING PERTAINING TO METOLACHLOR AND S-METOLACHLOR DEGRADATION PRODUCT RESIDUE DETECTIONS IN GROUND WATER

March 28, 2017  
9:00 am (Pacific Time)  
California Environmental Protection Agency (CalEPA) Headquarters Building  
Sierra Hearing Room  
1001 I Street, Second Floor  
Sacramento, California 95814

## BACKGROUND

The 1985 Pesticide Contamination Prevention Act (PCPA) (Assembly Bill 2021, Food and Agricultural Code sections 13141 through 13152) requires the Department of Pesticide Regulation (DPR) to monitor and review the use of pesticides designated as having the potential to contaminate ground water. If DPR detects a pesticide or its degradation product in ground water, the PCPA requires DPR to determine if the detection resulted from legal agricultural use. Once this determination is made, DPR notifies registrants of the opportunity to request a hearing to determine if continued use of the pesticide should be allowed. If no registrant requests a hearing, the agricultural use product registrations are canceled.

DPR detected two degradation products, ethanesulfonic acid and oxanilic acid, of the active ingredients metolachlor and S-metolachlor in California's ground water. DPR determined that these detections were the result of legal agricultural use of metolachlor/S-metolachlor products and provided notice to the registrants. At the request of the registrants of metolachlor and S-metolachlor products, DPR is holding this public hearing to determine if the registration of metolachlor and S-metolachlor agricultural use products should be allowed to continue.

## PURPOSE

The purpose of this public hearing is to gather evidence from the registrant and the public regarding the continued agricultural use of metolachlor and S-metolachlor products. The PCPA calls for a formal review of this evidence by a subcommittee of DPR's Pesticide Registration Evaluation Committee. The three-member subcommittee advises DPR's Director and consists of one representative each from DPR, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board. The subcommittee reviews documented evidence presented and submitted by the registrant and others and makes any of the following findings and recommendations:



- 1) That the ingredient found in the soil or ground water has not polluted, and does not threaten to pollute, the ground water 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 ground water of the state.
- 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 ground water 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, any product registrations will be cancelled.

#### **HEARING AGENDA**

- 1) Opening remarks
- 2) Presentation of testimony by the registrant(s) of metolachlor and S-metolachlor products
- 3) Public comments
- 4) Concluding remarks

#### **DOCUMENT AVAILABILITY**

The registrant(s) will submit a report and evidence regarding continued agricultural use of metolachlor and S-metolachlor products. Documents submitted to DPR by the registrant(s) will be made available to view or download at:

<<http://www.cdpr.ca.gov/docs/emon/grndwtr/metolachlor.htm>>.

#### **REQUEST FOR COMMENTS**

The public is invited to submit written comments prior to the public hearing regarding the continued use of metolachlor and S-metolachlor relevant to the subcommittee's findings. Submit written comments by March 18, 2017, by e-mail to <[precomments@cdpr.ca.gov](mailto:precomments@cdpr.ca.gov)>, or mail to:

Metolachlor/S-metolachlor Comments  
Attn: Tulio Macedo  
Pesticide Registration Branch  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, CA 95812-4015

In addition, the public may provide written comments and oral testimony during the hearing. Oral testimony will be limited to ensure that every commentor has an opportunity to speak in the allotted time for the hearing. The hearing will be transcribed by a court reporter and the transcript, along with any written comments submitted during the hearing, will be added to the record.

For information regarding future public notices on metolachlor and S-metolachlor or other ground water-related matters, go to DPR's Web site <<http://www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm>> and subscribe to the "Ground Water Protection" electronic mailing list subscription.

**PARKING**

A parking garage between "I" and "J" Streets, with entrances on both 10<sup>th</sup> and 11<sup>th</sup> Streets, is located across from the CalEPA building. Metered parking spaces are also available in the vicinity of the building. For a map and additional information, refer to the CalEPA Web site <<http://calepa.ca.gov/EPAbldg/Location.htm>>.

If you have questions regarding this notice, please contact Dr. Tulio Macedo, Senior Environmental Scientist (Supervisory) at <[Tulio.Macedo@cdpr.ca.gov](mailto:Tulio.Macedo@cdpr.ca.gov)> or by telephone at 916-324-3527.

*Original signed by Ann Prichard*

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

*February 8, 2017*

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Date

cc: Dr. Tulio Macedo, DPR Senior Environmental Scientist (Supervisory)