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Unreported and Prohibited Use of Malathion and Bentazon

Date July 10, 2001

Enforcement Letter ENF 01-34

Distribution County Agricultural Commissioners

Referral If you have any questions, please contact your Senior Pesticide Use Specialist Liaison.

Approval *original signed by . . .*

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Note This is to inform you that the Department of Pesticide Regulation (DPR) will be sending the following as a letter to all licensed advisors, pesticide dealers and pest control businesses likely to operate in the impacted area. Please reinforce with them the importance of pesticide use reporting and the role it has in developing data necessary for regulatory decisions to permit certain pesticide uses.

Background Recent monitoring of the Colusa Basin Drain (CBD) by the United States Geological Survey (USGS) and the California Rice Commission has resulted in numerous detections of the pesticides malathion and bentazon that cannot be explained by the amount and timing of use reported to the counties. An evaluation of this situation has led DPR staff to conclude the following:
1) some use of malathion and bentazon is not being reported to the counties; and 2) bentazon continues to be used on rice despite its 1989 use prohibition (Title 3, California Code of Regulations (3CCR), section 6486.6)

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Unreported and Prohibited Use of Malathion and Bentazon, continued

Malathion Detections

Detections of malathion in the CBD in 2001 were reported on May 9, 11, 16, 18, 23, 25, 30, and June 1 and 6. During this approximate time period, Glenn County reported malathion use on May 1 and 18 (on peas and oranges, respectively); Colusa county reported malathion use on June 9 and 19 (on rice). Monitoring was also conducted on May 2 and 4, and June 8, 13, 15, 20 and 22, but revealed no malathion detections. Malthion levels that exceeded the Central Valley Regional Water Quality Control Board's (CCRWQCB) performance goal of 0.1 parts per billion (ppb) occurred on May 16, 18, 25, 30 and June 1. The highest level detected (0.459-ppb) was reported from a sample collected on May 25.

An evaluation of the information compiled reveals that the reported applications of malathion are unlikely to be the source of CBD detections. The reported use is too far removed in terms of both time and location to contribute to the detections.

Bentazon Detections

USGS monitoring of various locations in the Sacramento River Watershed from November 1996 to April 1998 revealed detections of bentazon in the CBD near Knight's Landing. Of the 22 samples taken from the CBD during this period, nine tested positive for bentazon. While the levels of bentazon reported by USGS were relatively low, the highest concentrations and most frequent detections were reported during the 1997 rice-growing season (mid-May to September), with five of six samples testing positive from late-May to September.

A review of the 1997-1999 data on bentazon annual sales and annual reported use, reveals that the amount of bentazon reported sold exceeds that which was reported applied by a considerable amount. During 1997, the reported bentazon use in counties that drain into the CBD (Yolo, Colusa, Glenn and, Tehema counties) was 53 pounds. This use occurred in two applications totaling 32 pounds in Glenn County on July 12, 1997; and a third application of 21 pounds in Tehama county on July 19, 1997. All the applications were to beans. These applications do not explain the observed bentazon concentration distribution during the review period.

Bentazon's physio-chemical properties do not support the notion that these detections may be associated with historical applications in the 1980's, nor is it likely that false-positives are responsible for the detection's.

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Unreported and Prohibited Use of Malathion and Bentazon, continued

Bentazon is a California Restricted Material

Bentazon is a California Restricted Material because it is on the Ground Water Protection List found in 3CCR, section 6800(a); and

3CCR, section 6486.6 prohibits application to:

- Any crop in Del Norte or Humboldt counties.
- Any crop before April of each year.
- Any crop after July 31 of each year.
- Rice in California.

Rice is listed on various parts of the Basagran label; however it is not for use on rice in California as further noted in the “Crop Specific Information” part of the label.

DPR’s Request to Pesticide Applicators

In an effort to assist DPR with meeting the goal of protecting human health and the environment from the adverse impacts of pesticide use, we are asking for the assistance of all pesticide applicators. Specifically, we ask that applicators observe the following:

- Properly report all use of malathion, bentazon, and all other pesticides.
- Follow all applicable bentazon use restrictions, including the prohibition on bentazon use after July 31.
- Do not apply bentazon on rice in California.

The continued availability of many pesticides in part depends on proper evaluation of data collected through our use reporting system. Your cooperation and assistance are appreciated.

cc: Mr. Daniel Merkley, County Agricultural Commissioner Liaison