



California Notice 2011-08

**NOTICE OF DECISION
PERTAINING TO HEXAZINONE DETECTIONS
IN GROUND WATER**

Pursuant to Food and Agricultural Code section 13150 of the 1985 Pesticide Contamination Prevention Act (PCPA), the Director of the Department of Pesticide Regulation (DPR) has issued a decision regarding the continued agricultural use of the pesticide hexazinone.

Background

The PCPA is intended to prevent pollution of ground water by the agricultural use of pesticides and requires DPR to conduct ground water monitoring. If a pesticide is detected in ground water, DPR is required to determine if the detection was the result of legal agricultural use (i.e., applications made according to the label). Once DPR determines that a pesticide detected in ground water is the result of legal agricultural use, the PCPA describes a well-defined process to evaluate if continued use should be allowed, and if so, under what conditions.

The evaluation process begins when DPR notifies all registrants of agricultural use products containing the detected pesticide active ingredient. Registrants are provided the opportunity to request a hearing in response to the notification. If the registrants do not request a hearing, the agricultural use product registrations are subject to cancellation.

The evaluation process is conducted by a subcommittee of DPR's Pesticide Registration and Evaluation Committee. 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, and the State Water Resources Control Board.

Hexazinone residues have been found in California's ground water. DPR determined that the source of these detections was predominantly from legal use of this pesticide on alfalfa. At the request of the registrants of hexazinone products, DPR held a public hearing on May 9, 2011, to gather information about the continued agricultural use of hexazinone. At this hearing, the registrant presented oral testimony regarding use of hexazinone in agriculture, toxicology of hexazinone, economic considerations, and effectiveness of alternative products. Members of the public also gave testimony. In addition, written documents and comments were submitted to DPR regarding continued use of hexazinone. The public comment period closed on May 24, 2011.



On June 7, 2011, DPR held a public meeting to hear additional information from state scientists about hexazinone use patterns, toxicology, alternatives, and mitigation options, to determine if agricultural use of hexazinone should continue, and if so, under what conditions.

Subcommittee's Finding and Recommendations

The subcommittee reviewed documented evidence presented and submitted by the registrant, state scientists, and others in order to determine whether:

- 1) The ingredient found in ground water has not polluted, and does not threaten to pollute, the ground water of the state.
- 2) 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) 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 presented their finding and recommendations to the Director on August 8, 2011. Based on the evidence reviewed, the subcommittee found that the presence of hexazinone in the ground water of the State of California has not polluted, and does not threaten to pollute, the ground water of the state, based on the definition of pollution in Food and Agricultural Code section 13142(j). The law defines pollution as "...the introduction into the groundwaters of the state of an active ingredient, other specified product, or degradation product of an active ingredient of a pesticide above a level, with an adequate margin of safety, that does not cause adverse health effects."

The subcommittee recommended that DPR continue monitoring for hexazinone in ground water and to take action if concentrations increase significantly or if detections increase in frequency.

Director's Finding

After reviewing the finding and recommendations of the subcommittee, the Director concurs with their finding that the agricultural use of hexazinone has not polluted, and does not threaten to pollute, ground water in the State of California. The Director finds continued monitoring of hexazinone levels in ground water an appropriate approach to protect against pollution of the ground waters of the state and will take immediate additional action if there is sufficient evidence that hexazinone is approaching the health-protective drinking water level, factoring in an adequate margin of safety.

California Notice 2011-08
September 8, 2011
Page 3

The entirety of the Director's decision and subcommittee's finding and recommendations are available at <http://www.cdpr.ca.gov/docs/emon/grndwtr/hexazinone.htm>. If you have any questions regarding this decision, please contact Ms. Ann Hanger, Staff Environmental Scientist, by e-mail at ahanger@cdpr.ca.gov or by telephone at 916-324-3535.

Original signed by

September 8, 2011

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