



California Notice 2017-11

NOTICE OF DECISION PERTAINING TO METOLACHLOR/S-METOLACHLOR DEGRADATE 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 pesticides metolachlor and S-metolachlor.

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 or its degradation product 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 or parent of the detected degradate. 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.

Metolachlor and S-metolachlor degradates, ethanesulfonic acid and oxanilic acid, have been found in California's ground water. DPR determined that the source of these detections was from legal agricultural use of these pesticides. At the request of the registrants of metolachlor/S-metolachlor products, DPR held a public hearing on March 28, 2017, to gather information about the continued agricultural use of metolachlor and S-metolachlor. At this hearing, the registrant presented oral testimony regarding use of metolachlor and S-metolachlor in agriculture, toxicity, and ground water exposure. Members of the public also gave testimony. In addition, written documents and comments were submitted to DPR regarding continued use of metolachlor and S-metolachlor. Written public comments were accepted both



prior to, and following, the March 28, 2017, hearing. The public comment period was closed on April 12, 2017.

On May 4, 2017, DPR held a public meeting to hear additional information from state scientists about metolachlor and S-metolachlor use patterns, toxicology, alternatives, and mitigation options, to determine if agricultural use of metolachlor and S-metolachlor 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 make one of the following findings and recommendations:

- 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 June 23, 2017. Based on the evidence reviewed, the subcommittee found that the presence of metolachlor/S-metolachlor degradates 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 (FAC) section 13142(j). The law defines pollution as "...the introduction into the ground waters 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 the Director allow the continued registration, sale, and agricultural use of metolachlor/S-metolachlor products. As required by the FAC section 13152(a)(1), the Director will continue to monitor for both ethanesulfonic acid and oxanilic acid in ground water. The subcommittee recommended that in the event concentrations of either degradation product is detected in the state ground water at or above 130 ppb (ethanesulfonic acid) or 230 ppb (oxanilic acid), using at or more than 10% of the health protective concentrations as a guide, the Director should take action as provided in the FAC 13150(a)(2) to mitigate or re-review the threat of pollution to ground water presented by ethanesulfonic acid and/or oxanilic acid based on the new data. The subcommittee noted that if the parent compounds, metolachlor/S-metolachlor, are ever detected in California ground

water and determined to be a result of legal agricultural use, the detected active ingredient would be subjected to subcommittee review under FAC section 13149(c).

Director's Decision

After reviewing the findings and recommendations of the subcommittee, the Director concurs with their finding that the presence of metolachlor/S-metolachlor degrades in the ground water of the State of California has not polluted and do not threaten to pollute the ground water of the state. The Director finds continued monitoring of metolachlor/S-metolachlor products and their degradation products ethanesulfonic acid and oxanilic acid 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 of approaching the health-protective drinking water level, factoring in an adequate margin of safety.

The entirety of the Director's decision and subcommittee's finding and recommendations are available at <http://www.cdpr.ca.gov/docs/emon/grndwtr/metolachlor.htm>. If you have any questions regarding this decision, please contact Dr. Tulio Macedo, Senior Environmental Scientist at <tulio.macedo@cdpr.ca.gov> or by telephone at 916-324-3527.

Original Signed by Ann M. Prichard

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July 18, 2017

Date

cc: Dr. Tulio Macedo, Senior Environmental Scientist