



California Notice 2018-11

FINAL DECISION REGARDING RENEWAL OF REGISTRATION OF PESTICIDE PRODUCTS FOR 2018

The Director of the Department of Pesticide Regulation (DPR), under Title 3 of the California Code of Regulations (3 CCR) section 6255, files this notice of final decision regarding the renewal of pesticide product registrations with the Secretary of the Resources Agency to be posted for a period of thirty (30) days for public inspection.

Statutory and Regulatory Framework

DPR endeavors to eliminate from use any pesticide product that endangers the environment, is not beneficial for the purpose for which it was sold, or is misrepresented. Before a substance is initially registered as a pesticide, DPR conducts a thorough and timely scientific evaluation (Food and Agricultural Code section 12824). Once a pesticide is registered, the pesticide is subject to an orderly program of continuous reevaluation as set forth in regulation (Food and Agricultural Code section 12824, 3 CCR sections 6220-6226).

Pesticide registrations expire on December 31 of the year in which they are issued and a registrant must submit a renewal application and fee within one month of the December 31 expiration date (Food and Agricultural Code section 12817). A completed renewal application includes a certification by the registrant stating any factual or scientific evidence of an adverse effect or risk of the pesticide to human health or the environment has been submitted to DPR (3 CCR section 6210). Upon the receipt of a complete and timely application, DPR is required to renew each pesticide registration within sixty (60) days, except when the Director, after hearing, has cancelled the registration of, or denied the application to register the pesticide product (Food and Agricultural Code sections 12816, 12825, 12827; 3 CCR section 6215).

The registration renewal process is separate from the reevaluation process. Products under reevaluation are renewed regardless of reevaluation status. For products not in reevaluation, the Director must make a finding at the time of renewal that there is insufficient information to place such products into reevaluation (3 CCR section 6215). At any time, DPR may conduct a reevaluation of a registered pesticide based on information derived from various sources, including public and private research studies, consultation with the Pesticide Registration and Evaluation Committee and the U.S. Environmental Protection Agency, adverse effects disclosures, and public comments. If the Director finds a significant adverse impact has occurred, is likely to occur, or there is an alternative available that would reduce an impact, the pesticide involved must be reevaluated (3 CCR section 6220). During a reevaluation, DPR may determine a pesticide should be classified as a restricted material, additional restrictions on use are necessary, or cancellation should be initiated (3 CCR section 6224). Similar determinations could be made as a result of the continuous evaluation required by other statutory mandates.



Information regarding reevaluation can be found on DPR's Web site at <http://cdpr.ca.gov/docs/registration/reevaluation/reevals.htm>.

Comments Received in Response to the Notice of Proposed Decision

In response to DPR's *Notice of Proposed Decision to Renew Pesticide Product Registrations for 2018, Director's Finding and Public Report* (California Notice 2017-14), DPR received two comments, one from Raptors are the Solution and Project Coyote, and the second comment from the Center on Race, Poverty & the Environment. The original comments and DPR's response to the comments can be viewed on DPR's Web site at <http://cdpr.ca.gov/docs/registration/canot/camenu.htm>.

Anticoagulant Rodenticides

Raptors are the Solution and Project Coyote requested that DPR place all anticoagulant rodenticides into reevaluation. First generation anticoagulant rodenticides (FGARs) contain the active ingredients diphacinone, chlorophacinone, and warfarin, and second generation anticoagulant rodenticides (SGARs) contain the active ingredients brodifacoum, bromadiolone, difethialone, and difenacoum.

In July of 2014 DPR concluded its reevaluation of brodifacoum by designating all SGARs as California restricted materials in 3 CCR section 6400(e) and placing additional restrictions in 3 CCR section 6471 on the use of SGARs that are more stringent than federal label requirements.

DPR is in the process of reviewing data submitted by the California Department of Fish and Wildlife and wildlife organizations to evaluate the impact of the regulations and determine if significant adverse effects to non-target wildlife continue to occur and to what extent. This review is ongoing. If data indicate that additional regulatory action is necessary to further protect non-target wildlife from anticoagulant rodenticide use, DPR will proceed with that action. It is not necessary for DPR to initiate a formal reevaluation process in order to collect and evaluate exposure data and to take regulatory action.

DPR remains committed to effectively addressing any challenges posed by the continued use of anticoagulant rodenticides. DPR will continue to evaluate available information to determine if additional mitigation measures are needed to adequately protect non-target wildlife. If at any point DPR concludes that there are additional studies that registrants could conduct on the impact of anticoagulant rodenticide use on non-target wildlife in order to determine the need and extent of further regulatory action to address these concerns, DPR may utilize its formal reevaluation process. DPR is proceeding with the renewal of FGARs and SGARs and will not be placing them into reevaluation at this time.

Chlorpyrifos

The Center on Race, Poverty & the Environment urged DPR not to renew any pesticide products containing chlorpyrifos. They also stated that if DPR declined to cancel pesticide products containing chlorpyrifos, DPR should suspend all products containing chlorpyrifos or alternatively, re-evaluate all products containing chlorpyrifos.

DPR conducted a human health assessment on chlorpyrifos, including neurodevelopmental harm. DPR identified chlorpyrifos as a potential toxic air contaminant in August 2017. Currently, the state's independent Scientific Review Panel, which consists of nine distinguished scientists with a range of expertise including toxicology, epidemiology and occupational medicine, is reviewing DPR's draft risk assessment supporting the proposed toxic air contaminant identification.

In the interim, DPR recommended mitigation measures, which include minimum setback requirements for sensitive areas and application-specific best management practices designed to protect against health risks identified in DPR's August 2017 draft risk assessment. Those mitigation measures may be used to supplement the restrictions previously incorporated by County Agricultural Commissioners into the restricted use permits required for the application of Chlorpyrifos following its designation as a California restricted material. It is also important to note that the restricted material designation requires that chlorpyrifos applications may only be made by certified pesticide applicators.

DPR will finalize its draft chlorpyrifos risk assessment after the Scientific Review Panel completes its review, incorporating the panel's review and guidance. DPR expects that the final risk assessment will provide a strong scientific foundation for its determination of possible appropriate additional regulatory action to protect human health from risks identified in the final risk assessment.

Director's Finding

At this point in time, the Director finds that for all pesticides proposed for renewal that are not currently under reevaluation, sufficient information has not been received necessitating their reevaluation or the initiation of the cancellation process.

The Director's decision to renew the registrations of those pesticide products registered in 2017 for the 2018 calendar year is therefore adopted under Food and Agricultural Code section 12817.

Original signed by Ann M. Prichard

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

April 18, 2018

Date