



Brian R. Leahy
Director

Edmund G. Brown, Jr.
Governor

California Notice 2018-12

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING PERTAINING TO CHLORTHAL-DIMETHYL DEGRADATION PRODUCT RESIDUE DETECTIONS IN GROUND WATER

August 29, 2018
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, monomethyl tetrachloroterephthalate (MTP) and 2,3,5,6-tetrachloroterephthalic acid (TPA), of the pesticide active ingredient chlorthal-dimethyl (DCPA or dacthal) in California's ground water. DPR determined that these detections were the result of legal agricultural use of chlorthal-dimethyl and provided notice to the sole registrant of the only actively registered chlorthal-dimethyl pesticide product. At the request of the registrant of the chlorthal-dimethyl product, DPR is holding this public hearing to determine if the registration of chlorthal-dimethyl 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 chlorthal-dimethyl pesticide 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 active product registrations will be canceled.

TENTATIVE HEARING AGENDA

- 1) Opening remarks
- 2) Presentation of testimony by chlorthal-dimethyl product registrant
- 3) Presentations by State agencies
- 4) Public comments
- 5) Concluding remarks

DOCUMENT AVAILABILITY

The registrant will submit a report and evidence regarding continued agricultural use of the chlorthal-dimethyl product. Documents submitted to DPR by the registrant will be made available to view or download at:

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

REQUEST FOR COMMENTS

The public is invited to submit written comments prior to the public hearing regarding the continued use of chlorthal-dimethyl relevant to the subcommittee's findings. Submit written comments by July 30, 2018, by e-mail to <precomments@cdpr.ca.gov> or mail to:

Chlorthal-dimethyl Comments
Attn: Kara James
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 the chlorthal-dimethyl PCPA review process or other ground water-related matters, please visit DPR's Web site at <<http://www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm>> and subscribe to the "Ground Water Protection" electronic mailing list at <<http://cdpr.ca.gov/docs/dept/listserv/sub1113.htm>>.

PARKING

A parking garage between "I" and "J" Streets, with entrances on both 10th and 11th 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 at <<https://calepa.ca.gov/headquarters-sacramento/location/>>.

If you have questions regarding this notice, please contact Kara James, Environmental Scientist, at <Kara.James@cdpr.ca.gov> or by telephone at 916-324-3523.

Original signed by Ann M. Prichard

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

June 20, 2018

Date

cc: Ms. Kara James, Environmental Scientist, DPR