



California Notice 2022-09

NOTICE OF PUBLIC HEARING AGENDA

**NOTICE OF AGENDA FOR PHASE 2(a) OF PUBLIC HEARING PERTAINING TO
IMIDACLOPRID PRODUCT RESIDUE DETECTIONS IN GROUNDWATER**

Tuesday, April 19, 2022, and Wednesday, April 20, 2022 (if needed)
9:00 am (Pacific Time)

Conducted in a hybrid format with options for in-person participation at a physical meeting
location and remote participation

BACKGROUND

The Department of Pesticide Regulation (DPR) detected residues of the active ingredient imidacloprid in 15 groundwater wells at concentrations that exceeded the reporting limit of 0.05 parts per billion (ppb). Detected concentrations ranged from 0.051 to 5.97 ppb. Wells with detections above the reporting limit are located in Fresno, Santa Barbara, and Tulare counties. Based on its investigation, DPR determined the imidacloprid residues detected in groundwater were the result of legal agricultural use of a pesticide product or pesticide products containing imidacloprid. As such, on September 23, 2021, DPR initiated the Pesticide Contamination Prevention Act (PCPA) review process for imidacloprid. In accordance with the PCPA (Assembly Bill 2021, Food and Agricultural Code [FAC] sections 13141 through 13152), and at the request of the affected registrants, DPR is conducting a public hearing to determine if the registration of imidacloprid agricultural use products should be allowed to continue.

DPR conducted Phase 1 of this hearing on March 22 and March 23, 2022. During Phase 1, state agencies and implicated registrants presented evidence regarding the continued agricultural use of imidacloprid and its potential to pollute groundwater. In accordance with the hearing procedures, this hearing will continue as Phase 2(a) on April 19 and April 20, 2022. Phase 2(a) of the hearing will be limited to receiving rebuttal evidence from hearing participants and receiving comments from the public. “Rebuttal” means evidence, analysis, or comments offered to disprove or contradict other submissions. Rebuttal evidence shall be limited to the scope of the materials previously submitted during Phase 1, and rebuttal information that is not responsive to information previously submitted may be excluded from review by the Subcommittee.

PHASE 2(A) AGENDA

1. Introductions and Opening Remarks
2. Rebuttal Presentation(s) from State Agencies
3. Rebuttal Presentation(s) from Imidacloprid Registrants
4. Public Comments
5. Questions from the Subcommittee
6. Closing Remarks

HEARING ATTENDEE DETAILS

Phase 2(a) of this hearing will occur in a hybrid format with both a physical meeting location and an option to participate from a remote location. Phase 2(a) of this hearing will continue day to day until its conclusion.

DATES: Tuesday, April 19, and Wednesday, April 20, 2022 (if needed)

TIME: 9:00 a.m. Pacific Time

For hearing participants and those providing oral testimony and comments in a remote location:

PLACE: Zoom (Virtual)

Webinar ID: 886 7904 0342

Passcode: 697531

Direct link to join the meeting from a web browser or Zoom client:

<<https://us02web.zoom.us/j/88679040342?pwd=U0REWjVscm5DMktzcFFYVlFtM0ZEUT09>>

Or call into the hearing and enter the Webinar ID and Passcode when prompted:
+1 669 900 9128 US (San Jose)

For hearing participants and those providing oral testimony and comments in a physical location:

PLACE: Joe Serna Jr. – CalEPA Headquarters Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, California 95814

Information regarding parking and transit options to the CalEPA building can be found at <https://calepa.ca.gov/headquarters-sacramento/location/>.

For those who only wish to watch the hearing, a webcast of this hearing can be viewed on the CalEPA webcast page at <https://video.calepa.ca.gov/>. **The CalEPA webcast link should be used by DPR staff that are not presenting during this hearing, as well as by members of the public UNLESS they intend to provide oral testimony.**

PREC SUBCOMMITTEE REPRESENTATIVES

In accordance with FAC section 13150(b), a three-member subcommittee of the Director's Pesticide Registration and Evaluation Committee, consisting of one member each representing DPR, the Office of Environmental Health Hazard Assessment (OEHHA), and the State Water Resources Control Board (SWRCB), shall conduct this public hearing. The following representatives have been designated as PREC Subcommittee members for this proceeding:

- Ms. Ann Prichard, PREC Subcommittee Chairperson and DPR representative
- Dr. Lori Lim, PREC Subcommittee member representing OEHHA
- Mr. Rich Breuer, PREC Subcommittee member representing SWRCB

While this proceeding is pending, the California Government Code prohibits the registrants or representatives for registrants, members of the Investigative Team (those presenting evidence on behalf of the State Agencies), or other interested persons from engaging in *ex parte* communications regarding this matter with any Subcommittee member, the Director, or the Advisory Team (those providing legal and technical advice to the Subcommittee and/or the Director). Additional information regarding the prohibition on *ex parte* communication and details about the Investigative Team and Advisory Team can be found in the hearing procedures document available on DPR's Web site at

https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid/pcpa_imidacloprid_hearing_procedures_20210912.pdf.

PUBLIC COMMENTS

Members of the public may provide oral testimony during the hearing, relevant to the potential for the agricultural use of imidacloprid to pollute groundwater. Members of the public are encouraged to sign up in advance to speak at the hearing by e-mailing PCPA.Comments@cdpr.ca.gov by **Friday, April 15, 2022**. For purposes of allocating hearing time for oral testimony, members of the public who sign up in advance will be given priority to speak during the hearing.

Members of the public who do not provide advance notice of their intent to give a public comment will be given an opportunity to provide a public comment at the hearing as time permits. Persons who attend the hearing in person may sign up to speak by completing a speaker card. Speaker cards will be available during the day of the hearing. Persons who attend the hearing virtually may provide oral comment by raising their hand using the Zoom function. Generally, persons will be heard in the order in which they signed up, completed a speaker card,

or raised their hand using the Zoom function. Public comments not relevant to matters related to the proceeding will not be considered by the Subcommittee.

The public may also submit written comments regarding the continued agricultural use of imidacloprid relevant to its potential to pollute groundwater, for consideration by the Subcommittee. Submit written public comments by **Friday, May 6, 2022**, by e-mail to <PCPA.Comments@cdpr.ca.gov> or by mail to the address below:

PCPA Imidacloprid Comment
Attn: Kara James
Pesticide Registration Branch
1001 I Street
Sacramento, California 95814-4015

Written public comments will not be read aloud during the public hearing. DPR will post the name and affiliation of all public commenters who submit written comments to its Web site. Public comments and submitted evidence will be subject to release to any requestor absent a contrary ruling by the Subcommittee Chairperson.

REASONABLE ACCOMODATION

If you require special assistance or language needs to participate in this hearing, please notify DPR's Reasonable Accommodation and Hearing Coordinator at <PCPA.Comments@cdpr.ca.gov> by **Thursday, April 14, 2022**.

PHASE 2(B) INFORMATION

On **Tuesday, May 17, 2022**, DPR will host Phase 2(b) of the hearing. Note that the hearing will continue in recess until the conclusion of Phase 2(b), and the prohibitions on *ex parte* communications apply during the pendency of this hearing. Phase 2(b) will be open to the public and webcast, but the purpose is limited to Subcommittee deliberation and there will be no presentations from hearing participants. In accordance with FAC section 13150(c), the Subcommittee must submit its findings and recommendations to the Director within 90 days of the conclusion of Phase 2(b) of the hearing. DPR will issue additional information regarding Phase 2(b), including options for in-person and remote access, to its Web site on **Friday, May 6, 2022**.

IMIDACLOPRID PRODUCTS SUBJECT TO THE PCPA REVIEW PROCESS

A table identifying the 109 imidacloprid products currently subject to this review process can be found on pages 6 through 12 of this notice. This table supersedes the table issued in California Notice 2022-06 on March 11, 2022.

More information regarding the PCPA overall, and on DPR's specific action for imidacloprid, can be found at <<https://www.cdpr.ca.gov/docs/emon/grndwtr/imidacloprid.htm>>. This webpage includes a copy of the legal agricultural use determination, study reports, evidence submitted by hearing participants, and a list of public comments. Requests for additional information or questions should be directed to Ms. Kara James, Pesticide Registration Branch, at 916-324-3523 or by e-mail at <PCPA@cdpr.ca.gov>.

Original Signed by Tulio Macedo

Tulio Macedo, Chief
Pesticide Registration Branch
916-324-3527

April 8, 2022

Date

IMIDACLOPRID PRODUCTS SUBJECT TO THE PCPA REVIEW PROCESS

As of September 10, 2021, 253 pesticide products containing the active ingredient imidacloprid were registered for sale and use in California.

On September 23, 2021, DPR issued California Notice 2021-08 (available on DPR's Web site at <<https://www.cdpr.ca.gov/docs/registration/canot/2021/ca2021-08.pdf>>), identifying 125 products subject to the PCPA process based on their potential for agricultural use. Since September 23, 2021, following additional input from registrants, DPR reassessed four (4) products and determined these products were no longer subject to the PCPA process. In addition to DPR's updated determinations, several registrants voluntarily inactivated twelve (12) products.

As of April 8, 2022, DPR has determined that 109 registered products are subject to the PCPA review process. The below table supersedes the table found on pages 6 through 12 of California Notice 2022-06 (available on DPR's Web site at <<https://www.cdpr.ca.gov/docs/registration/canot/2022/ca2022-06.pdf>>) and reflects the currently registered imidacloprid products subject to the PCPA review process.

Table 1. Currently Registered Imidacloprid Products Subject to the PCPA Review Process as of April 8, 2022

Registrant	EPA Registration Number	Product Name
ALBAUGH, LLC	42750-153-ZA	IMIDACLOPRID 60WP GH
ALBAUGH, LLC	42750-115-ZA	IMIDASTAR 2L T&O
ALBAUGH, LLC	42750-110-AA	MACHO 2.0 FL
ALBAUGH, LLC	42750-140-ZA	MACHO 4.0
ARBORJET, INC.	74578-1-AA	IMA-JET
ARBORJET, INC.	74578-6-AA	IMA-JET 10
ARBORSYSTEMS, INC. D/B/A ARBORSYSTEMS	69117-8-AA	DIY TREE CARE PRODUCTS MULTI-INSECT KILLER
ARBORSYSTEMS, INC. D/B/A ARBORSYSTEMS	69117-1-AA	POINTER INSECTICIDE
BAYER CROPSCIENCE LP	264-827-ZA	ADMIRE PRO SYSTEMIC PROTECTANT
BAYER CROPSCIENCE LP	264-957-AA	GAUCHO 480 FLOWABLE
BAYER CROPSCIENCE LP	264-968-ZA	GAUCHO 600 FLOWABLE
BAYER CROPSCIENCE LP	264-968-AA	GAUCHO GRANDE SEED APPLIED INSECTICIDE
BAYER CROPSCIENCE LP	264-1104-AA	LEVERAGE 360 INSECTICIDE
BAYER CROPSCIENCE LP	264-1081-AA	SEPRESTO 75 WS
BAYER ENVIRONMENTAL SCIENCE	432-1417-AA	ALLECTUS 0.225 G PLUS TURF FERTILIZER INSECTICIDE

Registrant	EPA Registration Number	Product Name
BAYER ENVIRONMENTAL SCIENCE	432-1427-AA	ALLECTUS 0.225 GC PLUS TURF FERTILIZER INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE	432-1455-AA	MAXFORCE FLY SPOT BAIT
BAYER ENVIRONMENTAL SCIENCE	432-1375-ZA	MAXFORCE GRANULAR FLY BAIT
BAYER ENVIRONMENTAL SCIENCE	432-1314-AA	MERIT 75 WP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE	432-1483-AA	TEMPRID SC INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1457-ZB	CORETECT
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZD	CRITERION 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZA	CRITERION 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZF	CRITERION 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZF	LESCO BANDIT 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZB	LESCO BANDIT 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZA	LESCO BANDIT 75 WSP INSECTICIDE

Registrant	EPA Registration Number	Product Name
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1506-AA	MAXFORCE QUANTUM ANT BAIT
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-AA	MERIT 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-AA	MERIT 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-AA	MERIT 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1328-ZA	PROKOZ ZENITH 0.5 G INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1312-ZF	PROKOZ ZENITH 2F INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1318-ZC	PROKOZ ZENITH 75 WSP INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1544-AA	TEMPRID FX INSECTICIDE
BAYER ENVIRONMENTAL SCIENCE A DIVISION OF BAYER CROPSCIENCE LP	432-1527-ZA	TEMPRID READY-TO-SPRAY
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION	11556-146-AA	CREDO SC INSECTICIDE
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION	11556-147-AA	QUICKBAYT
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIVISION	11556-137-ZA	QUICKBAYT FLY BAIT

Registrant	EPA Registration Number	Product Name
CONTROL SOLUTIONS, INC.	53883-229-AA	DOMINION 2L TERMITICIDE/INSECTICIDE
CONTROL SOLUTIONS, INC.	53883-225-AA	DOMINION 4L
CONTROL SOLUTIONS, INC.	53883-367-AA	QUALI-PRO IMIDACLOPRID 0.5G INSECTICIDE
ENSYSTEX IV, INC.	83923-2-AA	BITHOR SC
ENSYSTEX IV, INC.	83923-4-AA	PROTHOR SC 2
EVERRIS NA, INC.	42750-153-ZA- 58185	BENEFIT 60 WP
FMC CORPORATION	279-3332-AA	BRIGADIER INSECTICIDE
HELENA CHEMICAL COMPANY	279-3459-AA-5905	TEMPEST DUAL-ACTION INSECTICIDE
INNVICTIS CROP CARE, LLC	89168-21-AA- 89391	AVENGER S3
INNVICTIS CROP CARE, LLC	89168-23-AA- 89391	PROVOKE
J.J. MAUGET CO.	7946-16-AA	IMICIDE
J.J. MAUGET CO.	7946-25-AA	IMICIDE HP
KOPPERS PERFORMANCE CHEMICALS, INC.	3008-120-AA	ORD-1302
LESCO, INC.	432-1349-ZA- 10404	LESCO MERIT 0.2 PLUS TURF FERTILIZER
LOVELAND PRODUCTS, INC.	34704-940-AA	DYNA-SHIELD IMIDACLOPRID 5
LOVELAND PRODUCTS, INC.	34704-960-AA	MALICE 0.5G
LOVELAND PRODUCTS, INC.	34704-893-ZA	MALICE 2F INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-1009-AA	MALICE 75 WSP
LOVELAND PRODUCTS, INC.	34704-894-AA	PREY 1.6 INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-983-AA	SHERPA INSECTICIDE
LOVELAND PRODUCTS, INC.	432-1349-AA- 34704	SIGNATURE BRAND FERTILIZER WITH 0.2% MERIT
LOVELAND PRODUCTS, INC.	34704-1045-AA	SWAGGER
LOVELAND PRODUCTS, INC.	34704-893-AA	WIDOW INSECTICIDE
LOVELAND PRODUCTS, INC.	34704-931-AA	WRANGLER INSECTICIDE
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-203-ZB	ALIAS 2F FLOWABLE INSECTICIDE
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-203-AA	QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE
MAKHTESHIM AGAN OF NORTH AMERICA, INC.	66222-199-AA	QUALI-PRO IMIDACLOPRID 75 WSB

Registrant	EPA Registration Number	Product Name
MAKHTESHIM AGAN OF NORTH AMERICA, INC., D/B/A ADAMA	66222-156-ZA	ALIAS 4F
NUFARM AMERICAS INC. AGT DIVISION	55146-113-AA	SATIVA IM MAX
NUFARM AMERICAS INC. AGT DIVISION	55146-111-AA	SATIVA IM RTU
NUFARM AMERICAS, INC.	228-485-ZA	GRUBEX PRO
NUFARM AMERICAS, INC.	228-501-AA	MALLET 0.5G INSECTICIDE
NUFARM AMERICAS, INC.	228-695-AA	MALLET 2 F T&O INSECTICIDE
NUFARM AMERICAS, INC.	228-588-AA	MALLET 75 WSP INSECTICIDE
NUFARM AMERICAS, INC.	228-572-AA	NUPRID 2SC SOIL/FOLIAR INSECTICIDE
NUFARM AMERICAS, INC.	228-527-AA	NUPRID 4.6F PRO INSECTICIDE
NUFARM AMERICAS, INC.	228-528-AA	NUPRID 4F MAX INSECTICIDE
NUFARM AMERICAS, INC.	228-522-AA	SENATOR 600 FS
OHP, INC.	59807-18-AA	DISCUS L
OHP, INC.	59807-15-AA	MARATHON 1% GRANULAR
PRIME SOURCE, LLC	89442-19-AA	IMIDACLOPRID 2F SELECT T/I
PRIME SOURCE, LLC	89442-11-AA	IMIDACLOPRID 75WSP SELECT
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	74779-11-AA	XYTECT 10% INFUSIBLE INSECTICIDE
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	42750-115-AA-74779	XYTECT 2F INSECTICIDE
RAINBOW TREECARE SCIENTIFIC ADVANCEMENTS	42750-117-AA-74779	XYTECT 75WSP INSECTICIDE
ROCKWELL LABS LTD D/B/A MAGGIE'S FARM LTD	73079-10-AA	INVICT GOLD COCKROACH GEL
ROCKWELL LABS LTD D/B/A MAGGIE'S FARM LTD	73079-14-AA	INVICT XPRESS GRANULAR BAIT
ROTAM NORTH AMERICA, INC.	83100-6-AA-83979	LADA 2F INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-26-AA-83979	LADA 75WSP INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-7-AA-83979	MONTANA 2F INSECTICIDE

Registrant	EPA Registration Number	Product Name
ROTAM NORTH AMERICA, INC.	83100-21-AA-83979	MONTANA 4F INSECTICIDE
ROTAM NORTH AMERICA, INC.	83100-33-AA-83979	OBELISK
SCIMETRICS LTD. CORPORATION	72500-18-AA	ADIOS COMBO BAIT CUBES
SCIMETRICS LTD. CORPORATION	72500-14-AA	KAPUT COMBO BAIT MINI BLOCKS FOR RODENTS AND FLEAS
SCIMETRICS LTD. CORPORATION	72500-13-ZA	KAPUT COMBO BAIT PELLETS
SCIMETRICS LTD. CORPORATION	72500-24-AA	KAPUT GROUND SQUIRREL BAIT
SCIMETRICS LTD. CORPORATION	72500-11-ZA	KAPUT-D GROUND SQUIRREL BAIT
SHARDA USA LLC	83529-4-AA	MIDASH 2SC AG INSECTICIDE
SHARDA USA LLC	83529-3-AA	MIDASH 2SC T&O/PCO INSECTICIDE/TERMITICIDE
SHARDA USA LLC	83529-6-AA	MIDASH FORTE INSECTICIDE
SULPHUR MILLS LIMITED	70905-3-ZA	IMIDASHOT DF INSECTICIDE
UNITED PHOSPHORUS, INC.	70506-142-AA	IMIGOLD 0.5 G TURF & ORNAMENTAL INSECTICIDE
UNITED PHOSPHORUS, INC.	70506-150-AA	IMIGOLD 2 F TURF & ORNAMENTAL INSECTICIDE
UNITED PHOSPHORUS, INC.	70506-157-ZA	IMIGOLD 70DF TURF, ORNAMENTAL AND GREENHOUSE INSECTICIDE
WILLOWOOD, LLC	87290-26-AA	WILLOWOOD IMIDACLOPRID 4SC
WINFIELD SOLUTIONS, LLC	1381-219-ZA	ADVISE FOUR
WINFIELD SOLUTIONS, LLC	83222-32-ZA	S-CLOPRID 4 AG