



California Notice 2022-10

NOTICE OF AGENDA FOR DELIBERATIVE MEETING

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

Tuesday, May 17, 2022
9:00 am (Pacific Time)

Conducted in a hybrid format with options for remote and in-person attendance

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 and public comments were received. The hearing continued in recess and on April 19, 2022, DPR conducted Phase 2(a). Phase 2(a) of the hearing was limited to receiving rebuttal evidence from hearing participants and receiving comments from the public. This hearing will continue as Phase 2(b) on May 17, 2022. The purpose of Phase 2(b) of the hearing is limited to Subcommittee deliberation. In accordance with FAC section 13150(c), and as outlined below, the Subcommittee must submit its findings and recommendations to the Director within 90 days of the conclusion of Phase 2(b) of the hearing.

PREC SUBCOMMITTEE REPRESENTATIVES

In accordance with FAC section 13150(b), a three-member subcommittee of the Director's Pesticide Registration and Evaluation Committee (PREC), 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>.

SUBCOMMITTEE FINDINGS AND RECOMMENDATIONS

In accordance with FAC section 13150(c), the PREC Subcommittee reviews the evidence presented and submitted by the registrant(s) and others and will make one of the following findings and recommendations, within 90 days of the conclusion of Phase 2(b):

1. That the ingredient found in the soil or groundwater has not polluted, and does not threaten to pollute, the groundwater 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 groundwater of the state, or
3. That modification of the agricultural use of the pesticide pursuant to the above bullet point (2) 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 groundwater of the state will not occur. The Subcommittee shall 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.

PHASE 2(B) AGENDA

1. Opening Remarks
2. Subcommittee Deliberation
3. Vote on Subcommittee Recommendation Pursuant to FAC section 13150(c)
4. Closing Remarks

MEETING ATTENDANCE OPTIONS

Phase 2(b) of this hearing will occur in a hybrid format with an option to attend from both a physical meeting location and a remote location.

DATE: Tuesday, May 17, 2022
TIME: 9:00 a.m. Pacific Time

For those attending the deliberative meeting from 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=U0REWjVscm5DMktzcFFYVIFtM0ZEUT09>>

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

Alternatively, viewers can watch the deliberative meeting by navigating to the CalEPA webcast page at <<https://video.calepa.ca.gov/>> and selecting the live video for “PCPA Phase 2(b), Deliberative Meeting for Imidacloprid Residue Detections in Groundwater.”

For participants attending in-person at 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/>.

REASONABLE ACCOMODATION

If you require special assistance or language needs to attend this deliberative meeting, please notify DPR's Reasonable Accommodation and Hearing Coordinator at PCPA.Comments@cdpr.ca.gov by **Thursday, May 12, 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 11 of California Notice 2022-09 (available on DPR's Web site at <https://www.cdpr.ca.gov/docs/registration/canot/2022/ca2022-09.pdf>).

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 Web page 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

May 6, 2022

Date