



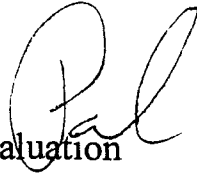
Department of Pesticide Regulation




830 K Street • Sacramento, California 95814-3510 • www.cdpr.ca.gov

Winston H. Hickox
Secretary for
Environmental
Protection

MEMORANDUM

TO: Paul H. Gosselin, Assistant Director
Division of Registration and Health Evaluation 

Gray Davis
Governor

FROM: Jean-Mari Peltier
Acting Director 
(916) 445-4330

DATE: April 7, 1999

SUBJECT: DIRECTOR'S RESPONSE CONCERNING NORFLURAZON
PURSUANT TO ASSEMBLY BILL 2021

Attached is a public notice of decision serving as my response to the findings and recommendations of the subcommittee of the Pesticide Registration and Evaluation Committee concerning ground water detections of norflurzaon. My response has been made in accordance with all authorities and requirements stipulated in the Pesticide Contamination Prevention Act (AB 2021), which mandates this process of review for these detections. The subcommittee's findings and recommendations were transmitted to me on March 11, 1999. Therefore, this response has been made within the 30 days statutory deadline.

I thank you and all the members of the subcommittee for carrying out this difficult task.

Attachment

cc: Syed Ali, SWRCB
Anna Fan, OEHHA
Douglas Y. Okumura, DPR
Lyn Hawkins, DPR



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POST UNTIL
APRIL 16, 1999

NOTICE OF DECISION CONCERNING THE DIRECTOR'S RESPONSE TO THE PREC SUBCOMMITTEE FINDING MADE PURSUANT TO THE PESTICIDE CONTAMINATION PREVENTION ACT REGARDING THE DETECTION OF NORFLURAZON IN GROUND WATER

Section 13150 of the Pesticide Contamination Prevention Act (Article 15, Chapter 2, Division 7 of the Food and Agricultural Code) requires the Director of the Department of Pesticide Regulation to respond to the finding of the Pesticide Registration and Evaluation Committee (PREC) subcommittee within 30 days of issuance. The finding and recommendations of the PREC subcommittee, entitled "Implementation of the Pesticide Contamination Prevention Act, Norflurazon: Findings and Recommendations," were transmitted to the Department on March 11, 1999.

After reviewing the finding and recommendations of the PREC subcommittee, the Department concurs with their finding made pursuant to paragraph (2) of subdivision (c) of Section 13150, namely that the agricultural use of norflurazon can be modified in such a way that there would be a high probability that no norflurazon residues other than those already present would migrate to ground water. The Director concurs with the subcommittee that a pollution level for norflurazon cannot be identified due to a lack of complete monitoring data and the possibility of norflurazon reaching higher levels in ground water. Further, the Director concurs with the subcommittee that a decision regarding the threat to pollute cannot be made because of the lack of a pollution level (as defined in law), minimal sampling data, and possibility of other detections in ground water (such as findings in Tulare County). The Department believes that because there are alternative practices which are reasonably effective and practicable, no undue hardship to California's agricultural industry should occur as a result of these modifications. Because of this uncertainty, modification of the agricultural use of norflurazon is the appropriate approach to protect against further residues unless and until pollution levels might be set.

Department Action

- A. The Department will eliminate the use of norflurazon in all areas managed to recharge ground water, inward slope of drainage canals, and further regulate other uses to manage off-site movement.
- B. The Department will list norflurazon in regulation as a restricted material under the existing ground water protection program [Section 6800(a) of Title 3 of the California Code of Regulations].
- C. The Department will include norflurazon in the existing Ground Water Protection Training program to provide information to licensed pest control advisers and applicators.
- D. To determine additional appropriate modifications of the agricultural use of norflurazon, the Department will require the submission of data demonstrating the means to minimize pesticide movement through soils and will review materials submitted by researchers, users of norflurazon, registrants, and other agencies which document agricultural practices and norflurazon uses which decrease movement of norflurazon to ground water.
- E. The Department will monitor in areas of norflurazon use to evaluate the effectiveness of modifications of agricultural use of norflurazon.
- F. The Department is investigating its options under existing authorities for protecting well heads from the potential effects of agricultural practices.

The Department will work with the registrant on possible label changes and propose adoption of regulations to implement the proposals described in this document. During the development of these changes, the rationale behind each of the proposals will be fully explained.

Approved By:



Jean-Mari Peltier
Acting Director

Date:

4/7/99