Department of Pesticide Regulation

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

Julie Henderson
Acting Director

MEMORANDUM

TO: Karen Morrison
Acting Chief Deputy Director
California Department of Pesticide Regulation

FROM: Minh Pham *Original Signed by 9/16/21*
Environmental Program Manager II
Environmental Monitoring Branch

DATE: September 16, 2021

SUBJECT: REQUEST TO PROCEED WITH PESTICIDE DETECTION RESPONSE PROCESS FOR IMIDACLOPRID

Since 2003, the Environmental Monitoring Branch's Groundwater Protection Program (GWPP) has monitored groundwater for imidacloprid in 307 discrete wells. While imidacloprid's major degradation products were analyzed for but not detected in 144 well samples, from 2014 to 2020, imidacloprid was detected above the reporting limit of 0.05 ppb in 15 wells, with concentrations ranging from 0.051 to 5.97 ppb. Fourteen wells had trace detections below the reporting limit of 0.05 ppb but above the method detection limit of 0.01 ppb. The detections above the reporting limit have been evaluated and determined to be the result of the legal agricultural use of imidacloprid.

As such, imidacloprid meets the conditions in California Food and Agricultural Code section 13149, subdivision (b). Environmental Monitoring Branch recommends that the Department of Pesticide Regulation notify the registrants of the determination and the registrants' opportunity to request a hearing to determine if the legal use of imidacloprid has polluted or threatens to pollute California groundwater.

Documentation of Imidacloprid Detections

The attached documents provide the basis for the recommendation to proceed with the pesticide detection response process:

- Legal Agricultural Use Determination for Imidacloprid Detections in California. V. Aggarwal, September 2021.
- Report for Study GW17/GW17a: Groundwater Protection List Monitoring for Imidacloprid. V. Aggarwal, March 2021.
- Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2020. J. Davalos, 2021.

The Pesticide Detection Response Process

As outlined in Food and Agricultural Code section 13149, upon a determination that detections of a pesticide meet the criteria necessary to proceed with the pesticide detection response process, the registrant is notified and provided with the opportunity to request a hearing. The registrant must request a hearing within 30 days if they wish to maintain product registration.

A three-person subcommittee of the Pesticide Registration and Evaluation Committee—consisting of one member each representing the director, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board—holds a hearing within 180 days of the registrant's request. The subcommittee reviews documented evidence submitted by the registrant and may review any other information or data necessary to make a finding.

The subcommittee makes its findings within 90 days of the hearing. The subcommittee may find:

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.

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 groundwater of the state will not occur.

The director may accept or modify the subcommittee's findings within 30 days of issuance.

If you have any questions or comments regarding this request to proceed with the pesticide detection response process, please feel free to contact me.

Attachments

Approval: *Original Signed by* Date: *9/16/21*
Karen Morrison, Acting Chief Deputy Director
Department of Pesticide Regulation

cc: Drew Saruwatari, Staff Counsel (w/Attachments)
Lynette Komar, Staff Counsel (w/Attachments)
Joy Dias, Environmental Program Manager I (w/o Attachments)

Additional Documents Available Upon Request

Garretson, C. 2020. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2019.

Garretson, C. 2019. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2018.

Garretson, C. 2018. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2017.

Garretson, C. 2017. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2016.

Garretson, C. 2016. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2015.

Garretson, C. 2015. Study 228: Monitoring the Concentrations of Detected Pesticides in Wells Located in Highly Sensitive Areas (Well Network Sampling). Annual Update 2014.