

State of the State: The Regulator's Perspective

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The California Department of Pesticide Regulation (DPR), like other state departments and agencies, is in transition under new Gov. Jerry Brown. Gov. Brown has proposed \$12.5 billion in cuts statewide. DPR receives no general funds. It is funded by registration and licensing fees and a 2.1-cents-per-dollar "mill assessment" collected at the wholesale level. Our ability to provide services has been affected by furloughs, retirements and a hiring freeze.

The good news is DPR's proposed budget includes \$2.5 million to expand the state Department of Food and Agriculture's (CDFA) pesticide analysis capabilities to support DPR's regulatory activities, including monitoring for illegal pesticide residues and investigations. CDFA's laboratory analyzes samples for DPR. This funding would replace equipment, purchase new equipment and hire staff to support the expanded capabilities.

The following are updates on several issues:

- The U.S. Environmental Protection Agency (U.S. EPA) has implemented safety measures for four soil fumigants to increase protections for agricultural workers and bystanders. The fumigants are chloropicrin, dazomet, metham sodium/potassium and methyl bromide.
 - Examples of safety measures include buffer zones, posting requirements, applicator training programs, application method, rate restrictions, emergency preparedness and response requirements.
 - The first phase – primarily buffer zones – is being implemented this year. Don't expect amendments for labels until late spring/summer. The second phase is 2012.
 - Registrants must end sale and distribution of fumigant products bearing old labels no later than Nov. 30, 2010. After that date, registrants can only sell and distribute products bearing new labels.
- Methyl iodide was registered Dec. 20, 2010, when emergency regulations designating it a restricted material took effect. Methyl iodide was registered by U.S. EPA in 2007 as a replacement for methyl bromide, which damages the earth's ozone layer. Our decision to register followed U.S. EPA's approval of CA-specific labels for four methyl iodide products.
 - Methyl iodide is the most evaluated pesticide in DPR's history. We have adopted the toughest health-protective restrictions in the nation.
 - Methyl iodide is a restricted material that requires a use permit from the county agricultural commissioner, who can deny a permit only if it's likely the use would result in a substantial adverse environmental impact that cannot be reduced with additional restrictions.

- A lawsuit challenging DPR's registration and emergency regulations was filed Jan. 4, 2011, in Alameda County Superior Court by the Pesticide Action Network North America, United Farm Workers, Californians for Pesticide Reform, Pesticide Watch Education Fund, Community and Children's Advocates Against Pesticide Poisoning, Worksafe Inc., and two farmworkers by Earth Justice and CA Rural Legal Assistance.
- Methyl bromide regulations took effect on Nov. 26, 2010, after years of litigation. A 2004 lawsuit by California Rural Legal Assistance challenged DPR's level of methyl bromide in ambient air. To comply with the San Francisco Superior Court order, we submitted new regulations "jointly and mutually" developed with the Office of Environmental Health Hazard Assessment to the Office of Administrative Law.
- Permit conditions for MITC (generate methyl isothiocyanate) were finalized. Implementation of permit conditions will be phased in through March.
- As of Jan. 8, 2011, chloropicrin is a toxic air contaminant. This action does not immediately put further restrictions on its use. However, it requires DPR to determine appropriate statewide health-protective measures for residents and bystanders. A full risk assessment that addresses occupational exposures is still under way. Target date for completion is early 2012.
- Regarding surface water protection, DPR has a long history of addressing detrimental effects from pesticides dating back to the early 1980s when large fish kills in Sacramento Valley agricultural drains were linked to the rice herbicide Ordram. In 2007 regulations were adopted to protect surface water from agricultural insecticides applied during the dormant season.
 - Pesticides continue to be detected in surface water despite efforts to control discharges. DPR held three workshops in 2010 to accept comments on development of additional regulations to address drift, irrigation and stormwater runoff. We are working with state and regional water quality control boards to clarify overlapping regulatory roles.
 - We are proposing new regulations to protect surface water quality, initially for non-agricultural uses. We will be looking at pyrethroids and possibly other pesticides. Our target date for submitting a regulatory package to the Office of Administrative Law is late spring. We plan to follow up with proposed regulations for agricultural uses in late 2011 or early 2012.
- DPR encourages integrated pest management (IPM) through its Pest Management Alliance Grants and IPM Innovator Awards.
 - Alliance Grants are awarded to partnerships that develop IPM practices to reduce or eliminate pollution and pesticide exposure in agricultural and urban environments. We have awarded approximately \$10 million in grant funding since 1996. A total of \$400,000 will be available beginning July 1, 2011. Project concept summaries are due Feb 7, proposals are due April 7 and grants awarded June 30.
 - IPM Innovator Awards recognize efforts to reduce risks associated with pesticide use and share research and methods with others. More than 100 California organizations have been honored since 1994. Applications are accepted year-round.

More information about DPR is posted on our Web site at www.cdpr.ca.gov.