

California Pesticide Issues Update
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California 2011 Legislation

2011 was a busy year legislatively despite the fact that the state continued to be broke.

- AB 88 – Assemblyman Huffman: Bill would require all GMO salmon to be labeled. Would set precedent that would be applied to all forms of GMO commodities.
- AB 553 – Would require that permissible exposure limits (PEL's) set by OSHA must correspond with health based exposure limits set by OEHHA. Since OEHHA exposure limits would undoubtedly be much lower, worker exposure limits would be dramatically lowered impacting ability of workers to utilize pesticides particularly fumigants.
- AB 1176 – Assemblymember Williams. Would require pesticides designated by DPR as toxic air contaminants (TAC's) to be reviewed by other agencies including ARB, OEHHA, local air districts in determining appropriate control measures. This would dramatically extend the registration process for pesticides, beginning with fumigants with mitigation controls set well below current standards and ongoing litigation.

California 2011 Legislation

- SB 394 – Senator DeSaulier. Originally would have banned most pesticides/herbicides from use in or around schools. Would have required every school to have an "IPM specialist" on site to authorize the use of any product. Registrants of the products banned from use at schools would have funded the IPM specialist position through a fee. Bill was amended due to cost removing language prohibiting most products and only requiring each district or school to have a designated staff person undergo mandatory IPM training. Bill was re-amended this year back to banning most products not contained in bait stations or gels.

- SB 900 - Senator Steinberg . Originally designed to address the problematic conflict of interest requirements that impact regional water boards. Currently requirements disallow agricultural or local government participation. Legislation would have set water board standards to be reflective of the legislature. Bill was held in committee until gutted, by environmental groups. Governor is indicating he wants to use this bill as a vehicle for his re-alignment of regional water boards.
- California 2012 Legislation
- All of the legislation described earlier for 2011 was held in committees. However, due to the two year California legislative session, all of these bills were eligible to be continued in 2012.
- Good news, all of these bills (except the Governor’s water board re-alignment which was out of its house of origin) were held in committee last week and so died. Bad news, they will all likely be re-introduced in 2012. However, due to California’s ongoing economic issues it will be difficult to move these bills beyond Appropriations.
- The continuing activism surrounding the registration of a new fumigant will result in the introduction of more legislation aimed at making it more difficult to register a product in California or set control measure impractical for industry.
- Environmental Justice
- Environmental Justice is defined as the “fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies.”
- Cal-EPA adopted this concept through regulations, and all boards, departments, and agencies must comply.

Environmental Justice & Air Quality

- Mendota Air Monitoring Project
 - DPR will be partnering with UC Davis to monitor approximately 30 pesticides in and around homes of 100 farm worker families in Mendota.

- Goal is to compare exposure of pesticides used in the home vs. agricultural pesticides
- Air Monitoring Network
 - DPR is looking to do air monitoring studies of 3 communities for the next 5 years.
 - Will be looking to compare exposures to pesticides used in the home and agricultural pesticides.
 - Will be monitoring approximately 21 – 25 pesticides.
- Environmental Justice & Air Quality
- List of Communities for Monitoring
 - Linden/Ripon: San Joaquin Co.
 - Shafter/Wasco: Kern
 - Greenfield/Salinas/Castroville: Monterey

Air Quality Issues

- List of Pesticides for Monitoring

<ul style="list-style-type: none"> - Chlorothalonil (Bravo) - Chlorpyrifos (Lorsban) - Cypermethrin - Diazinon - Dicofol (Kelthane) - Dimethoate (Cygon) - Diuron (Karmex) - Endosulfan (Thiodan) - EPTC (Eptam) - Malathion - Baked as dichiovos (DDVP) - 1,3-Dichloropropene (Telone, Incline) - Sodium tetrathiocarbonate (Enzone) 	<ul style="list-style-type: none"> - Norfluazon (Solicam) - Oryzalin (Surflan) - Oxyfluorfen (Goal) - Permethrin - Phosmet (Imidan) - Propargite (Omite) - S,S,S-tributyl - phosphorotrithioate (DEF) - Simazine (Princep) - S-metolachlor (Dual) - Trifluralin (Treflan) - Acrolein (Magnacide) - Methyl Bromide
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- Also under consideration but with less sampling is: Chloropicrin, Metam-sodium, Metam-potassium & dazomet (Vapam) as methyl isothiocyanate (MITC)

Air Quality Issues

Non-Fumigant Pesticide VOC's

- DPR focused on 4 AIs:
 - Abamectin
 - Chlorpyrifos
 - Gibberellins
 - Oxyfluorfen
- These 4 AI's are the largest use chemicals, so rather than trying to regulate dozens of chemicals in use for small reductions, focus on a few and try to obtain larger reductions.
- If enforcement is necessary DPR is looking at options including having these AI's become restricted use (Ag commissioner approval), retailers authorize sale of higher emitting products, or having PCA's authorize sale of higher emitting products.

DPR planning on releasing proposal this spring with a final rule by spring 2013.

Surface Water Regulations

DPR is submitting surface water quality regulations impacting the urban use of approximately 70 products. When they are finalized the regulations will impact:

- Non-Ag Agriculture
- Industrial Weed Control
- Professional Applications
- Home use via labels
- Focus of regulations are aimed at:
 - Sensitive aquatic sites
 - Runoff likely to enter storm water systems

DPR developing its water quality criteria and methodology that will be extremely important as they move toward developing regulations for agricultural products.

Water Quality Issues

Pyrethroid Re-Evaluation

DPR has undertaken the largest re-evaluation in the history of the department. Currently 1,300 products are under review, excluding natural pyrethrins.

Much of the concern is driven by Water Agencies afraid of being sued by environmental groups over pyrethroid levels.

It is now considered much more likely that urban users are responsible via pet products, outdoor wear laundering, etc., for the levels.

Water agencies will now have to monitor before and after treatment.

WPHA has been working with the Pyrethroid Working Group (PWG), made up of registrants, and who are providing DPR with most of the scientific data on actual contributions and mitigation processes.

The PWG conducted a study in 2009 which establishes that pyrethroids are the largest classes being purchased by consumers.

Pyrethroid Re-Evaluation

- DPR is now shifting the focus to a smaller group of pyrethroids dependant on use rather than chemistry.
- Focus is now on:
 - Pyrethroids used outdoors in residential, industrial, and institutional settings.
 - Possibly may address diazinon & chlorpyrifos in agriculture.

The focused approach should provide a more detailed analysis of the problem.

Should incrementally address surface water contamination.

California Budget Deficit Impacts

- Major Impacts to CDFA
 - General fund reduction of \$18 million in 2011 and another \$12 million this year.
 - Ag Commissioners could have impacts through re-distribution of uncollected gas tax.
 - Counties will have to backfill programs like Med fly Preventive Release Program through other funds.
 - Industry will have to fund programs like Pierce's Disease Program.
 - Elimination of eradication efforts within the Red Imported Fire Ant Program.
 - Programs will have to become self-supporting through registration or packaging fees.