



## *Western Pistachio Association*

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### FEDERAL AND STATE PESTICIDE MATTERS – JUNE 2010 PISTACHIOS

Please review the following summary of current federal and state pesticide matters. Should you have any questions or concerns about anything, please send your questions to [info@westernpistachio.org](mailto:info@westernpistachio.org)

#### **CURRENT TOPICS:**

#### **FEDERAL**

- **EPA Opens Registration Review for Several Pesticides**
  - In a June 23, 2010, Federal Register notice, EPA announced the establishment of registration review dockets for bifenthrin (Docket # EPA-HQ-OPP-2010-03), among others. EPA is soliciting public comment for any additional information that the Agency should consider during its review of this pesticide.
  - EPA conducts periodic pesticide registration reviews to ensure each pesticide can continue to be used without unreasonable adverse effects to human health or the environment, and that the registration is based on current scientific knowledge. In 2008, 29,214 acres of pistachios were treated with bifenthrin. Comments are due by August 23, 2010.
  - The Federal Register notice may be viewed at <http://edocket.access.gpo.gov/2010/2010-15212.htm>.
  
- **Codex Committee for Pesticide Residues Recommendations for Tree Nuts**
  - The 42nd Codex Committee for Pesticide Residues (CCPR), which recommends pesticide maximum residue levels (MRLs) on food to the Codex Alimentarius Commission, has recommended the establishment of MRLs for buprofezin (Centaur) and spirodiclofen (Envidor) residues in or on tree nuts, including pistachios. In addition, phosphine, aluminum phosphide, and zinc phosphide, also used on pistachios, are scheduled for re-evaluation by CCPR in 2014.
  
- **Registration Application for New Use of a Pesticide Product**
  - In a June 9, 2010, Federal Register notice, EPA announced receipt of applications to register a new use for a pyraflufen-ethyl-containing pesticide product manufactured by Nichino America, Inc. The application proposes the use of pyraflufen-ethyl on tree nuts including pistachios. In 2008, 3,006 acres of pistachios were treated with pyraflufen-ethyl.
  - Comments must be received by July 9, 2010. Comments may be submitted to Docket # EPA-HQ-OPP-2010-0426 at [www.regulations.gov](http://www.regulations.gov).
  - To view the Federal Register notice, please visit <http://edocket.access.gpo.gov/2010/2010-13688.htm>.
  
- **EPA Proposes New Pesticide Discharge Permits**
  - On June 4, 2010, EPA proposed new permit requirements for the discharge of pesticides into US waterways. EPA announced availability of the draft National Pollutant Discharge Elimination System (NPDES) General Permit for certain pesticide use patterns, or the Pesticides General Permit (PGP). In a 2009 court decision the 6th circuit court of appeals ruled that pesticide discharges into water are pollutants and must be permitted under the Clean Water Act (CWA), instead of the previous permitting under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA).
  - The draft PGP does not authorize coverage for pesticide or pesticide degradate discharges to waters already impaired by those specific pesticides or their degradates to national waters, nor would it cover terrestrial applications on agricultural crops. Instead, it would require coverage under individual NPDES permits which address discharges from an individual point source. A second permit type, a general permit, addresses discharges from several similar dischargers. However, irrigation return flows and agricultural stormwater runoff do not require NPDES permits even when they contain pesticides or pesticide residues.

EPA is accepting public comments until July 19, 2010. EPA plans to finalize the regulation in December 2010, and will begin issuing permits in April 2011 when the court mandate takes effect. Comments may be submitted to Docket # EPA-HQ-OW-2010-0257 at [www.regulations.gov](http://www.regulations.gov)

## **STATE**

- **Magus Miticide (Fenazaquin) Section 3 Registration**
  - DPR announced that a Section 3 registration for Magus Miticide (fenazaquin) is entering the evaluation process. Magus Miticide, manufactured by Gowan Company, is used to control mites and whiteflies on non-bearing pistachios.
- **Proclaim Insecticide (Emamectin Benzoate) Section 3 Label Amendment**
  - DPR announced its notice of proposed decisions for a Section 3 label amendment that would add supplemental labeling for the use of Proclaim Insecticide (emamectin benzoate) on pistachios. Proclaim Insecticide, manufactured by Syngenta Crop Protection, is used to control insects such as beet armyworms, tobacco budworms, and cabbage loopers.
- **Pindar GT (Oxyfluorfen + Penoxsulam) Section 3 Registration**
  - In a notice of proposed decision, DPR announced a Section 3 registration for the herbicide, Pindar GT (oxyfluorfen + penoxsulam). Pindar GT, manufactured by Dow AgroSciences, is used for the control of weeds such as dandelions, curly dock, and wild oats in pistachios.
- **Senator Challenges Proposed Registration of Methyl Iodide**
  - On April 30, 2010, DPR proposed to register methyl iodide for use in California. The proposal includes application restrictions that would be much more stringent than those set by EPA in 2007. In response to the proposed decision, Senator Dean Florez may introduce legislation to potentially delay DPR's plan to register methyl iodide. At the same time, EPA is pushing California to complete the process as soon as possible, with the goal of eliminating the use of methyl bromide in the US by 2015. Meanwhile, Florez argued that the state should continue using methyl bromide until alternatives to fumigants can be developed.
  - On June 17, 2010, Senator Dean Florez held a special hearing of the Senate Food & Agriculture Committee to discuss DPR's proposed decision. Assemblyman Bill Monning also attended the hearing. Monning, like Florez, is concerned about the apparent health risks tied to the fumigant and why DPR believes it should be registered.
  - DPR has concluded its public comment period on methyl iodide, but could revise the proposal if any new information on its risks is submitted. The process could conclude by autumn at the earliest, but EPA must first approve a California-specific label for methyl iodide detailing the specific requirements and restrictions necessary for its use.
  - For additional information, please visit <http://www.cdpr.ca.gov/docs/registration/nod/2010-19.pdf>.
- **DPR Designates Chloropicrin as a Toxic Air Contaminant (TAC)**
  - DPR proposes to designate chloropicrin as a toxic air contaminant (TAC). DPR evaluated chloropicrin and the Scientific Review Panel (SRP), after reviewing DPR's draft report, determined that chloropicrin should be classified as a TAC. Based on SRP findings, the Director declared chloropicrin to be a TAC.
  - A public hearing will be held at 9:30 am on August 10, 2010 at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, 1001 I Street, Sacramento, CA. Those wishing to present oral comments at the meeting are asked to register before the hearing from 9:00 am to 9:30 am. Written comments are due by 5:00 pm on August 10, 2010 and may be sent via email to [dpr10003@cdpr.ca.gov](mailto:dpr10003@cdpr.ca.gov) or by fax to (916) 324-1452. For additional information please contact Linda Irokawa-Otani at (916) 445-3991.

- **Farm Worker Health Bill Passes the State Assembly**

- On June 2, 2010, Pedro Nava's Assembly Bill 1963, the Farm Worker Health Act, successfully passed the State Assembly. The bill will streamline tracking of pesticide usage and worker pesticide exposure by state officials in an effort to reduce pesticide poisoning in California.
- The current regulation requires employers to test the cholinesterase (ChE) levels of workers that apply carbamates and organophosphates to ensure their health is not endangered. However, there is no requirement that test results be delivered to state agencies responsible for worker health.
- Nava's bill requires electronic reporting of lab results to authorities such as DPR and the Office of Environmental Health Hazard Assessment (OEHHA) to help protect workers and prevent pesticide exposure incidences. The measure will now move to the Senate for consideration.

- **Central Valley Pesticide Basin Plan Amendment Public Meeting**

- The Central Valley Regional Water Quality Control Board (Board) staff will hold a public meeting on Wednesday, July 21, 2010, from 10 am to 12 pm at the following location:  
Central Valley Regional Water Quality Control Board, Training Room  
11020 Sun Center Drive #200, Rancho Cordova, CA 95670
- Staff will discuss and provide updates on the development of amendments to the Central Valley Pesticide Basin Plan Amendment for the control of discharges of pesticides into selected surface waters in the Sacramento and San Joaquin Valleys, including the Delta. For additional information on this project, please visit: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/central\\_valley\\_pesticides/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/central_valley_pesticides/index.shtml).
- Questions regarding this meeting should be directed to Danny McClure at (916) 464-4751 or [dmcclure@waterboards.ca.gov](mailto:dmcclure@waterboards.ca.gov), or Joshua Grover at [jgrover@waterboards.ca.gov](mailto:jgrover@waterboards.ca.gov) or (916) 464-4691.