

# Pesticides

## Regulatory Update

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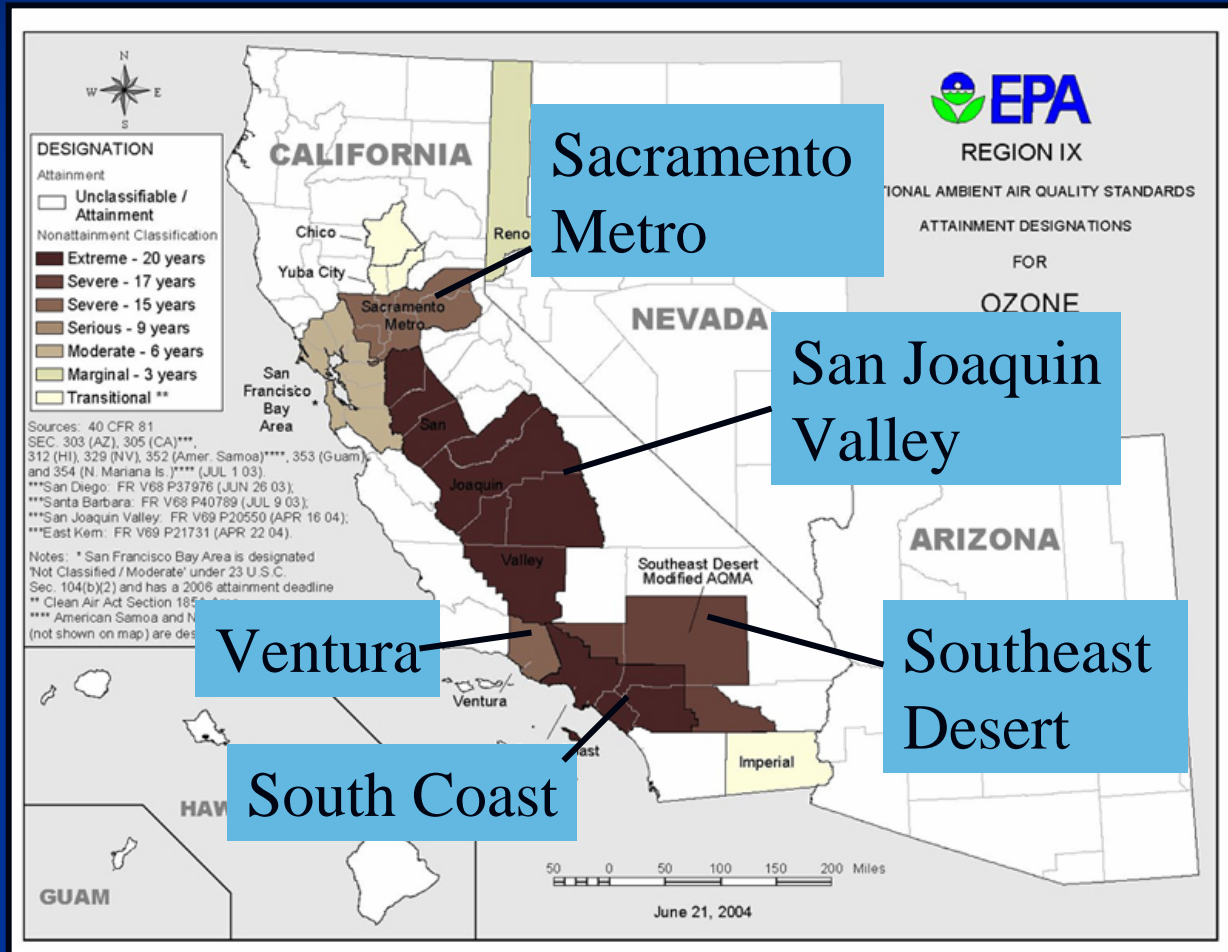
California Department of Pesticide  
Regulation



# Volatile Organic Compounds

- Volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) react with sunlight to form ozone
- Many pesticide active & inert ingredients are VOCs
- Clean Air Act requirement--ARB & Air Pollution Control Districts develop State Implementation Plans (SIP) to reduce VOCs and NO<sub>x</sub>
- 1994 SIP requires DPR to reduce VOC emissions from pesticides by specified amounts  
5 nonattainment areas

# Nonattainment Areas



# Emissions inventory

- DPR maintains an inventory of VOC emissions from agricultural and commercial structural applications of pesticide **products**
- VOC emission from a pesticide product is:  
$$\text{emission} = \text{VOC fraction in product} \times \text{amount of product}$$
- Using VOC fraction estimates and pesticide use report data, DPR calculates VOC emissions from agricultural and commercial structural applications

# Emissions characteristics

- VOC emission patterns parallel pesticide use
- More than 90% of emissions from ag sources, except South Coast
- Fumigants are highest contributors in all areas
- Emulsifiable concentrates are high contributor

# Recent Activities

- DPR no longer in compliance with pesticide SIP for San Joaquin Valley
- Even if in compliance, San Joaquin Valley needs approx 30% additional VOC reduction from all sources to achieve 1-hr standard
- In April 2004, U.S. EPA issued a more stringent 8-hr standard for ozone
- In May 2004, several organizations filed a lawsuit alleging that DPR has “...violated a emission standard or limitation by failing to adopt regulations to reduce pesticide-related VOC emissions...”



# Current & future activities

- New SIP
  - a “strategy” to address pesticide VOC emissions
- Research
- Regulatory
  - DPR will initiate a reevaluation and establish a new registration requirement mandating submittal of emission potential data by registrants
  - DPR is considering VOC limits on certain pesticides

# SB 391

any person who is found in violation of any [law or regulation] related to pesticides... that results in illness or injury requiring emergency medical transport or immediate medical treatment of any individual in a nonoccupational setting from any pesticide used in the production of an agricultural commodity, shall be liable to the individual harmed or to the medical provider for the immediate costs of uncompensated medical care from acute injuries and illnesses of the exposed individual.

# SB 391

IF

- You violate the law while applying a pesticide

AND

- Someone other than a worker is injured or made ill

THEN

- You are liable for medical expenses

# SB 391

- DPR is still developing appropriate implementation

# Environmental Justice

Cal/EPA is developing an EJ Action Plan to:

- Develop guidance on precautionary approaches;
- Develop guidance on cumulative impacts analysis;
- Improve tools for public participation and community capacity building; and
- Ensure EJ considerations within the Governor's Environmental Action Plan.

# Environmental Justice

- In California law, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

# EJ Action Plan

- Guidance on precautionary approaches
- Guidance on cumulative impacts analysis
- Improve tools for public participation and community capacity building
- Ensure EJ considerations within the Governor's Environmental Action Plan

# EJ Pilot Projects

- ARB—Southern California, mobile and stationary source emissions near highways and industrial sources, in an urban community
- DPR—Central Valley, pesticide issues in a rural, farming community.
- DTSC—Northern California, Brownfield and site remediation issues in an urban community.
- SWRCB—North Central California, water resources management and related environmental issues in a tribal or rural community.

# Environmental Justice

Comments accepted until December 3

For more information:

<http://calepa.ca.gov/EnvJustice/>



# Washington Toxics Coalition v. EPA

- Buffer zones near salmonid-supporting waters in CA, WA, OR.
  - 54 active ingredients
- Point of sale notices
- Effects Determinations and Consultations
  - New regulations in August , 2004

# Washington Toxics Coalition v. EPA

No buffers:

- Use in a public health vector control program administered by a public entity
- Use to manufacture an end-use pesticide product
- Use in flea or tick collars for dogs or cats
- Indoor uses
- Use by tree injection
- Homeowner applications to household potted plants
- Certain aquatic noxious weed programs

# Washington Toxics Coalition v. EPA

## One yard buffer

- Localized spot treatments using hand-held, ready-to-use devices, with in limits
- insect bait stations
- spot treatments of wasp and hornet nests, within limits
- individual tree removal using cut stump applications
- basal bark applications to individual plants

# Affected counties

Database of waterbodies &  
pesticides

[www.epa.gov/espp/wtc/uselimitation.htm](http://www.epa.gov/espp/wtc/uselimitation.htm)



# Washington Toxics Coalition v. EPA

## Enforcement and update

- Not a violation of FIFRA or Calif. Food & Ag. Code
- 9th Circuit denied a stay of buffers
- Public interest groups concerned about implementation

# Tell me more!

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