



request a hearing if the enforcement agency denies a permit or if the applicant determines that the permit is inappropriate. The bill would revise provisions pertaining to the denial, suspension, or revocation of permits, and provide for a temporary permit suspension where changed conditions at the solid waste facility necessitate a permit modification. The bill would also revise and recast provisions pertaining to corrective action and cease and desist orders, provide for civil penalties and compliance orders, and specify enforcement procedures.

The Act defines "solid waste" as excluding hazardous waste. This bill would require CIWMB to regulate the disposal of waste containing asbestos at any waste management unit which is classified under specified regulations, unless the waste management unit is subject to a hazardous waste facilities permit issued by the Department of Toxic Substances Control. [S. Floor]

RECENT MEETINGS

At CIWMB's September 22 meeting, staff asked for direction regarding the interpretation of Health and Safety Code section 24384.5, which provides that on and after July 1, 1981, or one year after CIWMB determines that degradable plastic connectors are commercially available, whichever date occurs later, no beverage shall be sold or offered for sale at retail in this state in beverage containers connected to each other with plastic rings or similar plastic devices which are not classified by CIWMB as degradable, with specified exceptions. For the purposes of section 24384.5, the term "degradable" means all of the following: degradation by biologic processes, photodegradation, chemodegradation, or degradation by other natural degrading processes; degradation at a rate which is equal to, or greater than, the degradation by the above processes of other commercially available plastic devices; and degradation which, as determined by the Board, will not produce or result in a residue or byproduct which, during or after such process of degrading, would be a hazardous or extremely hazardous waste, as specified. Pursuant to section 24384.5, any person who sells at wholesale or distributes to a retailer for sale at retail in this state a beverage in containers which are connected to each other in violation of the provisions of this section is guilty of an infraction and shall be punished by a fine not exceeding \$1,000.

Staff noted that in 1981, the Board determined that one degradable plastic beverage connector was commercially

available in compliance with the provisions of section 24384.5; however, since that time, the Board has taken no further action to classify other connectors as degradable. In response to public inquiries, staff has indicated that once the Board made the determination that degradable connectors were commercially available, it had no further responsibility under this statute.

However, in April, staff was contacted by Planet Polymer Technologies, Inc. (PPTI), requesting information on the Board's protocol for classifying plastic beverage connectors as degradable; according to PPTI, it has developed a product that degrades at a faster rate than other plastic connectors which are now commercially available. Because of the claimed faster degradation rate, PPTI asserts that its product should now become the standard against which other products are compared in accordance with section 24384.5. Staff requested that the Board provide guidance regarding what further responsibilities CIWMB has under section 24384.5; the Board is expected to discuss this matter at a future meeting.

FUTURE MEETINGS

January 26-27 in San Bernardino.
February 23-24 in Monterey.
March 30 in Sacramento.
April 27-28 in Orange County.

DEPARTMENT OF PESTICIDE REGULATION

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The California Department of Food and Agriculture's Division of Pest Management officially became the Department of Pesticide Regulation (DPR) within the California Environmental Protection Agency (Cal-EPA) on July 17, 1991. DPR's enabling statute appears at Food and Agricultural Code (FAC) section 11401 *et seq.*; its regulations are codified in Titles 3 and 26 of the California Code of Regulations (CCR).

With the creation of Cal-EPA, all jurisdiction over pesticide regulation and registration was removed from CDFG and transferred to DPR. Pest eradication activities (including aerial malathion spraying, quarantines, and other methods of eliminating and/or preventing pest infestations) remain with CDFG. The important statutes which DPR is now responsible for implementing and administering include

the Birth Defect Prevention Act (FAC section 13121 *et seq.*), the Pesticide Contamination Prevention Act (section 13141 *et seq.*), and laws relating to pesticide residue monitoring (section 12501 *et seq.*), registration of economic poisons (section 12811 *et seq.*), assessments against pesticide registrants (section 12841 *et seq.*), pesticide labeling (section 12851 *et seq.*), worker safety (section 12980 *et seq.*), restricted materials (section 14001 *et seq.*), and qualified pesticide applicator certificates (section 14151 *et seq.*).

DPR includes the following branches:

1. The Pesticide Registration Branch is responsible for product registration and coordination of the required evaluation process among other DPR branches and state agencies.

2. The Medical Toxicology Branch reviews toxicology studies and prepares risk assessments. Data are reviewed for chronic and acute health effects for new active ingredients, label amendments on currently registered products which include major new uses, and for reevaluation of currently registered active ingredients. The results of these reviews, as well as exposure information from other DPR branches, are used in the conduct of health risk characterizations.

3. The Worker Health and Safety Branch evaluates potential workplace hazards resulting from pesticides. It is responsible for evaluating exposure studies on active and inert ingredients in pesticide products and on application methodologies. It also evaluates and recommends measures designed to provide a safer environment for workers who handle or are exposed to pesticides.

4. The Environmental Monitoring and Pest Management Branch monitors the environmental fate of pesticides, and identifies, analyzes, and recommends chemical, cultural, and biological alternatives for managing pests.

5. The Pesticide Use and Enforcement Branch enforces state and federal laws and regulations pertaining to the proper and safe use of pesticides. It oversees the licensing and certification of dealers and pest control operators and applicators. It is responsible for conducting pesticide incident investigations, administering the state pesticide residue monitoring program, monitoring pesticide product quality, and coordinating pesticide use reporting.

6. The Information Services Branch provides support services to DPR's programs, including overall coordination, evaluation, and implementation of data processing needs and activities.

Also included in DPR are the Pesticide



Registration and Evaluation Committee (PREC), the Pesticide Advisory Committee (PAC), and the Pest Management Advisory Committee (PMAC). PREC meets monthly, bringing together representatives from all public agencies with an interest in pesticide regulation to consult on pesticide product registration, renewal, and reevaluation issues. PAC meets bimonthly, bringing together representatives from public agencies with an interest in pesticide regulation to discuss all policy issues regarding pesticides. PMAC, established in conjunction with CDFG, also meets bimonthly, and seeks to develop alternative crop protection strategies enabling growers to abandon traditional, chemical-dependent systems and reduce the potential environmental burden associated with pesticide use.

MAJOR PROJECTS

DPR Releases 1991 Pesticide Residues Report. On May 26, DPR announced the release of its 1991 *Residues in Fresh Produce* report, which details the findings of its four pesticide residue monitoring programs—marketplace surveillance, preharvest, produce destined for processing, and priority pesticides. The report notes that due to budget reductions in 1991, officials took 10,771 samples in the four residue monitoring programs, a decrease of approximately 21% from 1990.

In DPR's marketplace surveillance program, samples are collected from throughout the channels of trade—at packing sites, seaports, and border stations, and wholesale and retail markets; the report indicates that, as in previous years, less than 1% of the samples taken in this program had illegal residues. Of the 7,446 samples taken through the marketplace surveillance program, no residues were detected in 74.95% of the samples; residues at less than 50% of the permissible tolerance level were detected in 23.28% of the samples; residues of 50–100% of the tolerance level were detected in .83% of the samples; and .94% of the samples contained illegal pesticide residues. Specifically, .63% of the total number of samples had residues of a pesticide not authorized for use on the commodity, and .31% had residues that were over the tolerance level. The report indicates that, due to the sampling methods used, the results may be biased toward finding produce more likely to contain illegal residues than if samples were collected in a true statistically random fashion; the report also notes that the total samples of a given commodity analyzed for a particular pesticide each year may not be sufficient

to draw specific conclusions about the residue situation for the whole volume of that commodity in commerce.

In the priority pesticide program, DPR concentrates its monitoring effort on pesticides of special health interest; in this program, samples are taken only of crops that are known to have been treated with a targeted pesticide. According to DPR, because the crop is known to have been treated, the samples produce the most accurate data on which to base estimates of dietary exposure. Of the 2,121 samples analyzed in this program, DPR says it found no detectable residues in 87.6% of the samples; .1% contained illegal residues; and 12% contained legal residues.

In DPR's produce destined for processing program, samples are taken from produce destined for processing at or after harvest. According to the report, of the 417 samples taken in this program in 1991, there were no detectable residues in more than 88% of the samples; the remaining samples were within the tolerance level and contained no illegal residues. In its preharvest monitoring program, DPR's focus is on monitoring for pesticides that may not legally be used on a commodity. The report indicates that during 1991, DPR took 760 samples in this program, and residues of a pesticide that may not be legally used on the commodity were found in three samples (0.39%). According to DPR, most illegal residues detected in this program are found after investigation to be the result of drift from adjacent applications, not the result of direct application.

DPR to Sponsor Workshop on NAS Findings on Impact of Pesticides on Children. On July 29, DPR announced its formation of an interagency working group to review a recent report issued by the National Academy of Sciences (NAS) concerning the effect of pesticides on children's diets; in its report, NAS concluded that current government standards allow infants and children to be exposed to excessive levels of cancer-causing and neurotoxic pesticides. NAS also warned that current regulations do not take into account the effects of multiple residues in children's diets or the many other sources of exposure, including water and milk. Because so little is known about how pesticides affect children, NAS believes it is possible that children are ingesting unsafe amounts of pesticides. NAS also noted that children are generally more susceptible to effects of pesticides; because children consume more food per unit of body weight than adults, eat fewer types of food than adults, and are still developing physically, they may be more susceptible to damage. DPR Chief Deputy Director Elin

Miller will chair the interagency working group; the group will solicit comments on the NAS' conclusions and recommendations from the regulated community, consumer activist groups, and other interested persons. At this writing, DPR is expected to submit a report to the legislature on the results of that review in January, as required by AB 2161 (Bronzan) (Chapter 1200, Statutes of 1989). AB 2161 mandates that DPR produce a report and submit it to the legislature within six months after the NAS report is released, and requires DPR to include recommendations for modification of the state's existing pesticide regulatory program in order to adequately protect infants and children.

Also in response to the NAS report, a number of statewide groups, including the Children's Advocacy Institute, Cal-PIRG, Children Now, the California Rural Legal Assistance, Pesticide Watch, the California PTA, and the Sierra Club, released a "Call to Action" outlining specific steps to be taken in California concerning pesticide use; the groups criticized state government for failing to adequately protect public health from pesticide residues. The Call to Action, released on July 2, urges legislators and regulators to take immediate action to reduce the risks posed by pesticide exposure; specifically, the coalition called on government and industry officials to phase out the most dangerous pesticides; reduce pesticide use; strengthen consumers' choice in the marketplace; strengthen pesticide regulations; increase support for research and education in alternatives; and end conflicts of interest in government and science.

Enforcement of the Birth Defect Prevention Act. In its continuing efforts to enforce the Birth Defect Prevention Act of 1985, DPR recently took the following actions:

• **Data Collection Under SB 550.** On July 21, DPR reported on the status of the 57 active ingredients which were noticed for suspension for early 1992; the manufacturers of these ingredients, which are contained in more than 3,000 products sold in California, are those which failed to provide toxicity studies needed to assess the health effects of their use as mandated by the Act. SB 550 (Petris) (Chapter 1228, Statutes of 1991) amended the Act and established the timeframe by which manufacturers of 200 pesticides on DPR's priority list had to submit chronic health effects studies or face suspension; these 57 chemicals are on that priority list. [13:2&3 CRLR 171-72; 13:1 CRLR 104]

According to its July 21 report, DPR has received the required data on twelve active ingredients since December 31,



1991, and has discontinued the suspension process for these ingredients pending completion of its evaluation of the data submitted. The report also indicates that a full set of acceptable studies are now on file for seven active ingredients; DPR's suspension of products containing bendiocarb or coumaphos was finalized; all registered products containing amitrole, ethyl parathion, or sodium arsenite have been withdrawn by the registrants; petitions for extension of time were granted for fifteen active ingredients and denied for fourteen active ingredients; DPR granted a petition for deferral of suspension for DEET; DPR is reviewing exposure data on boric acid, chloroneb, diphacinone, and rotenone, for which exemption requests were made; DPR is reviewing a petition for an extension of time for vinclozolin; and DPR is reviewing petitions for deferral of suspension for thirteen active ingredients. Finally, DPR granted an exemption from the data requirements for one product containing the active ingredient formaldehyde.

• **Data Collection Under AB 1742.** In early 1992, DPR sent letters to the manufacturers of 390 active ingredients informing them that they must begin the process of ensuring that up-to-date toxicology data are submitted as required by the 1985 Birth Defect Prevention Act. These pesticides are those that were not subject to the original data call-in initiated in accordance with SB 550 (Petris) (*see above*). The data collection timetable for this second group of chemicals was established in 1991 with the passage of AB 1742 (Hayden) (Chapter 1227, Statutes of 1991). Registrants of 93 of the 390 active ingredients did not respond to the original letters sent early in 1992; this prompted DPR to send notices in November and December 1992 to the registrants of those 93 active ingredients, informing them that their products would be suspended unless they complied with the data call-in. Registrants of 27 of the 93 chemicals initially responded to those notices, and another 19 declined to renew their registrations, withdrawing their products from the market. Accordingly, on April 21, DPR suspended the registrations of the remaining 47 chemicals. [13:2&3 CRLR 172]

As of September 2, DPR announced that 39 registrants have now responded; 24 of the registrations remain suspended; manufacturers have withdrawn the product registrations for 24 of the active ingredients for 1993; and DPR is still reviewing the responses from manufacturers of six of the active ingredients.

• **Rulemaking Under the Birth Defect Prevention Act.** On July 16, DPR published notice of its intent to amend section

6198.5, Titles 3 and 26 of the CCR, to implement the Birth Defect Prevention Act, the purpose of which is to prevent pesticide-induced abortions, birth defects, infertility, and other chronic illnesses. FAC sections 13121-30 require the Department to obtain a full set of valid, complete, and adequate mandatory health effects studies for each pesticide active ingredient presently registered in California. The Department currently registers products containing approximately 750 different active ingredients. To accommodate the massive task of obtaining the mandatory health effects studies, the legislature provided that the active ingredients would be divided into two groups. Section 6198.5(a) establishes the first group of 200 active ingredients; section 6198.5(b) places those active ingredients into groups with other active ingredients which are chemically and toxicologically similar. DPR's proposed amendment to section 6198.5(b) would delete the grouping of the active ingredients methylenebis (thiocyanate) (MTC), 2-(2-butoxyethoxy) ethyl thiocyanate, and methylisothiocyanate (MITC). DPR proposes to delete this grouping because review has shown that the three chemicals are not chemically and toxicologically similar; further, there are no longer any pesticides registered for use in California which contain the active ingredient 2-(2-butoxyethoxy) ethyl thiocyanate. DPR did not schedule a public hearing on the proposed regulatory change, but accepted public comments on the proposal until September 1. At this writing, the proposal awaits adoption by DPR and review and approval by the Office of Administrative Law (OAL).

• **Regulation of Methyl Bromide and Sulfuryl Fluoride.** In its continuing effort to develop a comprehensive regulatory system for the use of methyl bromide and sulfuryl fluoride, widely used fumigants that have been associated with depletion of the ozone layer, DPR published notice on June 25 of its proposed permanent adoption of section 6455 and amendments to section 6454, Titles 3 and 26 of the CCR, regarding the use of methyl bromide and sulfuryl fluoride in the fumigation of structures. These revisions would increase aeration requirements for structures fumigated with these pesticides and require notice of potential hazards to building occupants when methyl bromide or sulfuryl fluoride are used in structural fumigation. [13:2&3 CRLR 173] DPR had previously adopted these changes on an emergency basis three times; the last such adoption expired by operation of law on July 16. DPR did not attempt to readopt the emergency regulations for a fourth time, as

OAL had previously indicated that it would not approve such a proposal.

On August 11, DPR held a public hearing to receive comments on its proposed action. At this writing, DPR has not yet formally adopted the proposed changes; however, it intends to go forward with the rulemaking process pending U.S. Environmental Protection Agency (EPA) amendment of federal regulations to modify the use instructions on methyl bromide/sulfuryl fluoride product labels to require more effective ventilation methods, and create a Structural Fumigant Fact Sheet which notifies occupants of the potential hazards associated with structural fumigations and the methods which are employed to mitigate those hazards.

• **DPR Proposes Economic Poison Rulemaking Package.** On August 13, DPR published notice of its intent to amend section 6000 and adopt new section 6145, Titles 3 and 26 of the CCR, pertaining to economic poisons. Currently, FAC section 11404 defines the term "pesticide" as any economic poison, as defined in FAC section 12753; section 12753 defines the term "economic poison" to include any spray adjuvant and substance, or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth, or controlling pests, as defined. Further, FAC section 12758 defines the term "spray adjuvant" as any wetting agent, spreading agent, deposit builder, adhesive, or similar agent which is intended to be used with another economic poison as an aid to the application or effect of the other economic poison, and is sold in a package separate from that economic poison. Currently, these statutes use the term "intended to be used" without explanation. FAC sections 12811 and 12993 further require that economic poisons be registered with DPR by manufacturers, importers, or dealers before they are manufactured, delivered, or offered for sale in California; with certain exceptions, FAC section 12995 makes it unlawful to possess or use any economic poison that has not been registered with DPR.

As proposed by DPR, new section 6145 would provide that a substance is considered to be "intended to be used," as that phrase is used in FAC sections 12753 and 12758, and thus is an economic poison requiring registration, when one of the following criteria is satisfied:

—A person who distributes or sells the substance claims, states, or implies, by labeling or otherwise, that (1) the substance, either by itself or in combination with any other substance, can or should be used as an economic poison, or (2) the



substance consists of or contains an active ingredient and can be used to manufacture an economic poison.

—A person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended by the user to be used, as an economic poison.

—The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than (1) use as an economic poison, by itself or in combination with any other substance, or (2) use in the manufacture of an economic poison.

DPR's proposed amendments to section 6000 would provide that the term "economic poison," as it is used in FAC section 12995, includes any substance or product that the user intends to be used for the economic poison purposes specified in FAC sections 12753 and 12758.

At this writing, DPR is scheduled to conduct a public hearing on the proposed changes on October 8.

Rulemaking Update. The following is a status update on other DPR regulatory proposals covered in detail in recent issues of the *Reporter*.

• **Rulemaking Under the Pesticide Contamination Prevention Act.** In October 1992, DPR published notice of its intent to amend several regulations adopted pursuant to the Pesticide Contamination Prevention Act, FAC section 12141 *et seq.*, the purpose of which is to prevent pesticide pollution of groundwater aquifers throughout the state. The proposed action would amend sections 6000.6, 6416, 6486.1–6486.5, 6800, and 6802, and renumber section 6458, Titles 3 and 26 of the CCR. [13:2&3 CRLR 174; 13:1 CRLR 104] At this writing, DPR has not adopted the proposed amendments, and is currently re-evaluating its proposals as a result of comments from the public.

• **Toxic Air Contaminants Regulation.** On September 7, OAL approved DPR's proposed adoption of section 6860, Titles 3 and 26 of the CCR; the regulation creates a Toxic Air Contaminants List and places ethyl parathion (a pesticide) on that list. [13:1 CRLR 106]

• **Worker Safety Regulation for Solid Fumigant Rodenticides.** On July 6, OAL approved DPR's proposed amendments to sections 6720 and 6738(b) and (c), Titles 3 and 26 of the CCR. The changes exempt employers using solid fumigants for field rodent control from the need to provide eye protection equipment, work clothing and change facilities, and employee contact for employees working alone; the changes also permit the use of leather gloves that have been aerated for twelve hours or more. [13:2&3 CRLR 174]

• **Conflict of Interest Code Amendments.** DPR's current conflict of interest code designates employees who must disclose certain investments, income, interests in real property, and business positions, and employees who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests; in March, DPR proposed amendments to its conflict of interest code which would add several new positions within DPR that make or participate in the decisionmaking process and are not currently listed in the conflict of interest code. In addition, DPR's amendments would delete several positions which no longer exist. On June 28, DPR sent the proposed amendments to the Fair Political Practices Commission (FPPC) for review; at this writing, DPR has not received FPPC's response.

DPR Appoints Pesticide Registration Ombudsman. In August, DPR Director Jim Wells announced his appointment of Regina Sarracino as the Department's new Pesticide Registration Ombudsman to help solve pesticide registration problems; this action was taken in response to a recommendation made by consultant Charles Benbrook in his recently-released study of the Department's pesticide registration program. [13:2&3 CRLR 173–74] According to DPR, because registrants often do not fully understand data submission requirements, delays often occur during the registration process; the objective of the ombudsman position is to help end some of those delays. Sarracino's responsibilities include receiving inquiries and complaints from registrants and applicants and then working with the Pesticide Registration Branch manager and registration specialists to correct deficiencies in registration submission as consistently, simply, and expeditiously as possible. Sarracino may be reached at (916) 654-0604.

■ LEGISLATION

AB 552 (Snyder). Existing law provides for the licensure as a pesticide dealer of any person, including any manufacturer, distributor, or retailer who sells pesticides to users for an agricultural use, sells to users any method or device for the control of agricultural pests, or solicits sales of pesticides by making agricultural use recommendations through field representatives, or other agents. As amended April 27, this bill changes the name of that license to a pest control dealer license. The bill also requires each pest control dealer to have and maintain, at its principal office and at each branch location, a designated agent qualified to actively supervise all operations conducted at that location. The

bill also changes the name of the agricultural pest control license to the pest control business license. This bill was signed by the Governor on September 30 (Chapter 620, Statutes of 1993).

AB 562 (Hannigan), as amended August 16, allows counties to consult with DPR, and to additionally consult with the California Highway Patrol, when implementing a collection program for certain banned, unregistered, or outdated agricultural wastes. This bill was signed by the Governor on October 9 (Chapter 989, Statutes of 1993).

AB 543 (Jones). Existing law provides that whenever a county agricultural commissioner suspends, for ten days or less, a pest control operator registration, a pest control aircraft pilot registration, a pest control adviser registration, or a permit to use restricted materials, the party suspended may appeal to the DPR Director within ten days of mailing or personal service of the commissioner's order. As amended March 24, this bill deletes the language restricting the foregoing provisions to suspensions of ten days or less. This bill also provides for judicial review of a decision of the Director by administrative mandamus. This bill was signed by the Governor on July 26 (Chapter 171, Statutes of 1993).

AB 770 (Areias). Existing law requires each registrant of an economic poison to pay an assessment to the DPR Director for all sales of registered and labeled economic poisons for use in this state. Existing law permits sales invoices for economic poisons to show an amount that represents the assessment. As amended August 16, this bill additionally requires the pesticide dealer or pesticide broker to pay an assessment of nine mills per dollar of sales for sales into or within this state of registered economic poisons labeled for agricultural use and, until June 30, 1997, to pay an additional assessment of twelve mills per dollar of sales for all sales by the dealer or broker of its registered and labeled economic poisons for use in this state.

Also, the bill requires the pesticide dealer or broker to report its sales quarterly to the Director, and to maintain certain records relating to its sales; provides that assessments on poisons that are labeled for end use and sold for use in this state shall be paid by the registrant, except as specified; makes it unlawful for any person, other than those specified, to sell or distribute economic poison products in this state unless the person is licensed as a pesticide broker; prohibits any person from purchasing for use in this state a pesticide that is labeled for agricultural



use except from a licensed pesticide dealer; and permits the Director to levy a civil penalty against a person who violates the provisions relating to the payment of assessments. This bill was signed by the Governor on October 11 (Chapter 1176, Statutes of 1993).

AB 774 (Arcias). Existing law provides that a site within this state that has been treated with, or a plant, crop, or commodity, whether grown in this state or elsewhere, that has been treated with, or grown on a site treated with, an economic poison that is not registered for use on that plant, crop, commodity, or site is a public nuisance and may be seized by order of the DPR Director. As amended August 17, this bill makes it unlawful to knowingly treat a plant, crop, or commodity, or cause it to be treated with an economic poison or fertilizer that was stolen or acquired by illegal means. The bill also provides that any person who is licensed pursuant to the Food and Agricultural Code, and who is found by a court to have knowingly sold, applied, or provided economic poisons or fertilizers that were stolen or otherwise obtained illegally, in addition to any other penalty that may be imposed, shall have his/her license or licenses suspended for a minimum of 18 months, except as specified. This bill was signed by the Governor on October 5 (Chapter 848, Statutes of 1993).

AB 1053 (Tucker), as amended May 5, requires the DPR Director to contract with the Los Angeles County Agricultural Commissioner to perform increased structural fumigation inspection and enforcement, as a two-year pilot project. The bill authorizes the Director to levy a civil penalty against any person violating these provisions. These provisions are to be repealed effective January 1, 1996. This bill was signed by the Governor on September 8 (Chapter 393, Statutes of 1993).

AB 2104 (Harvey). Existing law permits a county agricultural commissioner to levy a civil penalty against a person violating the provisions of the Food and Agricultural Code, or the regulations adopted pursuant thereto, relating to pest control operations and agricultural chemicals, in lieu of civil prosecution by the DPR Director, and sets forth a procedure for levying the penalty and for appeals to the Director therefrom. As amended June 17, this bill changes the procedure for levying the penalty and for appeals to the Director in the following instances: (1) the person charged with the violation must be given notice of the proposed penalty in a written notice of proposed action sent to the person by certified mail; (2) the person will be given the opportunity to be heard

if a request is made for a hearing within 20 days after receiving the notice of the proposed action; (3) the Director is required to decide the appeal on the record of the hearing, as prescribed, and must affirm the decision if there is substantial evidence to support the commissioner's decision; and (4) on appeal, among other things, the Director may increase the amount of the civil penalty if the penalty is not greater than the penalty proposed in the commissioner's notice of proposed action. This bill was signed by the Governor on October 2 (Chapter 737, Statutes of 1993).

SB 1185 (Bergeson), as amended September 10, enacts the Environmental Protection Permit Reform Act of 1993, and requires the Cal-EPA Secretary, on or before January 1, 1995, to establish an administrative process which may be used, at the request of a permit applicant, to designate a consolidated permit agency, as defined, for projects that require permits from two or more environmental agencies, as defined; requires the Secretary to adopt, by December 31, 1994, regulations establishing an expedited appeals process by which a petitioner or applicant may appeal procedural violations with regard to the issuance of environmental permits, as defined; and requires the Secretary to submit, by April 1, 1996, a report to the appropriate policy committees and the fiscal committees of both houses detailing specified information concerning implementation of specified law. This bill was signed by the Governor on September 20 (Chapter 419, Statutes of 1993).

AB 468 (Jones). Existing law requires the DPR Director to establish a list of economic poisons, entitled the Groundwater Protection List, which have the potential to pollute groundwater. Existing law requires any person who uses an economic poison on the list to report on the use of the poison to the county agricultural commissioner on a form prescribed by the Director, and requires dealers of economic poisons to make quarterly reports of sales to the Director. As amended May 13, this bill limits the latter requirement to reporting sales of economic poisons to persons who are not required to file a pesticide use report. This bill was signed by the Governor on July 19 (Chapter 145, Statutes of 1993).

AB 613 (Rainey). Existing law requires DPR, in cooperation with the state Department of Health Services (DHS), to conduct an assessment of dietary risks associated with the consumption of produce from processed foods treated with pesticides. Existing law also requires DPR and DHS to jointly review the existing federal and state pesticide registration and food safety

system and determine if the existing programs adequately protect infants and children from dietary exposure to pesticide residues. As introduced February 22, this bill renumbers these provisions in the Food and Agricultural Code without substantive change. This bill was signed by the Governor on June 29 (Chapter 40, Statutes of 1993).

AB 771 (Arcias). Under the Birth Defect Prevention Act of 1985, the registration of pesticide products containing an active ingredient with a significant data gap may be suspended and no new active pesticide ingredient may be registered when any of the mandatory health effects studies are missing. As amended September 8, this bill permits, notwithstanding those provisions, a registrant of any pesticide registered with EPA to apply to obtain a certificate of interim registration, under specified conditions. The bill would also authorize DPR to impose a fee in an amount sufficient to cover the costs of reviewing and processing the application on any person who applies for an exemption. The revenue from the fees would be available to DPR, upon appropriation, to offset DPR's costs of processing and reviewing those applications. This bill was signed by the Governor on October 9 (Chapter 963, Statutes of 1993).

AB 772 (Arcias). Existing law requires various persons who engage in the business of agricultural pest control operations to be licensed or hold a certificate issued by DPR. As amended August 17, this bill provides that any person whose license or certificate is revoked, or whose application for such a license or certificate is denied for reasons other than his/her failure to satisfy examination requirements, is ineligible to apply or reapply for the same kind of license or certificate for a period of three years from the effective date of the decision to deny or revoke the license or certificate. This bill also makes it unlawful for any person to act in a supervisory capacity or position for a pest control business, except as specified, unless the person has a qualified applicator license.

Under existing law, a qualified applicator license may be refused, revoked, or suspended by the DPR Director for various specified reasons. This bill additionally permits the Director to refuse to issue, revoke, or suspend a license for failure to ensure that the responsibilities of the pest control business specified in regulations are carried out, and for failure to supervise pesticide applications, operations, activities, and employees of the pest control business in a manner that ensures compliance with the provisions of the Food and Agricultural Code pertaining to pesti-



cides. This bill also permits the Director to suspend or place conditions on the license of a qualified applicator pending a hearing if the Director finds that continuance of the license endangers the public welfare or safety.

Under existing law, the DPR Director or the county agricultural commissioner may issue a cease and desist order to the persons responsible, upon a finding that the use, handling, delivery, or sale of an economic poison violates the law, and that the activity, if allowed to continue, presents an immediate hazard or will cause irreparable damage. This bill permits the Director or commissioner to bring an action to enjoin the violation or threatened violation of such an order. This bill was signed by the Governor on September 30 (Chapter 624, Statutes of 1993).

SB 106 (McCorquodale). Under existing law, officials of specified recreation and park districts are exempt from having to obtain an agricultural pest control adviser license from the DPR Director in order to act, or offer to act, as an agricultural pest control adviser if they make a recommendation in writing as to a specific application of pesticide on a specific parcel. As amended June 21, this bill would continue that exemption until July 1, 1995. This bill would also permit the Director to adopt alternative minimum criteria based on education or technical expertise for applicants for an agricultural pest control adviser license who are officials of those recreation and park districts. [A. Desk]

AB 773 (Areias). Existing law prohibits any person from acting, or offering to act, as an agricultural pest adviser without first having secured an agricultural pest control adviser license from the DPR Director. As amended April 13, this bill would require the Director to develop a program for certifying the competency of pest control advisers in biologically intensive integrated pest management, as defined, on a voluntary basis. [S. AWR]

SB 532 (Hayden). Existing law authorizes the DPR Director to establish tolerances for a pesticide chemical in or on produce. As amended May 28, this bill would require the Director to determine if any adoption, amendment, revision, or extension of the tolerances adequately protects human health, including the health of infants, children, elderly, and other population categories and, if not, to take more stringent action, as specified.

Existing law requires the DPR Director to adopt regulations relating to restricting worker reentry into areas treated with pesticides determined by the Director to be hazardous to worker safety based on time limits and certain pesticide residue levels.

This bill would require the Director to determine if any adoption, amendment, revision, or extension of the time limits and pesticide residue levels adequately protects human health, including the health of infants, children, elderly, and other population categories and, if not, to take more stringent action, as specified. [S. Appr]

SB 422 (Petris). The Occupational Carcinogens Control Act of 1976 establishes standards and safeguards for the use of carcinogens in California. As introduced February 24, this bill would prohibit, on and after January 1, 1995, any employer from engaging in, or causing any employee to engage in, the dispersed use, as defined, of extremely toxic poisons, as defined, except as authorized by the Director of Industrial Relations, or the director of another state agency designated by the Governor, where the DIR Director finds, pursuant to regulation, that prohibition will cause severe economic hardship due to the lack of feasible alternative substances or practices. It would repeal as of January 1, 2000, the provisions allowing the DIR Director to authorize the use of an extremely toxic poison on the basis of economic hardship unless a later enactment, enacted before January 1, 2000, deletes or extends that date. [S. Appr]

SB 475 (Petris), as amended June 8, would enact the Pesticide Use Reduction Act of 1993, requiring the Cal-EPA Secretary to develop and implement a program to achieve a significant reduction in the use of the active ingredients in pesticides in California by 2000, if funds are appropriated for that purpose in the annual Budget Act. [A. Desk]

AB 1111 (Sher), as amended April 27, would codify the changes made by the Governor's Reorganization Plan No. 1 of 1991, which created Cal-EPA, created DPR in Cal-EPA, and transferred to DPR the pesticide regulatory program of CDFA. [A. W&M]

AB 1480 (Johnson). Under existing law, DPR, the Department of Toxic Substances Control, and the State Water Resources Control Board are established within Cal-EPA. As introduced March 4, this bill would require all fees and penalties collected by those agencies to be deposited in a special account in the General Fund and would declare that all activities of those agencies shall be funded by appropriations from the General Fund. [A. EnvS&ToxM]

RECENT MEETINGS

At its August 11 meeting, DPR's Pest Management Advisory Committee (PMAC) discussed the Minor Crop Task Force report; the minor crops database (a survey of grow-

ers of minor crops to determine what pesticides they most often use) was given to DPR, the Western Agricultural Chemicals Association, and the Interregional-4 Pesticide Impact Assessment Program to determine if any pesticide registrations might be lost in the future. PMAC is exploring the potential usefulness of the database to DPR's pest management program and its Alternatives Task Force. Integrated Pest Management project personnel will also be reviewing the list from the minor crops database, to identify specific alternatives to these listed pesticides; it is expected that most of the identified host-pesticide combinations will have some available alternative. When materials have no promising alternatives, the information will be forwarded to appropriate commodity groups with the recommendation that they fund research to find alternatives.

At its September 17 meeting, DPR's Pesticide Advisory Committee (PAC) discussed the problem of research authorization, a permit program which was established to oversee experimental pesticide work in this state. Anyone who does experimental pesticide field work is required to obtain a research authorization in order to perform the work; however, exceptions are made in certain cases, such as for certain colleges and universities. The PAC heard from Dr. C.C. Chu, a research scientist with the U.S. Department of Agriculture in Imperial Valley, who requested that an exemption from the research authorization program be extended to USDA scientists; Dr. Chu contended that although federal scientists are no less qualified than collegiate scientists, the federal scientists must go through extensive paperwork to perform the same research as collegiate scientists. The PAC decided to look into the possibility of changing the regulations to allow federal scientists to have a similar exemption as universities.

FUTURE MEETINGS

DPR's PAC, PREC, and PMAC meet regularly to discuss issues of practice and policy with other public agencies. The committees meet in the annex of the Food and Agriculture Building in Sacramento. For meeting information, call (916) 654-1117.

WATER RESOURCES CONTROL BOARD

Executive Director: Walt Pettit
Chair: John Caffrey
(916) 657-0941

The state Water Resources Control Board (WRCB) is established in