

U.S. EPA FACT SHEET

FINAL APPROVAL OF CALIFORNIA FUMIGANT REGULATIONS FINAL APPROVAL OF SIP REVISION FOR SAN JOAQUIN VALLEY

August 14, 2012

Summary

The U.S. Environmental Protection Agency (EPA) is finalizing approval of measures adopted by the California Department of Pesticide Regulation (DPR) to improve ozone air quality by reducing volatile organic compounds (VOC) emissions from pesticides. EPA proposed to approve these measures on April 24, 2012 (77 FR 24441). These measures include:

- Regulations on field fumigant applications in the South Coast, Southeast Desert, Ventura, Sacramento Metro and San Joaquin Valley areas
- A revision to the limit on overall pesticide VOC emissions in the San Joaquin Valley
- A commitment by DPR to further reduce VOC emissions from non-fumigant pesticides in the San Joaquin Valley

Background

- The Clean Air Act requires States to create plans - known as the State Implementation Plans (SIP) - to meet the national health-based air quality standards for certain pollutants, such as ozone.
- California regulates the sale and use of pesticides for public and worker safety. In addition it regulates pesticides to reduce volatile organic compound (VOC) emissions that contribute to ozone formation.
- In 1994, California made a commitment in its SIP to reduce VOCs from pesticides. In 1997, EPA approved this "Pesticide Element" of the plan.
- Specifically, California made a commitment to reduce pesticide VOC emissions by an amount equivalent to 12 percent (from 1990 levels) in the San Joaquin Valley by 1999 and by 20 percent in the South Coast, Southeast Desert, Ventura and Sacramento areas by 2005. (San Joaquin Valley's attainment date was 1999 and the other four areas' attainment dates were 2005 or later.) Based on latest data provided by the State, all areas are meeting these pesticide reduction goals as of 2010.
- With this revision, California is changing the format of the existing commitment in the San Joaquin Valley from a percentage reduction to a more easily understood but equivalent limit, stated as tons per day. The limit is 18.1 tons per day.
- Field fumigants are applied to soil prior to crop planting. In 2008, California adopted field fumigant regulations as part of a strategy to meet its commitment to reduce pesticides VOC emissions. California is the first state to adopt regulations on pesticides for meeting the ozone air quality standards.

- On October 12, 2009 and August 2, 2011, California Air Resources Board (CARB) submitted these field fumigants regulations for EPA's approval into the SIP. In 2009, CARB also submitted a revision to the Pesticide Element for the SJV.
- On August 1, 2011, El Comité para el Bienestar de Earlimart and Association of Irrigated Residents sued EPA to act on CARB's 2009 submittals. On January 24, 2012 the U.S. District Court ordered EPA to propose action by April 15, 2012 and to finalize action by August 15, 2012.
- On April 24, 2012, EPA proposed to approve the revised pesticide commitment for SJV and the fumigant regulations as meeting the requirements of the Clean Air Act, and announced a 30-day public comment period ending May 24, 2012.
- During the 30-day public comment period, EPA received one comment letter, which was written on behalf of 42 non-governmental organizations.
- Today's final approval notice contains EPA's responses to these public comments. EPA's final approval is based on EPA's finding that the revised pesticide commitment for SJV and the fumigant regulations meet the requirements of the Clean Air Act.
- California also submitted field fumigant regulations for methyl iodide. We have deferred action on these regulations because DPR recently cancelled the registration of all pesticides containing methyl iodide.

For more information, please visit: <http://www.epa.gov/region9/air/actions/ca.html>