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June 21, 2005

Mr. Barry Cortez
Pesticide Registration Branch
Department of Pesticide Regulation
P.O. Box 4105
Sacramento, CA 95812-4015

Dear Mr. Cortez:

Prozap Insectrin X Concentrate
Tracking Number 208321, Registration Number 47000-103
Notice of Proposed and Final Decisions, Volume 2005-20, May 23, 2005

The purpose of this letter is to comment on the California Department of Pesticide Regulation's (DPR's) Notice of Proposed Decision to register Prozap Insectrin X Concentrate (Prozap), and to comment on the evaluation of this product conducted by DPR. Prozap is a pesticide product with 10% permethrin as the active ingredient. The proposed uses of Prozap include application to lavatories, locker rooms, and indoor drains. Tri-TAC is concerned that DPR's evaluation did not adequately assess potential adverse water quality impacts associated with use of this product, particularly with regard to uses having a direct pathway to sewers such as applications to indoor drains. By way of background, Tri-TAC is a technical advisory group for Publicly Owned Treatment Works (POTWs) in California. Tri-TAC is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association, and the League of California Cities. The constituency base for Tri-TAC collects, treats, and reclaims more than two billion gallons of wastewater each day and serves most of the sewer population of California.

Tri-TAC would like to thank DPR for its evaluation of the potential water quality impacts from use of Prozap, as detailed in its May 12, 2005 Evaluation Report, Environmental Monitoring Memorandum. We appreciate the time and resources that DPR put into this analysis, and the fact that the analysis did qualitatively consider potential adverse water impacts from use of Prozap. We do, however, have some suggestions for improving the analysis. DPR's analysis is particularly important, because it serves as the only state agency review of pesticides prior to use to ensure that the use of these pesticides do not cause adverse water quality impacts in California. After a pesticide has been approved for use, it can take an enormous

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amount of state and local government resources to address adverse water or sediment quality impacts that occur through the Total Maximum Daily Load or other remediation process.

One issue not addressed in DPR's analysis is sediment contamination. As DPR noted, permethrin binds very readily to solid material. It therefore tends to accumulate in the sediments associated with a water body. A recent, comprehensive study of sediments in the Southern California Bight indicated pyrethroid pesticides as the most likely source of toxicity in the two sites with the highest sediment toxicity – one in the Dominguez Channel and one in Ballona Creek.¹ It is our understanding that sediment aquatic toxicity data for at least one species, *hyalella azteca*, have now become available, and that northern California creeks have exhibited toxicity linked to pyrethroid pesticides including permethrin. Tri-TAC is concerned about sediment toxicity in part because the State Water Resources Control Board (SWRCB) is developing sediment quality objectives (SQOs) for enclosed bays and estuaries. These SQOs are expected to impact POTWs in the state that discharge to enclosed bays and estuaries. Therefore, we believe that DPR should address sediment toxicity when evaluating the registration of pyrethroid pesticides, including permethrin.

Another shortcoming in the analysis is that it includes an inherent assumption that there is no water quality problem until one is detected in the environment. The analysis states that indoor use permethrin products, including pet shampoos, have been on the market for many years but that permethrin levels exceeding Department of Fish and Game's (DFG's) aquatic toxicity thresholds have not been detected in POTW effluent. DPR should be aware that very little sampling has been conducted of POTW influent or effluent for permethrin, therefore it is extremely difficult to determine whether DFG aquatic toxicity thresholds have been exceeded. In two sampling events in 2004 by one POTW, the POTW was only able to analyze the samples for permethrin down to a level of 50 parts per billion, well above DFG's thresholds of 30 parts per billion for fresh water and 1 part per billion for salt water. Unfortunately, the absence of data indicating exceedances of these thresholds cannot be considered conclusive evidence that a water quality problem does not exist.

While we appreciate DPR's suggestion that POTWs sample to determine influent and effluent permethrin concentrations to determine removal efficiencies, we believe that the burden of collecting data to determine the environmental impact of a pesticide should fall on the pesticide manufacturer. There are some nine hundred pesticide active ingredients registered for use in California. It is beyond the resources of POTWs to develop analytical methods and test for all nine hundred active ingredients to determine if they are expected to cause environmental problems. As part of the registration process, the pesticide manufacturer should be required to submit any data necessary to determine if environmental problems are expected from use of a pesticide. In the absence of data from a manufacturer regarding a specific pathway, such as breakdown during sewer travel and POTW treatment, the worst-case

¹ Bay, S. M., T. Mikel, K. Schiff, S. Mathison, B. Hester, D. Young, and D. Greenstein. 2005. Southern California Bight 2003 Regional Monitoring Program: I. Sediment Toxicity. Southern California Coastal Water Research Project. Westminster, CA.

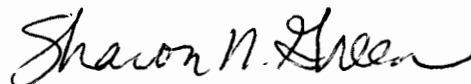
assumption should be made for the purpose of predicting environmental impacts (i.e., assume no removal during sewer travel and no removal during POTW treatment, unless the manufacturer provides data showing otherwise). At minimum, any quantitative data that is available should be used in lieu of qualitative arguments. Specifically, treatability data from the United States Environmental Protection Agency should be used in place of speculative arguments to predict permethrin removals from POTWs.

We do appreciate DPR's acknowledgement that the environmental impact from this product should be considered in light of existing discharges to the environment of permethrin, and that increasing dependence on pyrethroids for pesticide control could lead to future problems. To better address this issue, DPR should consider reorganizing its registration approval process to route all pesticides with a single active ingredient through a single person, so that cumulative impacts can be better addressed.

Finally, it does not appear that Prozap was evaluated by DPR staff for its potential impacts on fish and wildlife. We believe that, in the future, pesticides with known aquatic toxicity concerns should be evaluated for such effects.

Tri-TAC appreciates your consideration of our comments. If you have any questions about this letter or require additional information, please contact Ann Heil by phone at 562/699-7411, extension 2950, or by e-mail at aheil@lacsdsd.org.

Sincerely,



Sharon Green
Chair, Tri-TAC

cc: Raymond Chavira, U.S. EPA Region IX, CMD-5
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