

ENVIRONMENTAL SOLUTIONS GROUP, LLC

1415 L STREET, SUITE 460
SACRAMENTO, CALIFORNIA 95814-3964
TELEPHONE (916) 443-2793
FACSIMILE (916) 443-3071

JAMES W. WELLS
PRESIDENT
E-Mail: jwells@esgllc.net

June 9, 2008

Ms. Zhimin Lu, Ph.D.
Water Resource Control Engineer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive
Rancho Cordova, CA 95762

Re: *Relative-Risk Evaluation for Pesticides Used in the Central Valley Pesticides Basin Plan Amendment Project Area – Public Review Draft*

Dear Ms. Lu,

On behalf of the Pyrethroid Working Group (“PWG”), we would like to thank you for giving us the opportunity to review and provide comments on the draft *Relative-Risk Evaluation for Pesticides Used in the Central Valley Pesticides Basin Plan Amendment Project Area* (“Relative-Risk Evaluation”). The Pyrethroid Working Group is a consortium of pyrethroid registrants working collectively to address questions regarding the use of pyrethroid pesticides. Members of the PWG are also members of the Western Plant Health Association (“WPHA”) and we support the comments submitted by WPHA. In addition to the comments submitted by WPHA, we offer the following brief comments on some of the larger policy issues raised by the development and use of the Relative-Risk Evaluation in conjunction with the Central Valley Pesticides Basin Plan Amendment Project.

As a matter of first impression, the PWG must express some reservations with the characterization of the report as a “Relative-Risk Evaluation.” The term “risk evaluation” typically includes consideration of a number of different scientific factors including chemical, physical and biological data and information to determine the risk associated with pesticides. The process conducted here, as expressed in the Relative-Risk Evaluation, did not consider the three primary lines of evidence normally associated with a risk evaluation. The Relative Risk-Evaluation only considered pesticide usage information and toxicity information to develop a target list of pesticides. This target list does not reflect the consideration of any biological assessments that should also occur to determine the risk associated with pesticides. As such, the PWG recommends that the title of the report be changed to better reflect the actual process used for development of the target list of pesticides.

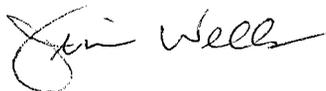
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On a more general note, the PWG finds it necessary to remind the Regional Water Board that water quality objectives and water quality criteria developed for any of the target pesticides identified in the Relative-Risk Evaluation must be adopted in accordance with state law. In particular, when adopting water quality objectives, the Regional Water Board must ensure reasonable protection of beneficial uses and consider a number of factors, including, but not limited to, water quality conditions that can be reasonably achieved, and economics. (Wat. Code, § 13241.) The Regional Water Board is also required to adopt a program of implementation at the same time that includes a description of actions that are necessary to achieve the objectives, a time schedule for the actions, and a description of surveillance to be undertaken to determine compliance. (Wat. Code, § 13242.)

To the extent that water quality criteria for pesticides on the target list are developed but not adopted as numeric water quality objectives, such pesticide criteria should not result in permit limitations and/or triggers for the development of agricultural water quality management plans because they have not been adopted pursuant to state law. To avoid misuse of the target list, the PWG recommends that the Relative-Risk Evaluation be revised to clarify the Regional Water Board's intent with regard to the target list of pesticides contained within the Report. We recommend it be revised to clearly state that the Relative-Risk Evaluation is a technical document that has no regulatory force or effect and that the information contained therein is for the purpose of identifying pesticides for the potential development of numeric water quality objectives. It should also state that the inclusion of a pesticide on the target list is not intended to mean or imply that detection or presence of an identified pesticide results in an impact to aquatic life beneficial uses. Impacts to beneficial uses can only be determined after a water quality objective has been properly developed and adopted in accordance with applicable state and federal laws. Language that clarifies the intended purpose of the target list within the report will help to ensure its proper usage in the future.

Again, thank you for the opportunity to provide comments. If you have any questions with regard to our comments, please do not hesitate to contact me at (916) 443-2793.

Sincerely,



James W. Wells
President

cc: Nancy Hilton
Michael Dobbs
Scott Kohne
Tess Dunham