

FMC Agricultural Products

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May 23, 2011

Danny McClure
California Regional Water Quality Control Board
-Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114

SUBJECT: Draft Criteria for Cypermethrin and Permethrin

Dear Mr. McClure:

FMC Corporation appreciates the opportunity to submit comments on the draft criteria for cypermethrin and permethrin, as developed by the University of California, Davis' using its *Methodology for Derivation of Pesticide Water Quality Criteria for the Protection of Aquatic Life in the Sacramento and San Joaquin River Basins – Phase II, Methodology Development and Derivation of Chlorpyrifos Criteria* (UCD Pesticide Criteria Methodology). Technical comments on both draft documents were submitted under separate cover on May 18, 2011.

Further, FMC Corporation must convey its concerns with respect to the draft criteria in general and the Central Valley Regional Water Quality Control Board's (Regional Water Board) potential use of the criteria to interpret narrative objectives without first undertaking an appropriate Basin Plan amendment process. As you know, the state's Porter Cologne Water Quality Control Act (Porter-Cologne) requires the Regional Water Board to adopt water quality objectives for the protection of reasonable beneficial uses after considering a number of factors, including economics and attainability. (Wat. Code, § 13241.) The development of draft criteria through use of the UCD Pesticide Criteria Methodology does not equate to or comply with these requirements. Thus, the draft criteria developed through this process are not adopted water quality objectives, and should not be used for regulatory purposes until they are adopted as such through the Regional Water Board's statutory process.

To the extent that the Regional Water Board decides to move forward with a Basin Plan amendment to consider adopting the draft criteria as water quality objectives, FMC Corporation and its representatives would like to be active participants in the Regional Water Board's process. Further, as part of the Basin Plan amendment process, FMC Corporation suggests that adopted water quality objectives for cypermethrin and permethrin should be expressed as dissolved objectives and not total objectives as only the dissolved forms of these compounds are bioavailable.

Again, thank you for providing us this opportunity to provide comments on the draft criteria.



Sincerely,

A handwritten signature in black ink, appearing to read 'CD', with a horizontal flourish extending to the right.

Christopher Davis
FMC Corporation