

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER S-12-014

Withdrawal of the Methyl Iodide Regulation

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) as required by the federal Clean Air Act (the "Act"; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, section 39602 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code delegate to the Executive Officer the authority to act for the Board in this matter;

WHEREAS, as part of California's ozone State Implementation Plan (SIP), the Department of Pesticide Regulation (DPR) was required to reduce VOC emissions from pesticides by the levels set in each of the ozone nonattainment areas;

WHEREAS, In December 2010, DPR finalized its decision to register five pesticide products containing the fumigant methyl iodide following approval by the U.S. EPA;

WHEREAS, On March 25, 2011, U.S. EPA formally invited members of the public to weigh in on whether methyl iodide should be approved as a pesticide;

WHEREAS, On March 31, 2010, U.S. EPA received a petition from Earthjustice requesting that all uses of iodomethane (methyl iodide) be suspended and cancelled;

WHEREAS, on August 2, 2011, ARB submitted field fumigant regulations which included the use of methyl iodide to U.S. EPA for approval into the SIP;

WHEREAS, on March 20, 2012, makers of methyl iodide suspended sales of the product in the United States;

WHEREAS, On March 21, 2012, DPR cancelled the registration of all products containing methyl iodide at the request of the registrant;

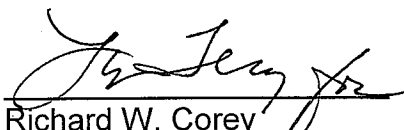
WHEREAS, products containing methyl iodide can no longer be sold in California;

WHEREAS, when U.S. EPA approved the fumigant regulations on August 12, 2012, they deferred action on the methyl iodide portion of the regulations; and

WHEREAS, on November 14, 2012, DPR requested that ARB withdraw the methyl iodide regulation from U.S. EPA.

IT IS FURTHER ORDERED that the State of California Air Resources Board hereby request that the U.S. Environmental Protection Agency request withdraw the Department of Pesticide Regulation methyl iodide regulation from the California SIP.

Executed this 4th day of April, 2013, at Sacramento, California.


Richard W. Corey
Acting Executive Officer