



August 7, 2024

ENF 24-07

TO: County Agricultural Commissioners

SUBJECT: EMERGENCY SUSPENSION ORDER FOR DIMETHYL
TETRACHLOROTEREPHTHALTE (DCPA), TRADEMARK NAME
DACTHAL

On August 7, 2024, the United States Environmental Protection Agency (U.S. EPA) published in the Federal Register its decision to issue an Emergency Suspension Order (Emergency Order), under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), suspending all registrations of pesticide products containing dimethyl tetrachloroterephthalate (DCPA), also marketed under the trade name Dacthal.

U.S. EPA determined that continued sale, distribution, or use of DCPA products during the time required to cancel such products would pose an imminent hazard. The Emergency Order is effective immediately and is to remain in effect during the period required to conduct administrative hearings concerning cancellation.

Per the U.S. EPA announcement:

“EPA has taken this action because unborn babies whose pregnant mothers are exposed to DCPA, sometimes without even knowing the exposure has occurred, could experience changes to fetal thyroid hormone levels, and these changes are generally linked to low birth weight, impaired brain development, decreased IQ, and impaired motor skills later in life, some of which may be irreversible.”

The following, in part, is a summary of the enclosed Emergency Order:

- No person in any state may distribute, sell, offer for sale, hold for sale, ship, or deliver any pesticide product with the active ingredient DCPA. The Emergency Order allows distribution for the express purpose of returning any existing stocks of DCPA product to the registrant.
- In accordance with FIFRA section 6(a)(1), U.S. EPA is not allowing any continued use of existing stocks of DCPA.
- U.S. EPA will issue a notice of intent to cancel DCPA products within the next 90 days.

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- Under federal law, the registrant may request a hearing on the Emergency Order or file a legal challenge in court. The Emergency Order could be modified, rescinded, or stayed by U.S. EPA following a hearing or by a judge.

DCPA is a selective pre-emergent herbicide used for weeds primarily in brassica and onion crops in California. Dacthal Flowable Herbicide (US EPA Reg. No. 5481-487-AA) is the only California registration.


Under Title 3 California Code of Regulations section 6301(c) it is unlawful to possess or use any pesticide that has been cancelled or suspended under FIFRA, except as provided in such cancellation or suspension. Pursuant to the Emergency Order, no person in any state may use any DCPA product. Any possession or use of any products containing DCPA will be considered a violation of Food and Agricultural Code sections 12995, and action may be taken pursuant to Food and Agricultural Code section 12996, 12998, and 12999.5. Any such use would also violate applicable federal law.

The Department of Pesticide Regulation is working to support the availability of alternative pesticides for controlling weeds in brassica, allium, and root and tuber crops by prioritizing applications for full registration of alternative products, including providing assistance to stakeholders to explore near-term options for making alternatives available such as through Federal Insecticide, Fungicide, and Rodenticide Act's Section 18 Emergency Exemption and Special Local Needs.


The enclosed DCPA Alternatives Document provides information on a variety of alternatives methods for managing weeds and pest management strategies, specifically for cole crops and onion and garlic developed by University of California Integrated Pest Management Program.

For additional information or questions, please contact Daniel Rubin, Chief Counsel, at <Daniel.Rubin@cdpr.ca.gov> or 916-324-2666.

Sincerely,


Joshua Ogawa (Aug 7, 2024 08:34 PDT)

Joshua Ogawa
Chief, Enforcement Headquarters Branch
916-324-4100


Fidel Perez (Aug 7, 2024 08:43 PDT)

Donna Marciano
Chief, Enforcement Regional Offices Branch
916-603-7700

Enclosures

cc: Mr. Daniel Rubin, Chief Counsel (w/Enclosures)
Mr. Joe Marade, DPR County/State Liaison (w/Enclosures)
Enforcement Branch Liaisons (w/Enclosures)