

**Notice of Proposed and Final Decisions
and Public Reports**

**Volume 2021-34
August 20, 2021**

**Department of Pesticide Regulation
Pesticide Registration Branch**

NOTICE OF FINAL DECISIONS TO REGISTER PESTICIDE PRODUCTS AND WRITTEN EVALUATION

Pursuant to Title 3, California Code of Regulations section 6255, the Director of the Department of Pesticide Regulation (DPR), files this Notice of Final Decisions to Register Pesticide Products with the Secretary of the Resources Agency for posting. This notice must remain posted for a period of 30 days for public inspection. Between the time DPR posts a proposed registration decision for public comment and DPR makes a final decision regarding the product, non-significant changes may be made to the product label (e.g., revising the product name, changing a master label to an end-use marketing label, correcting typographical errors). If the changes are not significant, DPR will not re-notice the product for public review and comment. However, if significant changes are made to the product label that substantially affect DPR's analysis on direct or indirect significant adverse environmental or human health impacts that can reasonably be expected to occur from the proposed decision, DPR will re-notice the product label for public review and comment.

In addition, for any product that is posted proposed to register as a conditional registration, the registrant may address the conditions of registration by providing the appropriate data or modifying the product label (e.g., remove use site, add "not for use in California" to a use site) during the posting period. If the registrant adequately addresses the conditions of registration during the posting period and the resulting change to the product label is not significant such that DPR must re-post the product label for review and public comment, DPR will post the product below, but will no longer have a "conditional" designation by the registration type.

For information about submitting a request for any documents related to this notice, please visit https://www.cdpr.ca.gov/public_r.htm.

To view the public report that was issued when the product was proposed for registration, click on the hyperlinked Tracking Number for the product.

*Tracking Number with hyperlink to public report – (EPA Registration Number)
Applicant / Brand Name*

[297296](#) - (7969 - 391)

BASF CORPORATION

SEFINA INSCALIS INSECTICIDE

USE: INSECTICIDE - FOR THE CONTROL OF INSECTS SUCH AS APHIDS, ASIAN CITRUS PSYLLID, AND SILVERLEAF WHITEFLIES ON CROPS SUCH AS CITRUS, COTTON, FRUITING VEGETABLES, POTATO, CUCUMBER, AND SOYBEAN

TYPE: SECTION 3 LABEL AMENDMENT - TO ADD A SUPPLEMENTAL LABEL FOR USE ON TREE NUTS

ACTIVE INGREDIENT(S):

AFIDOPYROPEN

CAS NUMBER(S): 915972-17-7

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[261297](#) - (100 - 1469)

SYNGENTA CROP PROTECTION, LLC

AFLA-GUARD GR

USE: FUNGICIDE - FOR AGRICULTURAL USE TO DISPLACE AFLATOXIN-
PRODUCING FUNGI IN ALMONDS, PEANUTS, PISTACHIOS AND CORN

TYPE: SECTION 3 REGISTRATION -

ACTIVE INGREDIENT(S):

ASPERGILLUS FLAVUS STRAIN NRRL 21882

CAS NUMBER(S): (NO CAS NUMBER)

Written Evaluation

Pursuant to Title 3, California Code of Regulations section 6254, this notice includes a written evaluation of significant environmental points raised in comments submitted during the review and comment period required by Title 3, California Code of Regulations section 6253 for any of the products listed above. DPR received comments raising human health and/or environmental concerns in response to DPR's May 14, 2021, Notice of Proposed and Final Decisions, Vol. 2021-20 from the organization Arizona Cotton Research and Protection Council. A summary of the points raised and DPR's response are provided below.

Summary and Response to Comments Received

Comment: Larry Antilla, from the organization Arizona Cotton Research and Protection Council, expressed concerns regarding DPR's proposed decision to register Syngenta Crop Protection, LLC's (Syngenta's) master label Afla-Guard GR, EPA Reg. No. 100-1469, because Afla-Guard GR was accepted without requiring "considerable analysis of fitness and potential ecological effect prior to use on large acreages," including multi-year large acreage air sample testing.

DPR Response: Before a pesticide product containing a new active ingredient is registered in California, DPR performs a comprehensive review of data submitted on the active ingredient and pesticide product and reviews the proposed label to determine how the product may affect human health and the environment, and if the product is efficacious. Syngenta provided extensive data to DPR to satisfy human health, environmental, and efficacy data requirements for Afla-Guard GR, including an air sampling study in California orchards to assess worker exposure to spore air concentrations inside and outside the treated portion of the orchard and efficacy data from large-scale trials. DPR scientists reviewed the proposed project, data submitted, and the master label for this project's potential to cause a significant adverse impact on the following: human health, flora (plants), fauna (fish and wildlife), water, and air. Based on its review, DPR does not expect use of end-use products based off this master label in accordance with the label and any applicable use restrictions in regulation will result in a significant adverse impact to human health or the environment.

DPR issued a public report in support of its proposed decision on May 14, 2021, <https://www.cdpr.ca.gov/docs/registration/nod/2021-20.pdf>. As stated in the public report, unlike some strains of *Aspergillus flavus*, this strain (NRRL 21882) is considered to be nontoxic because it does not produce aflatoxins. In addition, the environmental hazards statement is appropriate based on the data submitted and the lack of reported toxicity to nontarget organisms in published literature. The risks to nontarget organisms are mitigated by the directions for use, the lack of toxicity of *Aspergillus flavus* NRRL 21882, the physical characteristics of an end-use product based off this master label, and the biochemical characteristics of *Aspergillus flavus* NRRL 21882 (i.e., this strain does not produce aflatoxins). Furthermore, users would be prohibited from applying end-use products based off this master label to almonds in bloom. Based on these factors, DPR determined end-use products based off this master label, when used as directed, are not expected to cause adverse effects to nontarget organisms, including honeybees or other nontarget insects. Moreover, Afla-Guard GR has been federally registered

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since 2004 and used in many states of various climates and Syngenta has not received any adverse ecological incident reports. As far as air sampling, in addition to relying upon previously evaluated air sampling data to support registration of this strain of *Aspergillus flavus*, DPR requested and reviewed an additional air sampling study conducted on Afla-Guard GR in California orchards. Although DPR initially proposed this master label for conditional registration for a period of one year to allow the registrant time to develop additional air monitoring data to verify Afla-Guard GR sporulation rates and spore concentrations in treated areas, the registrant has already submitted this confirmatory data. DPR is currently reviewing the data to determine if the submitted data fulfills this condition of registration.

DPR reviewed the submitted comments and determined the proposed master label meets current regulatory requirements for registration in California. DPR scientists reviewed the proposed project, data submitted, and the master label for this project's potential to cause a significant adverse impact on the following: human health, flora (plants), fauna (fish and wildlife), water, and air. Based on its review, DPR does not expect use of this product in accordance with the label and any applicable use restrictions in regulation will result in a significant adverse impact to human health or the environment. In addition, DPR reviewed the submitted efficacy data and determined the product will effectively displace aflatoxin-producing fungi. As stated above, as a condition of registration, DPR required confirmatory air monitoring data within a one-year period after the master label is registered. However, the registrant has already submitted this confirmatory data to DPR. DPR finds that use of registered end-use products based off this master label during the period while this confirmatory air monitoring data is being reviewed by DPR is not expected to cause a significant adverse effect on human health or the environment when an end-use product is used in a manner consistent with its label. Therefore, DPR is proceeding with the conditional registration of Afla-Guard GR, EPA Reg. No. 100-1469.

Original signed by Tulio Macedo

Tulio Macedo, Chief
Pesticide Registration Branch

08/19/2021

Dated

NOTICE OF FINAL DECISIONS TO DENY PESTICIDE PRODUCTS

Pursuant to Title 3, California Code of Regulations section 6255, the Director of the Department of Pesticide Regulation (DPR) files this Notice of Final Decisions to Deny Pesticide Products with the Secretary of the Resources Agency for posting. Unless specified, the reason for denial is that the required data was not submitted, was determined to be inadequate, or there was a likelihood of a significant adverse environmental effect anticipated from the use of these products in a manner consistent with its label. This action will not have a significant adverse impact on the environment. This notice must remain posted for a period of 30 days for public inspection. For information about submitting a request for any documents related to this notice, please visit https://www.cdpr.ca.gov/public_r.htm.

Tracking Number – (EPA Registration Number)

Applicant

Brand Name

None to report.

Original signed by Tulio Macedo

Tulio Macedo, Chief

Pesticide Registration Branch

08/19/2021

Dated