

Timeline: Pesticide VOC Regulations in California

In summer 2008, a DPR spokesperson commented: “I may or may not have observed this before, but this is the single most complex regulatory issue that DPR has ever encountered.”

1994	<ul style="list-style-type: none"> • DPR promises to adopt by 1997 any regulations necessary to reduce smog-forming volatile organic compound (VOC) emissions from pesticides by 20% below 1990 levels in five non-attainment areas (Sacramento, Southeast Desert, San Joaquin Valley, Ventura, South Coast). The Ozone State Implementation Plan (SIP) states that the 20% reductions in pesticide VOC emissions are to be achieved in all five air basins by the year 2005.
1996	<ul style="list-style-type: none"> • DPR reaffirms its promise for reductions
1997	<ul style="list-style-type: none"> • EPA approved promises • DPR begins to play with numbers... although previously acknowledged that the 1991 Pesticide Use Report data would provide a more accurate baseline for the regulations, an internal DPR memorandum suggests that DPR could claim 20% targets met if 1990 data is used for a baseline instead of the 1991 data (since the 1990 data incorrectly reported much higher pesticide use numbers, using this as a baseline would make it look like reductions had been achieved in all subsequent years). • Based on the 1990 baseline numbers, DPR decides that regulations to reduce pesticide VOC emissions are not needed.
1997 – 2004	<ul style="list-style-type: none"> • VOC emissions from pesticides escalate in the San Joaquin Valley, Southeast Desert and Ventura air basins (emissions in South Coast and Sacramento air basins come into compliance). • DPR does not develop any regulations to control smog-forming emissions from pesticides.
2004	<ul style="list-style-type: none"> • A coalition of community groups from Ventura & San Joaquin Valley sues DPR for breaking promises approved in 1997. The plaintiffs are El Comité para el Bienestar de Earlimart, Association Of Irrigated Residents, Community and Children’s Advocates Against Pesticide Poisoning, Ventura Coastkeeper and the Wishtoyo Foundation
2006	<ul style="list-style-type: none"> • El Comité et. al. wins the lawsuit. The court orders DPR & EPA to keep promises.
January 2008	<ul style="list-style-type: none"> • DPR adopts regulations as ordered by the court.
August 2008	<ul style="list-style-type: none"> • 9th Circuit court of Appeals rejects El Comité vs. DPR. Residents have appealed the decision.
Fall 2008	<ul style="list-style-type: none"> • DPR reconsiders regulations and changes their methods of calculating VOC emissions to rely on the 1990 baseline and require only 12% reduction in SJ Valley. The new calculations greatly reduce the amount by which all three air basins are out of attainment.
November, 2008	<ul style="list-style-type: none"> • DPR releases current draft VOC regulations to achieve targets
January 15, 2009	<ul style="list-style-type: none"> • Public comment period closes for draft regulations.
May 1, 2009	<ul style="list-style-type: none"> • Start of the “ozone season” (running through November). Date by which DPR wants to have new regulations approved and in effect.