



Californians For  
Pesticide Reform

March 4, 2021

Director Val Dolcini  
Department of Pesticide Regulation  
*Via email: val.dolcini@cdpr.ca.gov*

Re: Behavior of Central Valley Agricultural Commissioners

Dear Val:

We want to bring to your attention and request your help in addressing some extremely concerning behavior by two San Joaquin Valley County Agricultural Commissioners toward Latinx farmworking community members in recent months – part of a broader pattern of disrespect and disregard for community health by ag commissioners across the Valley.

*Tulare County*

Following up on a meeting over the summer, Angel Garcia, Coordinator of the Tulare County Coalition Advocating for Pesticide Safety and Organizing Director for Californians for Pesticide Reform, sent Tulare County Agricultural Commissioner Tom Tucker a list of local residents interested in being contacted by the Tulare CAC's office in advance of nearby pesticide applications. It was the understanding of Mr. Garcia that while the Tulare CAC office wouldn't institute a public notification program, Mr. Tucker had agreed, during the summer meeting, to provide this kind of notification to residents explicitly asking for it. That understanding was shared by Nayamin Martinez, Executive Director of the Central California Environmental Justice Network, who also attended the meeting. Accordingly, on December 21, 2020, Mr. Garcia sent Mr. Tucker a list of approximately 150 residents interested in receiving such notice, along with their addresses and telephone numbers.

In a December 30 email response to Mr. Garcia, Mr. Tucker insisted he had only ever offered to put residents in touch with applicators who spray directly adjacent to residents' homes in order that they might try and come to a mutual understanding, and accused Mr. Garcia of deceit and manipulation.

Mr. Tucker assumed pursuit of an "agenda" rather than an honest misunderstanding about an oral agreement on pesticide notification:

It sadness [sic] me to hear you make mention of this so-called agreement because one never existed ... you either didn't want to listen to what I said or you are trying to push ahead with your agenda and that of your supporting organizations

Mr. Tucker then further implied Mr. Garcia had been dishonest by "resorting to trickery":

We are not always going to agree on everything and we should respect each other enough to understand that point, without resorting to trickery.

CAC Tucker even accused Mr. Garcia of giving the CAC a false list of residents:

I am of the opinion that the list of names you gave me was probably a mailing list from your organization and not a list of people that asked to be put into contact with a nearby applicator

Mr. Tucker also insisted:

I have not changed in my position. I am not offering to start a notification program. I am not offering to notify any Tulare County residence of any pesticide application no matter the proximity. Not even just the restricted materials.

Of greatest concern is the fact CAC Tucker abused the contact list Mr. Garcia shared with him. Clearly knowing he would not be providing notification to residents, and without first communicating with Mr. Garcia, CAC Tucker took the list of Latinx community residents entrusted to him for notification and used the list for other purposes. Rather than reaching out to residents expecting to be contacted about upcoming applications, CAC Tucker called residents, with no notice, to ask them about pesticides and their concerns. Many residents, especially in immigrant households, are suspicious of government entities calling out of the blue and feel intimidated by such outreach. Many other residents are concerned about pesticides but are not familiar with the County Agricultural Commissioner's office and didn't know who was calling or why. Many residents work in the fields and fear retaliation for speaking up about concerns they have about pesticides. Regarding his outreach, CAC Tucker wrote:

I pulled up many of the addresses you gave and found that many, if not most were not even directly adjacent to an agricultural field ... There were residences directly adjacent to agricultural properties and I took the time to make contact with some. Several would not answer their phones and those had mail boxes that were full. We spoke with others and asked if they were having problems or issues and they said no.

In a January 29, 2021, follow-up email, Mr. Garcia attempted to explain his understanding of the notification agreement, how the list was compiled by direct outreach to community members, and that residents may have been confused or felt threatened by the CAC's office calling them out of the blue without pesticide notifications. CAC Tucker's reply did not

acknowledge Mr. Garcia's explanations, nor did it address Mr. Garcia's concerns about Mr. Tucker using the list for other purposes:

Angel,

I too am sorry that you and I are misunderstanding each other. Even this email shows that you are not understanding what I meant. As I mentioned in the communication I will look forward to the time when you and I can have an in-person meeting and work this out. I truly have the best intentions for the people of this community, as you do as [sic] too I am sure.

Speak with you soon,

Tom.

### *Kern County*

We strongly support and appreciate your initiation of actions to hold the Kern CAC Glenn Fankhauser accountable regarding notification promised to the town of Shafter in the AB 617 process. However, CAC Fankhauser continues to misrepresent the Latinx community in his letters to you, which have then been echoed in the media.

In his January 12 letter to DPR regarding the notification pilot in Shafter, CAC Fankhauser claims:

[S]ome stakeholders in the process were not negotiating in good faith. While continuing to participate in discussions, they were at the same time preparing and sending letters complaining of my absence at the negotiating table without acknowledgement of their rejection of two iterations of a program that I proposed that specifically addressed their purported concern ...  
I believe that the idea for notification did not develop organically within the process of the AB617 Shafter CSC meetings, ....

While CAC Fankhauser does not name who "some stakeholders" are, any reader familiar with the AB 617 negotiations process over pesticide notification would know "stakeholders" refers to the Shafter Community Steering Committee, comprised almost entirely of Latinx residents. CAC Fankhauser accuses these Latinx Kern County residents of "not negotiating in good faith," that notification is a "purported concern," and that "the idea for notification did not develop organically within the process of the AB617 Shafter CSC meetings". Essentially, CAC Fankhauser has charged the Shafter Community Steering Committee with being dishonest and not capable of generating their own ideas.

CAC Fankhauser's misrepresentations disparaging Shafter's Latinx AB617 Steering Committee have been repeated in *Agri-Pulse* and *The Bakersfield Californian*.

Mr. Fankhauser has repeatedly stated, in public meetings with representatives from the Shafter Steering Committee, allies, and other public officials, that he doesn't believe in or support notification. In his January 12 letter, he reiterates this opposition to notification, ignoring the Shafter Steering Committee's assessment of NOIs' usefulness and expressed interest in receiving them, stating:

Were I to believe that there was any type of useful information that could be provided through these NOIs to the residents of Shafter, I would gladly comply.

DPR's Environmental Justice page notes that "Treating people fairly guides how DPR conducts its activities. Fair treatment means that no one group of people, including racial, ethnic, or socioeconomic groups, should be disproportionately impacted by pesticides. Anyone whose health or environment may be affected by pesticides holds a stake in DPR's decisions. We want to ensure that ALL have an opportunity to participate in the regulatory process."

With appreciation for your past support, we request DPR action on these concerns and respectfully ask that you let us know how DPR intends to address this unacceptable behavior on the part of these two San Joaquin Valley CACs.

Sincerely,

Handwritten signatures of Sarah C. Aird and Jane Sellen in blue ink.

Sarah C. Aird and Jane Sellen  
Co-Directors

CC:

Jared Blumenfeld, CalEPA  
Yana Garcia, CalEPA  
Suma Peesapati, CalEPA  
Martha Sanchez, DPR  
Nayamin Martinez, CCEJN