



Californians For
Pesticide Reform



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May 10, 2022

Assembly Member Richard Bloom, Chair
Assembly Budget Subcommittee No. 3
On Climate, Resources, Energy and Transportation
State Capitol, Room 444

VIA email: BudgetSub3@asm.ca.gov

RE: SUPPORT for DPR Pesticide Use Enforcement and Trailer Bill and Additional Enforcement Efforts

Dear Chair Bloom and Subcommittee Members:

We are writing on behalf of the undersigned groups to express our strong support for the Department of Pesticide Regulation's BCP regarding the Pesticide Use Enforcement Program and budget trailer bill. We support the proposal to allocate funding for DPR and the Attorney General's office to investigate and develop pesticide enforcement cases, to reactivate DPR's statutory authority to enforce pesticide use violations, and to adopt a long overdue increase in the maximum penalties for pesticide use violations and pesticide sales and licensing violations.

As part of the budget for 2022-23, the Governor proposes to:

- (1) provide DPR with administrative penalty authority to enforce pesticide use violations;
- (2) increase several existing pesticide use penalties;
- (3) enhance DPR's pesticide residue enforcement and penalty authority;
- (4) increase several existing administrative penalties for pesticide sales and licensing violations;
- (5) provide funding for DPR positions to investigate and pursue pesticide use and residue enforcement cases; and
- (6) provide funding for DPR to retain the Attorney General's Office to represent the department in civil and criminal pesticide use enforcement actions.

Misapplication of pesticides is a serious health hazard that can result in acute impacts on human health (such as rashes, nausea, and dizziness), as well as negative impacts to the environment (such as air and water contamination and impacted ecosystems). Exposure to some pesticides can cause chronic health impacts such as cancer and reproductive harm. Acute and chronic exposures are disproportionately experienced by people of color. Researchers at California EPA have found that pesticide use is the pollution burden with one of the greatest racial, ethnic and income disparities in the state – imposing more of a disproportionate hazard than other air pollutants and toxic releases. They found that “60% of zip codes with the highest proportion of residents of color host [more than] 95% of agricultural pesticide use in the state.”¹

¹ Cushing, L., Faust, J., August, L. M., Cendak, R., Wieland, W., & Alexeeff, G. (2015). Racial/ethnic disparities in cumulative environmental health impacts in California: evidence from a statewide environmental justice screening tool (CalEnviroScreen 1.1). *American journal of public health*, 105(11), 2341-2348.

Unfortunately, as documented by the LAO's analysis, in many counties the Agricultural Commissioners' offices are failing to propose appropriate level fines for serious and repeat pesticide violations. According to the EPA, U.S. agricultural operations inspected for compliance with the Worker Protection Standard (WPS) in 2019 had an average violation rate of 54% - meaning more than half of the operations inspected had not adhered to the pesticide worker safety standards created under the WPS.² Of those violations, only about 16% resulted in enforcement action. This demonstrates a pervasive culture of pesticide worker safety violations across agricultural operations and a significant need for increased enforcement and penalties. The additional enforcement authority provided in this budget proposal would allow the state to serve as a backstop to local enforcement when merited. Furthermore, it would reestablish similar authority that the department previously held and establish a somewhat comparable enforcement structure to some other state environmental regulatory departments. Providing additional enforcement authority to DPR would enhance the state's ability to ensure statewide compliance of pesticide use laws and regulations, while still maintaining County Agricultural Commissioners as the primary local enforcement agencies. Given its important role in protecting public health and the environment, the state should have multiple enforcement tools available to ensure statewide compliance of pesticide use laws and regulations.

The language also includes an inflationary adjustment that mirrors U.S. EPA's inflation adjustment on pesticide use enforcement penalties, so that DPR's and CAC's civil penalties keep pace with levels established federally. An increase in maximum penalties is urgently needed both to catch up with inflation and to act as an adequate deterrent to pesticide use violations that pose grave risks of immediate and chronic damage to the health of farmworkers and the general public. Increased penalties for major drift incidents which sicken dozens of workers or residents are urgently needed. Increasing the maximum penalty for moderate violations, which can include violations of requirements for providing worker training, decontamination supplies and protective equipment from \$1,000 to \$3,000 could also dramatically improve compliance with these key safety provisions and reduce pesticide exposure of farmworkers and pesticide handlers.

In addition, we believe increased funding should strengthen other important enforcement efforts, including:

- Amending DPR 16-004 Pesticide Use Near Schoolsites³ to ensure the regulation is fully enforceable, and requiring annual reporting on pesticide use within ¼ mile of schoolsites in order to analyze the impact of the regulation; and
- Supporting County Agricultural Commissioners by creating a language services hub to help them respond to constituents from any language background.

Additional funding and support for enforcement of pesticide violations is important for protecting the health and well-being of Californians, but especially for low-income people of color in agricultural regions. Pesticide use and residue violation penalties are currently woefully inadequate,

² Donley, N., Bullard, R.D., Economos, J. et al. Pesticides and environmental injustice in the USA: root causes, current regulatory reinforcement and a path forward. *BMC Public Health* 22, 708 (2022). <https://doi.org/10.1186/s12889-022-13057-4> and U.S. EPA. Enforcement and Compliance History Online (ECHO) Database. Analyze Trends: Pesticide Dashboard <https://echo.epa.gov/trends/comparative-maps-dashboards/state-pest-dashboard?state=National>. Accessed May 10, 2022.

³ DPR 16-004 Pesticide Use Near Schoolsites was adopted to protect public K-12 schools and licensed child day care centers from nearby hazardous pesticide applications but currently includes some unenforceable provisions.

and giving DPR additional enforcement authority will help with statewide enforcement efforts. We urge your support for this important proposal.

Sincerely,

Jane Sellen Sarah C. Aird

Jane Sellen and Sarah C. Aird
Co-Directors
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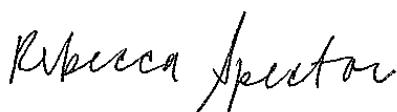
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