Californians For Pesticide Reform

July 29, 2022

Julie Henderson, Director
California Department of Pesticide Regulation
Via email: julie.henderson@cdpr.ca.gov

Dear Director Henderson,

As you are aware, pursuant to the judgment in *Vasquez et al vs DPR and Dow*, the Department of Pesticide Regulation (DPR) is court-ordered to "work in concert with OEHHA" on the development of the regulations for the use of 1,3-dichloropropene (1,3-D) in California. We seek confirmation that the regulations are appropriately informed by the No Significant Risk Level (NSRL) just finalized by the Office of Environmental Health Hazard Assessment (OEHHA). As you know, for decades we have advocated for strong field worker and public health protections from 1,3-D. The new evaluation by OEHHA provides a strong foundation for that approach, and must guide the current rulemaking.

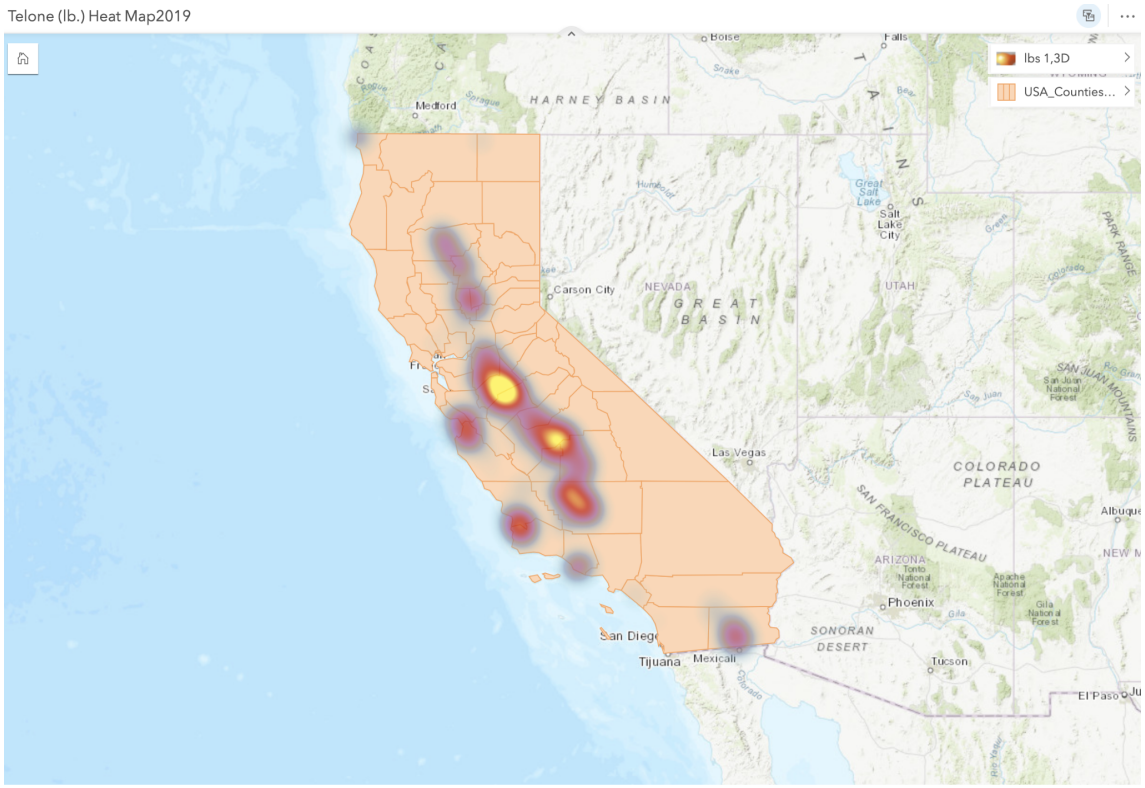
OEHHA's new NSRL for 1,3-D, which is based on the best science currently available, is an average daily exposure of 3.7 micrograms, which is the level estimated to cause one cancer case per one hundred thousand exposed people, the same risk threshold used in rulemaking by your department for decades.

An average daily exposure of 3.7 micrograms, using a standard assumption about the amount of air breathed in by an average person, is equivalent to an annual average concentration of 185 nanograms per cubic meter or .04 parts per billion.

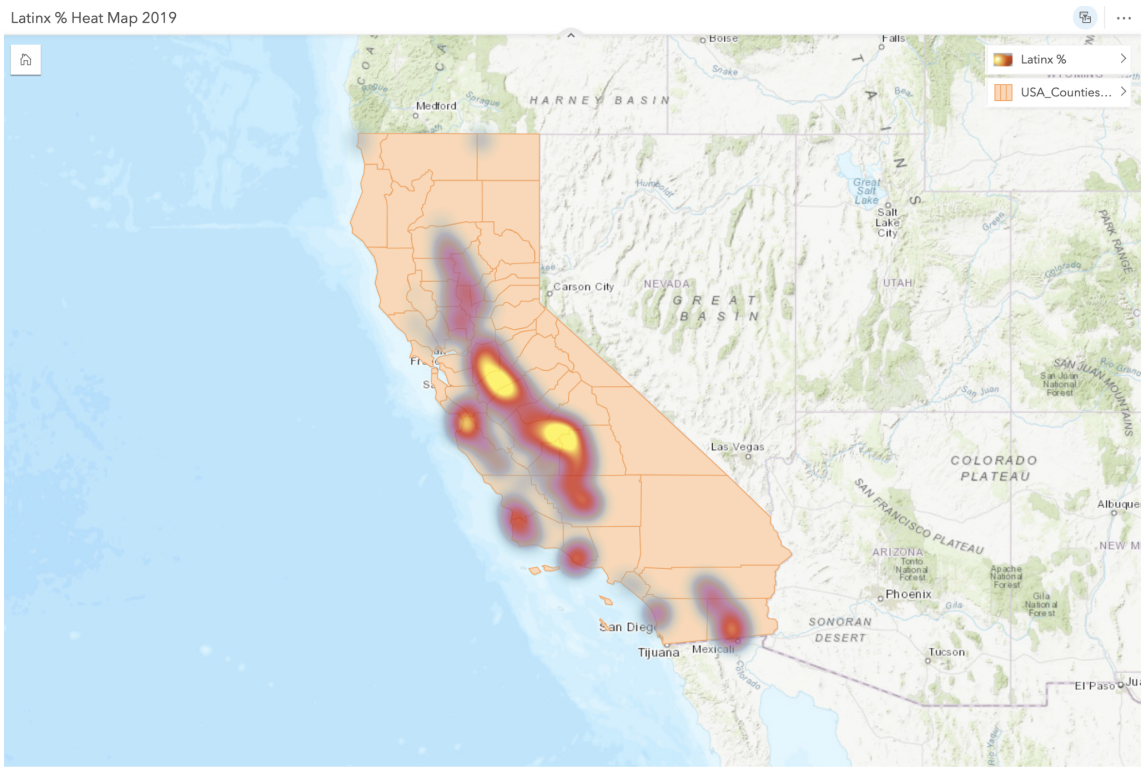
We note that in the last air monitoring report prepared by your department (2019) the average annual concentration ranges from 188 to 1588 nanograms per cubic meter.

By contrast, in 2017 DPR selected an annual average concentration of 0.56ppb, over OEHHA's objections, and appears to be intending to use this target for the current rulemaking. The new NSRL confirms that DPR's selected target is inadequate to protect public health.

Use of 1,3-D in California is an environmental justice issue since use is overwhelmingly concentrated in and around low income, Latino communities. The two heatmaps below demonstrate the remarkable convergence between highest concentrations of Latinx residents and greatest use of 1,3-D, based on 2019 PUR data and US Census data.



Heat map of 1,3-D use in California (2019 PUR data)



Heat map of Latinx population by percentage of total population (US Census Data)

Using OEHHA's No Significant Risk Level in the new 1,3-D regulation will help your department meet its environmental justice obligations.

Sincerely,

Angel Garcia and Jane Sellen, Co-Directors
Californians for Pesticide Reform

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