



Department of Pesticide Regulation
Via email: ProjectNotify@cdpr.ca.gov

July 15, 2022

Re: Statewide Pesticide Notification System

Dear California Department of Pesticide Regulation (DPR),

On behalf of the 200+ member organizations of the statewide coalition Californians for Pesticide Reform (CPR), we wish to comment on DPR's proposal for a statewide pesticide notification program.

For many years, communities throughout California's agricultural regions have called for the basic right to know about planned applications of hazardous pesticides before they occur. Our coalition is calling for the elimination of hazardous and drift-prone agricultural pesticides and the transformation of agriculture in California that includes a safe and sustainable system of pest management. Until that goal is reached, Californians have the right to be notified about hazardous pesticide use in our midst.

Agricultural pesticides are linked to a wide range of human and environmental health impacts, and many are known to drift far from their intended target. Despite the state's extensive regulatory, enforcement and reporting apparatus, residents of communities on the frontlines of agricultural pesticide use - overwhelmingly low income and people of color - are routinely exposed to a dangerous mixture of toxic chemicals, leading to well-documented acute and chronic health effects. Although pesticides are regulated individually by DPR, in reality communities are exposed to an entirely unregulated mixture of dangerous and drift-prone chemicals, including a number that are known carcinogens.

We support the state's effort to develop a pesticide notification system, and applaud Governor Newsom for allocating \$10m in funding for a notification regulation. We note, however, that the CPR coalition has long called for Notices of Intent (NOIs) to use Restricted Material pesticides to be made publicly accessible in advance of applications. This action would require little cost and no regulation, because it would not impose any additional burden on a regulated entity.

Given that DPR has so far chosen not to do that, and instead has elected to pursue a new and costly regulation, we believe the system that is developed should go beyond just public NOIs, to include other hazardous chemicals beyond Restricted Materials, require new and more stringent Pesticide Use Reporting and Notices of Intent that enable applications to be pinpointed to the field level, and provide more than 24 hours notice.

However, based on what we have seen from the four county pilots and the draft statewide proposal, DPR is evidently not intending to use the large budget allocation and the opportunities made available through the regulatory process to develop a more expansive notification system that goes beyond public NOIs. Instead, it is becoming increasingly clear that time and funding is being used to develop a system that is needlessly complicated, still limited to Restricted Materials, fails to provide field location, involves an intrusive and technically challenging sign-up process, does not provide a publicly accessible map of statewide applications, and does not go beyond the 24-hour notice currently possible with existing NOIs.

We urge DPR not to waste the opportunity offered by a years-long and well-funded regulatory process to develop a system that provides real transparency for all Californians. In designing a system that meets the public's need for actionable information regarding a present health threat, DPR must include the following:

I. Notification must be fully public.

We urge DPR to establish a fully transparent, web-based system of advance notification for pesticide applications, including a map showing all planned applications of hazardous pesticides in the state, without the need to register, sign up, enter an address, or share personal information. There is no need to introduce needless obstacles to accessing information about planned pesticide use. Pesticide applications are no different than any other health and safety threat for which notification advances the public's wellbeing. DPR should look to the existing systems in place to alert people to the threat of wildfire, air pollution, tsunamis, or any other public health or safety threat, in which known dangers are graphically represented on a map of the state, and members of the public can view the map online, zoom into the areas of interest, and also elect to be separately notified of threats to public health and safety in the region of their choice. There is simply no public health argument to be made for preventing this information from being publicly and easily accessible. DPR's proposal, to require users to enter an address in order to view upcoming applications within a one square mile section, serves only to allow pesticide applicators to continue to operate without transparency.

II. The exact field location must be provided

We are troubled by the failure of the pilots to include the exact location of the field where a proposed pesticide application will take place, and dismayed that the proposed statewide system plans to take the same approach, providing only the 1 square mile section of planned applications. DPR's publicly stated rationale for this approach is that the NOIs do not allow for the exact field location. This is an unacceptable situation if true, and must be cured in the regulatory process. Quite apart from the inability to provide meaningful and actionable notification, the failure to pinpoint the exact location on NOIs makes them impossible to reconcile with the permits, an obvious enforceability issue.

We must plainly state our view that a system that fails to provide the exact field location is not notification.

III. We need notification now, not years from now

The timeline proposed by DPR for the notification regulation, with an implementation date of 2024, is unacceptable. Notification of Restricted Material pesticide use can and should begin immediately, and the regulation should expand and improve upon this baseline. The proposed timeline leaves Californians with no information about hundreds of thousands of pesticide applications that will take place between now and DPR's proposed implementation date. NOIs can be made public right now. We urge DPR to take this intermediate step immediately, to ensure that communities are protected while the regulatory process unfolds.

IV. Notification for Restricted Materials alone is insufficient

DPR must expand the program beyond Restricted Material pesticides, which are a tiny subset of all pesticides used in California agriculture. Limiting to Restricted Materials makes sense as a first step that makes use of the existing advance notification provided to County Agricultural Commissioners for these pesticides, but much more is possible given the expansive budget and timeframe devoted to the development of the notification regulation.

Designations such as "Restricted Material" are a regulatory determination and do not reflect the most current science on health harms. For example, of the 13 pesticides linked to childhood cancer in the UCLA exposure studies, only four are classified as Restricted, while just one is no longer registered for use in California. That leaves 8 unrestricted childhood cancer-causing pesticides, available for use in California agriculture in any amount and without a permit.

Notification should also be provided for all chemicals listed under Prop. 65, a "Right to Know" designation determined by DPR's sister agency the Office of Environmental Health Hazard Assessment. Pesticides listed under Prop. 65 undergo extensive scientific evaluation, but most are not Restricted Materials. Five of the 8 pesticides not classified as Restricted and linked in the UCLA studies to childhood cancers are Prop. 65-listed. Notification should also be provided for pesticides included in the BeeWhere program.

V. Notification must be provided in appropriate languages

Notification must be provided in appropriate languages, including but not limited to Spanish, Mixteco, Zapoteco and Triqui.

VI. Opt-in alerts must be provided

DPR's notification regulation should establish a system to alert any interested party about planned pesticide use. However, alerts by themselves are not enough and should be in addition to fully public web-posted information. As noted above, pesticide exposure is a public health threat, and notification about this threat should emulate that provided to Californians about other health threats, such as wildfires or particle pollution: a combination of fully public information accessible to all online, and opt-in alerts at the scale and to the extent of the participant's choosing.

Alerts should be provided by email and/or text at least 72 hours in advance of the planned application, in appropriate languages. The notice period should be five days for fumigations, in line with the existing fumigant notification program for ten schools in northern Monterey County. Alerts should include health information as well as maps and other graphics aimed at simplifying and facilitating communication of complex information.

V. DPR must establish a permanent steering committee of community members

Because of their lived experience, those on the frontlines of pesticide exposure have unique expertise on how a notification program should function so that it results in actual improvement to their lives and health.

Community residents must be meaningfully included in all stages of planning, implementing and adjusting the notification program. We urge DPR to establish a permanent steering committee comprised of impacted community residents, to oversee the program in its development stage and into the future.

Thank you for the opportunity to comment.

Sincerely,



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