



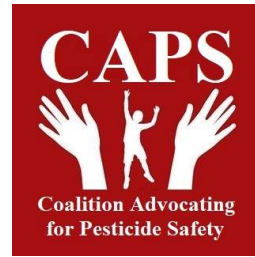




Unitarian Universalist Church
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CAUSE





November 14, 2022

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

Public Comment on California's Proposed Pesticide Notification Program

Dear Secretary Henderson,

Thank you for your efforts to establish a system of pesticide notification in California. The undersigned 113 signatories, representing a broad coalition of environmental, EJ and sustainable agriculture groups, community-based organizations, farmers, unions, and individual medical practitioners and professors, submit these comments for your consideration.

In developing a statewide pesticide notification system, we urge DPR to take to heart the lessons learned from the four pilot pesticide notification projects underway in 2022 in Santa Cruz, Stanislaus, Ventura and Riverside Counties. It is critical that the statewide system prioritize provision of accessible and actionable information, so that millions of dollars and countless hours of time are not wasted developing, implementing and enforcing a system that fails to serve those most impacted by pesticide exposure.

Specifically, unless the system provides the exact field location of pesticide applications in a publicly accessible manner without the need to register or provide personal information, the opportunity to establish a globally precedent-setting notification program will be squandered, and a notification requirement will be implemented that doesn't work and which very few use.

We therefore call on DPR to ensure that the statewide pesticide notification system includes the following:

1. 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. The notification system must be accessible to all and not limited to individuals within certain geographic boundaries.

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 are many reasons why families in California need information about pesticide applications that occur a significant distance from where they live. Families may want to monitor pesticide applications near elderly relatives who live many miles away. Children may be attending school a long distance from where they live. The average California commuter travels about 40 miles for work. There should be no requirement in the notification system that information is available only locally. No other environmental hazard system of which we are aware has such a limitation. There is simply no public health argument to be made for preventing this information from being publicly and easily accessible.

2. Opt-in alert must be provided

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.

3. Notification must include the exact location of planned pesticide applications.

It is our view that a system that fails to provide the exact field location is not, in fact, notification. None of the four pilot programs included the exact location of the field where a proposed pesticide application will take place, and so the opportunity to test its feasibility and impact was lost. 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 Notices of Intent (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.

People are not motivated to use a system that does not provide the precise location information that would enable them to take action to protect their families. This is borne out by the lack of robust participation in the four pilot programs, despite repeated entreaties to DPR and the participating agricultural commissioners to include the information people actually need. The lack of specific location information makes it almost impossible for community members to use the notification system to protect their health and the health of their families – a primary goal of the system. Without actual field location information that people can use to decide what precautions are worth adopting (taking a different route to work, keeping an asthmatic child indoors, bringing in the laundry, avoiding a park next to a field scheduled to be treated, etc.), notifications about an application somewhere in a broader geographic area can be

overwhelming and useless. Specific location information is necessary for residents to be able to take the adequate steps they need to protect their health and that of their loved ones.

Providing precise information about the exact location of the hazard is feasible and would be in line with other hazard notification systems. The agricultural industry agrees that field location information should be included in the notification system. In a July 15, 2022 letter to DPR, co-signed by 16 industry groups, the Agricultural Council of California recommended that “[i]nformation that should be included in a pesticide application notification should include the planned date of application, *the field section or location based on the address or mapping required by Agricultural Commissioners*, and the RUP to be applied.” [emphasis added]

4. We need notification now, not years from now

The planned implementation timeline of 2024 is unacceptably long. DPR can require County Agricultural Commissioners to publicly post Notices of Intent to use Restricted Material pesticides now, with no need for a regulation. We urge the Department to take this interim step now, while they continue to develop a regulation that goes further than this baseline.

5. Notification for Restricted Materials alone is insufficient

DPR must expand the program beyond Restricted Material pesticides. Much more is possible given the expansive budget and timeframe devoted to the development of the notification regulation.

At a minimum, notification should also be provided for all pesticides included in the BeeWhere program, and those 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.

6. Notification must be provided in appropriate languages

At a minimum notification should be provided in English and Spanish, and the indigenous languages most commonly spoken in California’s farmworker communities.

7. 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 composed of impacted community residents, to oversee the program in its development stage and into the future.

Thank you for the opportunity to comment.

Sincerely,

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