April 26, 2023

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

Re: The proposed pesticide notification program must provide exact location.

Dear Director Henderson,

The undersigned 67 signatories, representing a broad coalition of EJ, environmental, health and sustainable agriculture groups, community-based organizations and unions, submit these comments for your consideration regarding the pilot pesticide notification proposal developed by the California Department of Pesticide Regulation (DPR) and recently presented to stakeholders for feedback and comment.

Thank you for your efforts to develop a notification system for Restricted Material pesticides. We appreciate DPR’s responsiveness to the overwhelming demand by community members for a simple, easy-to-use and highly accessible public-facing system of notification, with optional alerts that do not require complex registration or provision of sensitive personal information. We understand that the proposed system will be offered initially in English and Spanish, and that DPR is exploring ways to expand to other languages, including those that do not have a written form.

However, we understand that DPR’s current proposal does not provide the exact location of planned pesticide applications, even though this information is available in advance in annual permits granted by County Agricultural Commissioners and could be easily provided to DPR and the public. **We urge you to reconsider the decision to withhold this critical piece of information.**

We caution that a system that excludes the exact location of applications of restricted pesticides will not protect public health, which is the very mission of DPR. A system without exact location fails to provide individuals, families, communities, schools, and emergency departments with the information needed to protect themselves and those in their care from known hazards. For the parent of an asthmatic child, the difference between a fumigation in the field next door and one a mile across town can be life and death.

DPR must take this opportunity to pilot a program that is fully responsive to its public health obligation and the demands of impacted community members to know about planned use of hazardous chemicals in their immediate vicinity, in a manner that is actionable.

It is well documented that Latinx, Indigenous and immigrant populations are disproportionately impacted by pesticide exposure, leading to disparities in health outcomes. To withhold information from these historically marginalized populations is to perpetuate ongoing systemic and colonial racism that denies Latinx, Indigenous and immigrant populations the human right to protect themselves from a known health hazard.
Throughout the implementation of the four pilot notification programs in Santa Cruz, Ventura, Stanislaus and Riverside in 2022, DPR received the same feedback: **It's not notification if it doesn't include the exact location.** In all of the pilots, the shortcomings of receiving notice of all applications within a square mile were readily apparent. Residents reported that without the exact location, they didn’t know what protective steps they could take, and were either too scared to leave the house or tuned out the notifications entirely. This feedback was communicated to DPR and the participating agricultural commissioners repeatedly and unequivocally.

DPR’s stated reason for excluding the exact location is that information about location is provided only in the annual permit for restricted pesticide use, and not in the Notice of Intent provided to agricultural commissioners in advance of a pesticide application. However, this current shortcoming in some (not all) NOIs can be fixed in the rulemaking. Indeed, it is our understanding that Kern County’s groundbreaking grower-to-grower notification program is able to provide other growers with exact location information, in one of the heaviest pesticide-use counties in the nation. Kern County Agricultural Commissioner Glen Fankhauser is on record crediting the program with a decrease in individuals impacted by drift.

DPR can and must assert the authority it has recently claimed under the Food and Agriculture Code to direct county agricultural commissioners to amend the NOIs so that they include the field location information already provided in the permit. Some counties are already doing this, and all others must follow suit. To cite this deficit in the NOIs as the reason for developing a fatally flawed notification system, and to claim a total inability to cure it, strains credulity.

With a state budget allocation of $10m and countless hours spent in developing and piloting this program, as well as extensive stakeholder engagement, the stakes are high. The stakes for impacted community members, who depend on DPR to protect them, are far higher. We urge DPR not to settle for a compromise that satisfies no one and fails at its singular purpose - to provide notice of planned hazardous chemical use in a way that allows impacted residents to protect themselves.

Sincerely,

Angel Garcia and Jane Sellen, Co-Directors, **Californians for Pesticide Reform**  
Samuel Greenlee, Executive Director, **Alchemist CDC**  
Marketa Houskova, Executive Director, **ANA|California (American Nurses Association)**  
Hardy Kern, Director of Government Relations, **American Bird Conservancy**  
David F. Gassman, Co-Convenor, **Bay Area - Systems Change not Climate Change**  
Lisa Arkin, Executive Director, **Beyond Toxics**  
Rainbow Rubin, Science Director, **Breast Cancer Prevention Partners**  
Thomas Helme, Coordinator, **California Environmental Justice Coalition**  
Scarlett Russell, Programs Coordinator, **California Nurses for Environmental Health and Justice**
Anne Katten, Pesticide and Work Health and Safety Specialist, California Rural Legal Assistance Foundation
Sandra Garcia, Presidenta, Campesinas Unidas del Valle de San Joaquin
Dr. Ann Lopez, Executive Director, Center for Farmworker Families
Rebecca Spector, West Coast Director, Center for Food Safety
Grecia Orozco, Staff Attorney, Center on Race, Poverty, & the Environment
Nayamin Martinez, Executive Director, Central California Environmental Justice Network (CCEJN)
Sarait Martinez, Executive Director, Centro Binacional para el Desarrollo Indigena Oaxaqueño (CBDIO)
Ken Szutu, Director, Citizen Air Monitoring Network
Suzanne Hume, Educational Director and Founder, CleanEarth4Kids.org
Andria Ventura, Legislative and Policy Director, Clean Water Action
Lupita Sanchez, Organizer, CAPS (Coalition Advocating for Pesticide Safety) - Tulare
Teresa Gomez, Organizer, CAPS 805 (Coalition Advocating for Pesticide Safety)
Anabel Marquez, President, Comité por un Shafter Mejor
Diana Mireles, Interim President, Comité Progreso de Lamont
Estela Escoto, President, Committee for a Better Arvin
Lupe Martinez, President, Delano Guardians
Jan Dietrick, Director, Dietrick Institute for Applied Insect Ecology
Gregory C. Loarie, Senior Attorney, Earthjustice
Miguel Alatorre, Director, El Pueblo Para el Aire Y Agua Limpia de Kettleman City
Dan Silva, Executive Director, Endangered Habitats League
Bill Allayaud, California Director of Government Affairs, Environmental Working Group
Catherine Dodd, PhD, RN, Advisor, Families Advocating for Chemical and Toxics Safety (FACTS)
Heather Podoll, Partnership and Advocacy Coordinator, Fibershed
Dana Perls, Senior Program Manager, Friends of the Earth
Constance Beutel, Member, Good Neighbor Steering Committee, Benicia
Bradley Angel, Executive Director, Greenaction for Health and Environmental Justice
Lendri Purcell, President, Growing Solutions Fund
Kristen Murphy, Partner and Co-Founder, JAIDE Conservation Collective, LLC
Mariela Loera, Policy Coordinator - Climate Programs, Leadership Counsel for Justice and Accountability
Belita Cowan, President, Lymphoma Foundation of America
Linette Lomeli, Executive Director, Madera Coalition for Community Justice
Michael Freund, Attorney, Michael Freund & Associates
James Costello, Board Member, Modesto Peace/Life Center
Cesar Lara, Executive Director, Monterey Bay Central Labor Council
Kathleen Mulligan, Executive Director, National Association of Environmental Medicine
Miriam Rotkin Ellman, Senior Scientist, Natural Resources Defense Council
Kim Koste, Founder, Non-Toxic Neighborhoods
Nelly Vaquera-Boggs, President, Pajaro Valley Federation of Teachers
Jeni Knack, Co-Director, Parents Against Santa Susana Field Lab
Susan JunFish, MPH, Parents for a Safer Environment
Asha Sharma, Organizing Co-Director, Pesticide Action Network
Martha Dina Arguello, Executive Director, Physicians for Social Responsibility-Los Angeles
Mackenzie Feldman, Director, Re:Wild Your Campus
Michael Dimock, Director, Roots of Change
Yanely Martinez, Organizer, Safe Ag Safe Schools
Erika Alfaro, Chapter President, San Francisco/Bay Area National Association of Hispanic Nurses

Jeffrey Smedberg, Membership Secretary, Santa Cruz for Bernie
Ted Schettler MD, MPH, Science Director, Science and Environmental Health Network
Miriam P. Limov, Farm Institute Associate, Sierra Harvest
SoCoCAN!, Activist, Sonoma County Climate Activist Network (SoCoCAN!)
Herman Barahona, Lead Community Organizer, The Sacramento Environmental Justice Coalition

Crystal Cavalier, Policy Director, Toxic Free NC
Marylia Kelley, Executive Director, Tri-Valley CAREs
Jassy Grewal, Legislative Director, UFCW Western States Council
Helena Melo-Flowers, Manager, United Community Foundation
Efrain Aguilera, Union Rep, United Food & Commercial Workers Union, Local 5
Bianca Lopez, Co-Founder, Valley Improvement Projects (VIP)
Janice Schroeder, Core Member, West Berkeley Alliance for Clean Air and Safe Jobs