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**VIA EMAIL ONLY**

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Dear interested community and coalition members:

Thank you for the coalition's letter dated April 26, 2023 on the proposed statewide pesticide notification system. We appreciate your feedback. The Department of Pesticide Regulation (DPR) operates a robust pesticide regulatory system to protect human health and the environment, including evaluating pesticide risks before pesticides can be sold or used in California, restricting use to mitigate risks, and continuously evaluating pesticides after registration to mitigate adverse impacts to people and the environment.

The department is using information collected through the state's pesticide restricted materials permitting process to develop the statewide pesticide notification system. The system will distribute transparent, real-time information to the public on restricted materials pesticide applications before the pesticide applications are made. The state's existing restricted materials permitting process is a critical regulatory tool for DPR and County Agricultural Commissioners to control the use of restricted materials pesticides across the state to protect people and the environment.

DPR's development of the statewide notification system has been informed by extensive public [input](#) over the last two years. The notification system will significantly increase transparency, as information about restricted materials pesticide applications has previously only been generally publicly available as an aggregate, post-application summary in [Pesticide Use Reports](#).

### *An Overview of Restricted Materials Permitting*

Restricted materials are a highly regulated category of pesticides in California. These pesticides have additional restrictions on how and where they can be used and can only be applied by certified applicators. Restricted materials are more highly regulated because they have a higher potential risk of causing harm to people and the environment compared to other pesticides. The additional restrictions on their use reduces those potential risks.

The restricted materials permitting process has two steps:

- 1) **Annual Permit:** On an annual basis, a grower or pesticide applicator submits a restricted materials permit application to the County Agricultural Commissioner. The permit application includes a list of the restricted materials pesticides a grower/pesticide applicator is requesting to use throughout the year, crops the restricted materials may be used on, the location of the area(s) where the restricted materials pesticides may be used, and the identification of sensitive sites near the application site(s). Growers identify each field/area where they plan to use a restricted materials pesticide on the annual permit map and in the "Site ID" section of the permit application. There is no standard Site ID convention, so the format varies across the state (e.g., Field 1, French Road 1a Spinach). Growers determine how to identify the location of the pesticide application, which may be the Site ID or other shorthand, since many fields do not have an address or may be a portion of a field within an existing field boundary. Additionally, growers often change the area of fields on an annual basis.

The County Agricultural Commissioner reviews a grower's/pesticide applicator's annual restricted materials permit application to evaluate location-specific conditions related to the application of a restricted materials pesticide such as proximity to sensitive sites (e.g., schools, waterbodies). Based on this information, the County Agricultural Commissioner may approve the annual permit, approve the permit with conditions such as buffer zones or setback requirements, or deny the permit.

- 2) **Notice of Intent (NOI):** Prior to the application of a restricted materials pesticide, and based on an approved annual permit, the grower or pesticide applicator must submit a "Notice of Intent" to their County Agricultural Commissioner. The County Agricultural Commissioner reviews the NOI for date and time specific variables in wind or weather patterns that might introduce risk to people or the environment during the pesticide application. The location information on the NOI includes:
  - "Site ID" which may include grower or county specific references (e.g., Field 1, French Road 1a Spinach),
  - Location, which may be identified by referencing the site ID number, the address of the site, or some other location description. There is no

- standard convention for identifying the location, so the location information format varies amongst NOIs.
- Standard Township Section Range location drawn from the Public Land Survey System, a national mapping system that identifies areas in a one square mile resolution.

The NOI is submitted at least 48 hours in advance of planned fumigant restricted materials applications and 24 hours in advance of planned non-fumigant restricted materials applications. The County Agricultural Commissioner may approve the NOI, approve it with conditions, or deny it.

#### *Proposed Notification System Design Using Location Information in the NOI*

The proposed statewide notification system design will use data from NOIs to provide advance notice of restricted materials applications.

The only standardized form of location information included in NOIs across all counties is the Public Land Survey System data, which identifies location in a one square mile area.. Other location information included in NOIs appears in formats that vary from county to county or from grower to grower. DPR explored options for providing pesticide application information within ½ mile and ¼ mile resolution, and the feasibility of using different mapping systems, and determined that the existing NOI system's standard 1 mile by 1 mile Township Section Range information is currently the only option for a consistent statewide rollout.

Most NOIs are submitted electronically. In order to implement this system, DPR is developing a regulation that will require electronic submission of all NOI information for use in the state's notification system. The regulation will require transfer of NOI information based on the current restricted materials permitting process.

As mentioned in the coalition's letter, DPR has shared the proposed system design with multiple community leaders. As noted above, the system design was informed by extensive public input and includes a more user-friendly format, anonymous search functionality, an option to sign-up for emails or text messages with just a phone number or email, and a web-based view of statewide restricted materials pesticide applications using a mapping tool. The system will initially be available in Spanish and English and DPR will explore incorporating additional languages in the future. DPR has committed to evaluating the effectiveness of the proposed system once it is implemented and will consider future improvements.

DPR is exploring options to conduct beta-testing on the proposed notification system. As part of these beta tests, DPR would provide access to the proposed notification system to participants in a number of counties to test and provide feedback on the system. The goals of the beta tests are to gather feedback on the system including its

user experience, website design, ease of use, messaging, and value of provided information.

Thank you again for sharing your interest in the system and in having access to the exact location of restricted materials pesticide applications. We share the objectives of increasing transparency and providing equitable access to pesticide application information and are working to design a system that provides real-time, advance notice of restricted materials pesticide applications. We are committed to evaluating and improving the system once it is launched and will include that commitment in the notification regulations. We look forward to continued conversations during the system's development and following its launch. To that end, we would like to offer a demonstration of the proposed design to additional members of your coalition or interested community members. Please let us know if additional coalition or community members would be interested, and we will schedule a demo and discussion.

Sincerely,

A handwritten signature in black ink that reads "Julie Henderson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Julie Henderson, Director  
California Department of Pesticide Regulation