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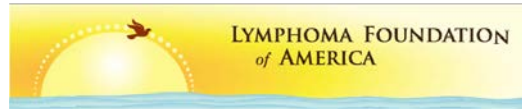
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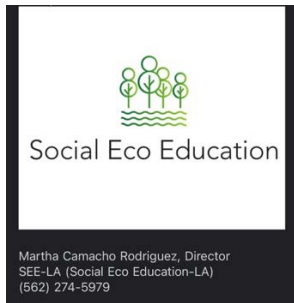
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NORTHWEST CENTER FOR ALTERNATIVES TO PESTICIDES

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WORKSAFE
safety, health, and justice for workers



January 12, 2024

Julie Henderson, Director
California Department of Pesticide Regulation
1001 I Street, PO Box 4015
Sacramento, CA 95812-4015
Via email: dpr23002@cdpr.ca.gov

Dear Director Henderson,

Thank you for the opportunity to provide public comment on the proposed regulation 23-003 *Statewide Notification of Agricultural Use of Restricted Materials*. The undersigned 133 signatories, representing a broad coalition of environmental, EJ and sustainable agriculture groups, community-based organizations, farmers, unions, and academics applaud the Department of Pesticide Regulation (DPR) for this welcome step toward transparency in agricultural pesticide use, for which highly impacted agricultural communities have long advocated.

Thank you for incorporating community feedback into DPR's "Spray Days" pilot notification program. The program includes many features that we would like to see included in the statewide program. We ask that DPR's regulation include sufficient detail to guarantee the adoption in the statewide program of these essential components, including: 1) a fully public and transparent website that does not require registration of any kind to access; 2) the chemical and product names associated with pesticide applications covered by the regulation, along with links to potential health impacts from exposure to those pesticides; 3) a visual representation of upcoming applications on a map of the state, with the ability to zoom in for greater granularity; 4) an option for visitors to sign up to receive alerts by text or email; 5) additional information on pesticides and community health and 6) provision of all information in the notification system in at least English and Spanish, with flexibility to add additional languages.

However, we are united in calling for the proposal to be amended to include:

- 1. The exact location of applications of restricted material pesticides, and**
- 2. An annual and enforceable community review and revision process to make changes as needed.**

Despite extensive feedback from environmental justice stakeholders, this draft does not provide the exact location of planned pesticide applications, only the Public Land Survey (PLS) square mile section. As DPR has heard repeatedly from residents of four communities that hosted notification pilots in 2022, this type of notice is insufficient. It does not provide the information that would enable community residents to take steps to protect themselves and their families.

Residents of the pilot communities reported receiving so many notices that they either ignored the notifications, or became too afraid to leave the house. People understand that the closer they are to a pesticide application, the higher the risk of harm. They are justifiably even more concerned about pesticide drift from the field next door than from a field a mile across town. Residents of agricultural communities, especially pregnant women, also want to know the exact location in order to avoid application sites. The applications may be many miles away, but could be near or on the route to work or school or a favorite family park. If all the public knows is the PLS section, they simply do not have enough information to take appropriate safety precautions.

County agricultural commissioners already know the exact locations of restricted material pesticide applications in advance; this information should not be withheld from the public. We know of no other public health alert system that deliberately excludes known location information.

DPR has stated that the exact location cannot be provided because this information is not standardized in the Notices of Intent (NOI), the forms that growers are required to submit to the county agricultural commissioner prior to use of a Restricted Material pesticide. DPR has the authority to standardize this information during the rulemaking. Indeed, DPR will be adding the new requirement that growers submit their NOIs online. This is the time to amend those online NOIs to include the same location information as is already included in the permits to which the NOIs refer. If DPR will not standardize location information, they should commit to publishing the location information in whatever non-standardized format is provided, or to publishing the permits along with the NOIs.

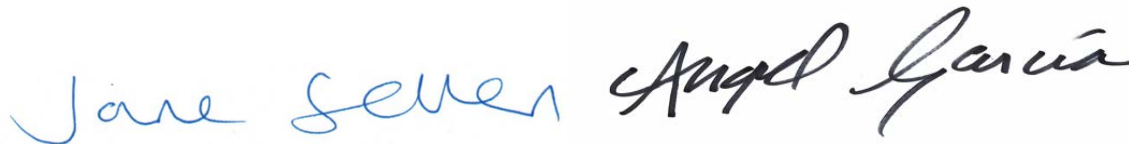
This proposal is, as your Department has noted in meetings with environmental justice stakeholders, just a first step. Much more needs to be done to ensure that Californians are aware of nearby hazardous chemical use. In meetings with CalEPA and DPR, environmental justice groups have been told that the regulation will include an iterative review and revision process based on community feedback. However, this draft includes no such commitment to review and revise, only a report by DPR staff after three years.

This is not good enough. It is vital that DPR keeps the promise it made to communities that this small step toward transparency will be accompanied by an enforceable commitment to make improvements in the future.

The lack of an iterative review and revision process in the regulation is particularly concerning given the lack of exact location information, and the likelihood that this deficit will harm the program's effectiveness.

In conclusion, we urge DPR to include the exact location of applications of restricted material pesticides, and to commit to establishing and convening an annual community advisory panel, composed of impacted community members tasked with making enforceable recommendations for improvements to the program. We also call on DPR to include the necessary level of detail in the regulation to ensure that those components that are critical to a robust notification system, as modeled in the Spray Days pilot, are incorporated into the statewide system.

Sincerely,

Handwritten signatures of Jane Sellen and Angel Garcia in blue ink.

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

And the following cosignatories:

David Diaz, Executive Director
Active San Gabriel Valley

Patricia Carrillo, Executive Director
Agriculture and Land-Based Training Association

E. Hardy Kern, Director of Government Relations
American Bird Conservancy

Cailin Dendas, Environmental Health Senior Coordinator
As You Sow

Cheryl Auger, President
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Central Valley Immigrant Integration Collaborative

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