



February 12, 2024

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

Dear Director Henderson,

The Department's recent actions and decisions have led us, the undersigned Environmental Justice stakeholders, to doubt DPR's commitment to Environmental Justice and question the value of continuing bimonthly environmental justice stakeholder meetings. We will attend the previously scheduled meeting at 3pm on Tuesday February 27 but are considering terminating these EJ meetings until a genuine commitment to EJ is demonstrated by the department. We wish to discuss the issues in this letter as the sole agenda item at the February 27th meeting.

Several extremely troubling recent developments demonstrate DPR's lack of commitment to environmental justice and disrespect of EJ concerns and we demand immediate reversal of these actions. This not environmental justice. It is environmental racism.

- *Denying farmworkers the right to challenge a restricted material permit is not EJ.* In an act of astonishing bad faith, DPR has inserted language into an unrelated budget bill that would deny the right to challenge potentially unlawful permits to farmworkers, teachers, students, occupants of FEMA emergency trailers, and residents of temporary farmworker housing, or to anybody more than half a mile from an application. This action appears to be in retaliation for our coalition's efforts to challenge permits for applications near schools in Monterey. The legal challenge process has proven to be extraordinarily difficult, because of a loophole that allows the County Agricultural Commissioner to run out the clock and then deny the challenge on the basis that the permits have expired. DPR's proposal would make it much harder to even *try* to challenge permits.

- *Silencing the public during a public hearing, and repeating industry’s debunked lies, is not EJ.* We continue to experience deeply entrenched anti-EJ attitudes across DPR. In a recent example, a staffer with DPR’s regional office in Clovis attempted to silence Nayamin Martinez in the lobby after a public hearing, stating that it was DPR’s meeting and so DPR got to decide who could speak, with whom, and where. The staffer escalated the issue to her boss, DPR Central Regional Office Enforcement Manager Brandi Martin, who restated DPR’s position that we had no right to engage in dialog with a grower in the lobby of a public building at a public hearing. Ms. Martin also repeated the false claim that participants in our CARB-funded, UC Davis-led air monitoring study in 2021 had trespassed on treated fields. As you know, this claim was originally promulgated by the ag industry and later amplified on official letterhead by the Tulare County Agricultural Commissioner, who was forced to *retract* his statement and correct the record. For a DPR Regional Enforcement manager to be still repeating this blatant misinformation is indicative of a deeply hostile culture at DPR. Nayamin brought this matter to your attention, Director Henderson, but has yet to receive a response.
- *DPR’s EJ staff cannot do their job remotely. They must travel to EJ communities.* We invited DPR’s Environmental Justice Assistant Director to participate in in-person community meetings in Tulare County on the notification pilot. Ms Pazos stated that she could not travel because of budget constraints: this, despite DPR having roughly \$6m remaining in the notification budget, to our knowledge.

The following issues, which demonstrate DPR’s ongoing disregard for the disproportionate exposure of farmworking communities to pesticides, must be addressed:

- *Inaction in the face of a serious and well-documented health hazard is not EJ.* We have known since last May that there is an extremely high risk of developmental effects from DCPA. Since July, we have urged DPR and the Monterey CAC to act. The US EPA suspended the technical product in September, but did not restrict use of existing stocks. Five months later, DPR has still not taken emergency action to suspend use of this product.
- *Prioritizing registration of new pesticides over reevaluation of existing pesticides is not EJ.* DPR’s Budget Change Proposal would increase registration ACTIONS from 3,003 in 2023 to 4,050 by 2026. In contrast, DPR makes no commitment to completing a single reevaluation of existing pesticides. Zero. There are dozens of pesticides that have been prioritized by DPR for reevaluation since 2011. Of the ten pesticides that were listed in 2014 as highest priority for risk assessment, none has a completed risk assessment and all are still in use. In response to our advocacy since 2021, DPR has promised a new process for determining yet another prioritization list, but has made no commitments to completing a single previously prioritized risk assessment, nor any resulting mitigations.
- *Exposing farmworking families to unsafe levels of a cancer-causing pesticide is not EJ.* DPR continues to disregard OEHHA’s “No Significant Risk Level” for the fumigant

1,3-dichloropropene for residents of farmworking communities. The result is a shameful example of policy that deliberately denies farmworker families the protections guaranteed for all other Californians. By choosing the number supported by Dow Chemical over the scientific recommendation of your sister BDO, DPR has firmly sided with the polluter. Your department fought us in court for seven years for the right to exclude farmworkers from the 1,3-D regulation, so that DPR would not be bound by state law to follow the recommendations of OEHHA.

Delaying funding of the Environmental Justice Advisory Committee is not EJ. DPR is requesting substantial new funding via a mill fee increase, but has requested no funds for implementation of the EJAC. Chief Deputy Karen Morrison informed us that this was because of a “blanket” decision by Governor Newsom not to allocate budget funding to new legislative obligations. However, since DPR is requesting millions of dollars in *new* funding, they could easily choose to fund this legislative mandate, instead of the 12 to 20 “workshops, trainings, and public engagement events related to environmental justice and equity” proposed in the BCP. It seems DPR is unwilling to listen to what impacted residents actually want and what the legislature has now mandated, preferring its own version of “EJ”. We urge you to commit to funding the Environmental Justice Advisory Committee (EJAC), legislatively mandated by AB 652 (Lee), and immediately begin recruiting and scheduling EJAC meetings in 2024.

In conclusion, we, the environmental justice stakeholder group members, call on DPR to reverse recent actions that conflict with environmental justice and truly commit to reducing the disproportionate exposure of farmworking communities to pesticides.

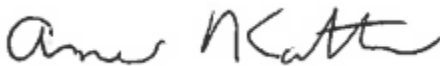
Sincerely,



Gustavo Aguirre, Center on Race, Poverty and the Environment



Angel Garcia, Californians for Pesticide Reform



Anne Katten, California Rural Legal Assistance Foundation



Bianca Lopez, Valley Improvement Projects



Nayamin Martinez, Central California Environmental Justice Network



Jane Sellen, Californians for Pesticide Reform



Asha Sharma, Pesticide Action Network