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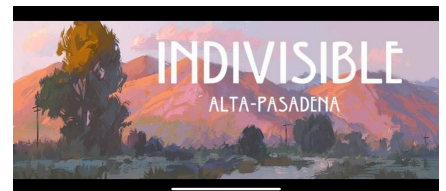
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NRDC NATURAL RESOURCES DEFENSE COUNCIL



March 25, 2024

Honorable Robert Rivas
Speaker of the Assembly
1021 O St. Suite 8330
Sacramento, CA 95814

Honorable Jesse Gabriel
Chair of the Assembly Committee on Budget
1021 O St. Suite 8230
Sacramento, CA 95814

Honorable Steve Bennett
Chair of the Assembly Budget Subcommittee #4
1021 O St, Suite 4710
Sacramento, CA 95814

Honorable Mike McGuire
President ProTem of the Senate
1021 O Street, Suite 8518
Sacramento, CA 95814

Honorable Scott Wiener
Chair of the Senate Committee on Budget
1021 O Street, Suite 8620
Sacramento, CA 95814

Honorable Josh Becker
Chair of the Senate Budget Subcommittee #2
1021 O Street, Suite 7250
Sacramento, CA 95814

RE: Department of Pesticide Regulation budget change proposal, budget trailer bill and AB 2113 policy bill

Dear Speaker Rivas, President pro Tempore McGuire, Chair Wiener, Chair Gabriel, Chair Becker and Chair Bennett:

The pesticide mill fee – from which the Department of Pesticide Regulation (DPR) receives the majority of its funding – was last updated two decades ago.¹ During that time, DPR has not had or utilized adequate resources to protect the public from pesticide health impacts, as it is charged to do. It is critical that the fee is increased through the state’s legislative policy (AB 2113 - Garcia) and budget process. However, the funds should be used to protect the public from the health impacts of pesticides – especially those on the frontlines of exposure in agriculture, like farmworkers.

California has some of the highest pesticide use in the world – applying pesticides on cropland at 4.5 times the national average.² Chemical pesticide use has significant impacts on public and farmworker health,^{3 4 5 6} pollinator health,⁷ biodiversity,^{8 9 10} water and air quality,^{11 12 13}, equity^{14 15} and the climate^{16 17}. Pesticide exposure can result in acute poisoning and is also associated with long-term diseases, such as cancer, reproductive disorders and developmental harm to children¹⁸ – especially for those on the frontlines of pesticide exposure like farmworkers. In one study, farmworkers’ incidences of cancer exceeded that of the general population by 59% for certain leukemias, 70% for stomach cancer and 68% for uterine cancer.¹⁹

To address these ongoing harms from chemical pesticides, our 23 undersigned organizations recommend:

1. Add \$20 million ongoing annual funding from the pesticide mill fee to establish a Sustainable Pest Management (SPM) Incentive Program at the California Department of Food & Agriculture (CDFA), in partnership with the Department of Pesticide Regulation (DPR)

DPR's [SPM Roadmap](#) has the goal that, by 2050, sustainable pest management will be the de facto pest management system in California. The roadmap notes that critical points of leverage to achieve this goal are to scale up investments in SPM-focused research and outreach and to reduce economic risk for growers transitioning to SPM, so that all growers have access to SPM transition and implementation. DPR [has proposed](#) increasing “research and outreach grants and technical resources by a factor of three” by 2025. An SPM incentive program at CDFA would provide much needed resources and technical assistance to farmers to transition to SPM without fear of economic loss. The program would allocate 75% of available funds to socially disadvantaged farmers and ranchers, emerging farmers, small-scale farmers, and the technical assistance providers that serve them – acknowledging the long history of public underinvestment in these communities.²⁰

The SPM Roadmap defines SPM as “a holistic, whole-system approach applicable in agricultural and other managed ecosystems and urban and rural communities that builds on the concept of integrated pest management (IPM) to include the wider context of the three sustainability pillars: human health and social equity, environmental protection, and economic vitality.” It notes that this definition goes beyond the University of California’s definition of IPM as “long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties... [where] pesticides are used only after monitoring indicates they are needed according to established guidelines.”

Therefore, the program’s funding will go towards holistic approaches to preventing and addressing pests that also uplift equity, environmental protection and long-term economic sustainability – and can assist farmers in their transition to organic and regenerative agriculture. Funds would be available for producers, native tribes and other entities to research, provide technical assistance support, conduct demonstration projects or directly implement/continue two or more of the following:

- Ecologically-based pest prevention
 - Includes a range of diversification practices meant to increase on-farm above and belowground biodiversity, including intercropping, diverse crop rotations, cover

- cropping, trap cropping, polycultures/multi-cropping, hedgerows, agroforestry, variety mixtures and floral strips
- Includes enhancing beneficial organisms and their habitats
- Includes equipment for sustainable pesticide management or organic farming
- Purchase of organic inputs including organic fertilizer, compost and pesticides
- Achieving equity for farmworkers
 - Equitable labor standards and pay structure for farmworkers who work in organic and sustainable pest management farming
- Securing access to capital and markets for producers utilizing SPM or organic practices
- Securing long-term land tenure and access
 - Transitioning to SPM includes upfront costs that can be a barrier to farmers if they do not have long-term land access or tenure and the confidence that they will continue to farm the land into the future

2. Add \$1.1 million in ongoing annual funding for an Environmental Justice Advisory Committee at DPR

Pesticides are one of the top two pollutants in California most correlated with race and ethnicity.²¹ AB 652 (signed into law last year) establishes an environmental justice advisory committee (EJAC) at DPR in order to address these disparate impacts. It is critical that funding for increased community engagement, worker practices and air monitoring in the pesticide mill fee proposal is maintained, and an additional \$1.1 million is allocated for the EJAC in order to achieve environmental justice in our food and farming system.

3. Re-distribute \$3 million from registrations of new pesticides to re-evaluations and mitigations

Often pesticides are registered (approved for use) that are subsequently shown to be harmful to human health or the environment. If DPR receives information about significant unexpected harms, staff are required to conduct a re-evaluation of whether that pesticide should continue to be used, and if additional mitigations are necessary to reduce risk to public health and the environment.

These processes have been extremely slow at DPR. Multiple pesticides have been in the re-evaluation process for decades. Cyfluthrin (since 1998) and chloropicrin (since 2001) are two examples.²² Chloropicrin remains one of the most heavily used pesticides in California. DPR's most recent public prioritization, in 2014, listed the top 10 priority pesticides for risk assessment.²³ All 10 have active registrations today, and are still waiting for DPR to initiate the risk assessment process.

In DPR's [pesticide mill fee proposal](#), it aims to increase “registration actions” for new pesticides from 3,003 in 2023 to 4,050 by 2026, while proposing to keep the number of pesticide re-evaluations relatively constant at “managing” (not completing) 5-8 per year. About \$7.7 million of the funds generated will be allocated to the pesticide registration program by FY27, while only \$734,000 will be allocated to the human health & environmental assessments program. This pace and level of investment is inadequate for protecting public and environmental health, and should be expedited and invested in similarly to registration of new products. We therefore recommend re-allocating \$3 million from the pesticide registration program to the human health & environmental assessments program and the mitigation of human and environmental health risk programs. **Improved timelines for re-evaluations and any associated proposed mitigations must be adopted, similar to what DPR has proposed for registrations, and must include ambitious targets for *finalizing* (not merely “managing”) reevaluations in light of a daunting backlog.**

Specifically, we recommend that:

- all active ingredients currently in reevaluation have completed reevaluations by the end of 2026;
- all active ingredients previously prioritized for risk assessment have completed evaluations by the end of 2028; and
- beginning in 2025, DPR selects five additional active ingredients per year for reevaluation, to be completed within two years.

For any completed reevaluation that indicates unacceptable risks, mitigations should be implemented within 18 months of the completion of the reevaluation.

Simultaneously, DPR should appropriate registration funds to adopt a hazard-based rather than reduced-risk scientific review process for new pesticide registrations in order to avoid harm to human health and the environment in the first place. Regions like the E.U. and the U.K. utilize a precautionary hazard-based approach, which prevents registration of pesticides shown to be inherently hazardous (like those that are carcinogenic), while California utilizes a risk-based approach, which emphasizes mitigating the risk from hazardous pesticides, rather than preventing their registration. Reduced-risk approaches add cost, complexity and uncertainty to the process. An expedited reduced-risk approach has shown to be ineffective at the national-level at preventing harmful pesticide registration²⁴ while a hazard-based approach has been shown to be much more effective at protecting public health and the environment in other countries.²⁵ **No pesticides should be allowed to undergo a fast-tracked review process unless they are included on the National List of Allowed Substances for use in organic agriculture²⁶, or pesticides with EPA 25(b) exempt status. DPR should NOT fast track fluorinated pesticides or pesticides derived from genetic engineering.** DPR should ensure no new registrations are

processed for products that contain an ingredient that is currently under reevaluation, and avoid registration of products when there are already safe alternatives.

4. Amend permit challenge language

DPR's proposed budget [trailer bill](#), that accompanies the budget change proposal, attempts to narrowly define a "directly affected person" eligible to challenge permits for applications of restricted material pesticides. This change would have the effect of excluding farmworkers, occupants of emergency FEMA housing and temporary farmworker housing, teachers, students, and anyone impacted by pesticide drift in excess of half a mile. Numerous studies^{27 28 29} as well as DPR's own air monitoring studies have shown that pesticides drift far beyond a half-mile. We urge you to remove this restriction from the trailer bill, and, instead, confer eligibility on all "interested persons".

5. Align mill fee increase with Crowe study's recommended fee increase

DPR's [budget change proposal](#) recommends a phased-in increase of the pesticide mill fee from \$0.021 of every dollar of the first point of a pesticide sale in California to \$.0286 by 2027. This 2027 mill fee target increase should instead be \$.0339 by 2027, as recommended by DPR's [third-party study](#) in order to fully meet the department's long-term needs. However, this should not be the mill fee cap in perpetuity, as proposed in the budget trailer bill.

In conclusion, we strongly support an increase of the pesticide mill fee to \$0.0339 by 2027 in the budget change proposal, and the investment of available pesticide mill fee dollars for the priorities outlined above. If you have any questions or concerns, please do not hesitate to reach out to us directly.

Thank you for your consideration.

Sincerely,

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Pesticide Action Network

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Californians for Pesticide Reform

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Barbara Sattler
California Nurses for Environmental Health and Justice

Anna Gurevitz
SocioEnvironmental and Education Network (SEEN)

¹ https://www.cdpr.ca.gov/docs/mill/mill_study_workload_analysis.pdf

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