



May 9, 2024

Julie Henderson, Director
Karen Morrison, Chief Deputy Director
JT Teerlink, Assistant Director of Registration, Evaluation, and Human Health
California Department of Pesticide Regulation
1001 I St, Sacramento, CA 95812-4015
Via email

Dear Director Henderson, Deputy Director Morrison and Assistant Director Teerlink:

Thank you for sharing your [guidance to growers](#) on alternatives to the pesticide DCPA/Dacthal dated May 6, 2024. We continue to be extremely concerned about DPR’s troubling inaction on this highly hazardous chemical. There are many steps you could take to protect Californians, such as immediate suspension including use of existing stocks, new labeling requirements, sufficiently protective re-entry intervals and buffer zones, and requiring notices of intent prior to its use. Nowhere is this more urgent than in Monterey, where half of all DCPA use occurs. Use in Fresno more than doubled from 2021 to 2022.

Disseminating guidance for growers is the bare minimum the Department can do, but the content of this poorly edited and grossly misleading document only heightens our alarm.

DCPA is a serious health threat to field workers, not just handlers

The guidance document refers only to the threat to pregnant individuals handling DCPA, and omits the documented threat to workers reentering treated fields, a risk that persists for close to a month after application. The US EPA’s [most recent memo](#) dated April 1, 2024, from which you selectively quote in your guidance document, includes the following:

“Also of concern are risks to developing babies of pregnant individuals **entering or working** in areas where DCPA has already been applied (especially post-application workers involved in tasks such as transplanting, weeding and harvesting). Current

product labels specify that entry into treated fields must be restricted for 12 hours after application. However, the evidence indicates that for many crops and tasks, levels of DCPA in the previously treated fields remained at unsafe levels for **25 days or more**... Spray drift from pesticide applications could also put developing babies at risk for pregnant individuals **living near** areas where DCPA is used” [Bolding added].

DPR must revise and recirculate this document immediately, highlighting this vitally important information. Without it, growers may be unaware of the need to protect workers who are not directly handling DCPA, a critical omission.

DPR downplays the severity of the threat

It is unacceptable to downgrade the US EPA’s description of “serious, permanent and irreversible health risks” to “significant health risks” as you do repeatedly in this document, including in the very first sentence. Moreover, the subject line “Information on DCPA” is notably lacking in urgency, with no topline mention of the threat posed by this pesticide nor the recommendation by the Department to desist from using it - the very purpose of the document.

DPR encourages emergency exemption requests

Despite DPR’s repeated claims that the Sustainable Pest Management roadmap reflects the desired direction for agriculture in California, the memo encourages FIFRA Section 18 Emergency Exemption and Special Local Needs requests for registration of alternative chemical herbicides. Rushing new pesticides to market with incomplete review does nothing to advance California down the path toward the SPM Roadmap’s “north star”, and risks exposing farmworkers to even more insufficiently vetted chemicals.

DPR’s list of alternative chemicals includes some of the worst actors registered for use in California

If DPR were indeed serious about starting down the path charted by the SPM Roadmap, they would not devote more than two full pages to promoting chemical alternatives that are themselves among the very worst, most hazardous and drift-prone pesticides registered for use in California, such as paraquat dichloride, the fumigants chloropicrin and metam potassium, and the carcinogens glyphosate and pymetrozine. The US EPA’s [suggested alternative herbicides](#) do not include these five chemicals.

The document is sloppy and riddled with typos and errors

- Only paraquat dichloride is marked with an asterisk as requiring a permit from the agricultural commissioner. There are other restricted chemicals on the list, notably the fumigants chloropicrin and potassium n-methyldithiocarbamate. Why are these not also asterisked?
- The text includes multiple typos, including the spelling of chloropicrin and many errors in the text header for Table 3.

DPR must immediately suspend use of DCPA, or failing that, must implement immediate and sufficient mitigations, including appropriate buffer zones and re-entry intervals, as well as requiring Notices of Intent prior to all applications of DCPA.

Furthermore, DPR must rescind their guidance document and reissue a revised document that highlights the risk to developing babies of pregnant individuals **entering, working in or living near** areas where DCPA has been applied.

Sincerely,

 

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

Yanely Martinez
Central Coast Organizing Coordinator, Safe Ag Safe Schools

Teresa Gomez
Organizer, Coalition Advocating for Pesticide Safety 805 (Ventura County)

Raul Garcia
Organizer, Tulare County Coalition Advocating for Pesticide Safety

Anne Katten
Pesticide and Work Health and Safety Specialist, California Rural Legal Assistance Foundation

Margaret Reeves
Senior Scientist, Pesticide Action Network

Cesar Lara
Executive Director, Monterey Bay Central Labor Council

Catherine Dodd
Health Advisor, Families Advocating for Chemical and Toxics Safety (FACTS)

Martha Dina Argüello
Executive Director, Physicians for Social Responsibility - Los Angeles

Bianca Lopez
Founder, Valley Improvement Projects

Nayamin Martinez

Executive Director, Central California Environmental Justice Network

Gustavo Aguirre, Sr

Assistant Director, Center on Race, Poverty and the Environment

Bill Allayaud

California Director of Government Affairs, Environmental Working Group

Cc Yana Garcia, CalEPA Secretary