



November 9, 2023

TO: Julie Henderson, Director, CDPR
DPR Public Comments
via online portal: <https://cdpr.commentinput.com/?id=693bMd8pu>

SUBJECT: **DPR Draft Strategic Plan 2024 – 28**
as posted on https://www.cdpr.ca.gov/docs/dept/planning/strategic_plan.pdf

Dear Director Henderson:

Thank you for the opportunity to comment on the *DPR Draft Strategic Plan 2024-28* (*“the Plan”*), and for extending the comment period. We submit these comments on behalf of the statewide coalition Californians for Pesticide Reform.

We are disappointed by the lack of urgency, ambition or accountability in this unenforceable plan, epitomized by the goal of “mitigating” two priority pesticides per year and of achieving a 5% annual reduction in priority pesticide use. At this proposed rate of reduction, the Department of Pesticide Regulation (DPR) will fall far short of the goal of the Sustainable Pest Management (SPM) Roadmap (*“the Roadmap”*) to eliminate Priority Pesticides by 2050 - itself a goal entirely unmatched to California’s climate and public health emergency.

Meanwhile, it should be noted that the European Union voted in October to reduce *overall* pesticide use by 50% by 2030, and hazardous pesticide use by 65%. Proposed federal legislation, the “Protect America’s Children from Toxic Pesticides” Act, would ban paraquat and all organophosphate and neonicotinoid pesticides, and suspend pesticides deemed unsafe by the EU or Canada.

We are concerned overall by the lack of alignment with the SPM Roadmap, published just 8 months ago. We expected that the Plan would provide detailed implementation steps for the Roadmap and at least adhere to the timeline established in the Roadmap for specific tasks. For example, the 2024 deadline in the Roadmap for establishing cross-agency staffing, funding and mission alignment to advance SPM goals is missing from the Plan, along with steps to achieve the Roadmap’s goal.

Also missing from the Plan is the opportunity to coordinate with DPR’s sister Boards, Departments and Agencies within CalEPA on mission-aligned tasks and goals. The Plan should include coordination with the Office of Environmental Health Hazard Assessment (OEHHA) in the task of identifying and assessing priority pesticides, and should specify OEHHA’s role in developing pesticide regulations that impact worker health. DPR already worked with OEHHA to develop a list of 132 pesticides prioritized for a combination of hazard and volatility for inclusion in CalEnviroScreen, which should serve as the basis for the current process. We reject any role for the agricultural industry in selecting Priority pesticides, since efficacy and profitability are not relevant criteria.

Moreover, despite the inclusion of an organic adoption target in the 2022 Scoping Plan, which is explicitly aimed at “decreased pesticide and synthetic fertilizer use... [and] improved public health, especially for communities that work and live in and around

agricultural fields” (2022 Scoping Plan), the Plan does not include coordination with CARB or even the word “organic”.

The remainder of our comments are presented in order by section of the draft document.

Mission:

Restore the following portion of the Mission from DPR’s current 2018 Strategic Plan:

“The people of California are best served by a continuous effort to minimize risks associated with pest management.”

That quote clearly expresses that pest management includes risks, and that the status quo is not acceptable. Continuous action is needed to minimize risk. Those important points are not explicitly stated in the draft. While the draft does include “Continuous Improvement” as a Core Value, nonetheless the draft fails to make clear that “improvement” needs to include reducing risk.

Vision, Core Values and Strategic Goals:

We support the vision, core values and strategic goals, but without an accountability mechanism, we fear they will be empty words in a seldom-read document. **We encourage DPR to plan concrete steps to build those goals into DPR’s institutional culture, including via staff training and evaluations.**

Diversity, Equity, and Inclusion (DEI) Commitment:

- **Is the citation for “Executive Order N-8-23” a typo?** That particular Executive Order appears to be focused on creation of an Infrastructure Strike Team; see <https://www.gov.ca.gov/wp-content/uploads/2023/05/5.19.23-Infrastructure-EO.pdf>
- **Explicitly include timeliness within the commitment to data access**, as follows:

“Increase timely access to information and data collected by the department and the reasoning behind departmental decisions.”

Via letters and meetings, we have repeatedly brought to DPR’s attention multiple-year lags in DPR data availability, including PUR and PISP data, as well as removal of core documents and datasets from DPR’s website. Such lags hamper accountability and community involvement. If DPR is serious about its DEI commitment, then it should establish a specific target for timely public access to data. We recommend a target of public access no more than 18 months after DPR receives particular data, and a commitment to restore missing data and documents

from DPR's website, or at a minimum to provide a comprehensive index of documents available upon request.

Goal 1.1

Subgoal "By 2024, establish a diverse, cross-sector SPM advisory group for advising on SPM implementation and the pesticide prioritization process."

It is unclear whether this is a restatement of the Roadmap's goal "By 2024, California should have in place strong multistakeholder bodies at the state and regional levels to ensure that activities to advance SPM in agricultural and urban contexts are well-coordinated and collaborative, working together to reduce unintended negative consequences and enhance co-benefits" along with "Priority Action A: Establish a state-level prioritization process and advisory body for Priority Pesticides."

If so, the goals of the Plan and Roadmap should be harmonized and the 2024 target date affirmed in the Plan.

Subgoal "By 2024, in collaboration with CDFA and other partners, develop SPM certifications for agricultural and urban settings, including for California-grown produce."

- A new SPM certification **should not** be developed. The Plan should reference the existing organic certification, which astonishingly is not mentioned anywhere in the document.
- DPR must include metrics of success for each of these goals, similar to the California Natural Resources Agency's Climate Adaptation Strategy.

Goal 1.2

Subgoal "create a streamlined pathway for the registration of efficacious alternatives to high-risk priority pesticides and alternatives that cover gaps in priority pest management"

- **Replace "streamlined" with "accelerated"**. This would make clear that data requirements and safety criteria for new registrations will not be reduced merely because a new product might be an alternative to an existing high-risk pesticide.
- **Define "priority pest management"**. That term does not appear in the *SPM Roadmap*. If DPR intends to select certain pest species or pest-management scenarios, such as soil fumigation, as "priority", which perhaps would merit special consideration during registration decisions, then DPR needs to establish a public process for assigning "priority pest management" status.

Goal 1.3: Develop and implement a prioritization process for reviewing, identifying and evaluating high-risk pesticides, and alternatives and mitigating measures for those high-risk pesticides

- **“Alternatives and mitigating measures” must explicitly include effective practices**, not just alternative products, which would enable the phase-out of priority pesticide use.

Subgoal “By 202 , establish a pesticide prioritization process, informed by a diverse, cross-sector SPM advisory group and consultation, external engagement, and public input, to take expeditious action on risk determinations and to identify and evaluate the availability of alternatives.”

We reject any role on the Priority Pesticides Advisory Committee for any person whose political or economic interests are served by the continued use of high-toxicity pesticides, which would constitute a clear conflict of interest, and would invite consideration of irrelevant metrics such as cost, efficacy and profitability.

Subgoal “By 202 , release a schedule for completing human health and environmental risk assessments with annual benchmarks.”

- **The Plan should specify the number of risk assessments to be completed as one of the benchmarks.**
- **In addition to “annual benchmarks”, add “annual public review of progress relative to the schedule”.** Specifically, we recommend that the annual public reviews be held during meetings of the Pesticide Registration and Evaluation Committee.

Subgoal “By 202 , establish a pesticide prioritization process ... to take expeditious action on risk determinations and to identify and evaluate the availability of alternatives.”

- **Change the goal to “finalize an initial list of priority pesticides”**, preferably within the next two years. It is not adequate to merely "establish a prioritization process". As a first step, we recommend that all soil fumigants, all organophosphates, and all neonicotinoids be classified as priority pesticides, as well as all pesticides previously prioritized by DPR for risk assessments, and the 132 pesticides selected for use in CalEnviroScreen because of their hazard and volatility.
- **Explicitly state that “alternatives” include non-pesticidal practices** such as strengthening soil health or improving building codes to prevent entry by structural pests. Such practices probably will not require registration by DPR, and might not require sales or marketing by any commercial company. Nonetheless, recognition that non-pesticidal practices can be effective is essential for the transition to sustainable pest management. As stated in Strategic Goal 1, “DPR

must support the accelerated availability and adoption of effective sustainable pest management tools, practices, resources, and technologies.”

Subgoal “By 202 , begin an annual process of completing formal mitigation for at least two identified priority pesticides.”

- **For completing mitigations, change “at least two” to a specific numerical target.** Via letters and meetings, the CPR coalition has repeatedly brought to DPR’s attention the large number of active ingredients for which DPR’s own risk assessments already have identified excessive risks (see <https://www.pesticidereform.org/wp-content/uploads/2023/03/FINAL-Letter-DPR-risk-assess-mitig-March-2023.pdf>). DPR should set a target for completing mitigations that is sufficient to address this backlog. The Plan’s target of two mitigations is alarmingly insufficient.

Goal 1.4: Facilitate and support SPM technical assistance and innovation in pest management in collaboration with all interested partners.

- Given that a fundamental element of SPM must be significant changes in cropping systems to PREVENT pest problems, such as diversity, perennials, plant-animal integration, crop rotations and intercropping, the strategic plan should include explicit partnerships with CDFA, colleges and universities for training in agroecological practices.
- The Plan is overwhelmingly focused on registering pesticides, rather than promoting practice change to PREVENT pest problems. This imbalance will only be effectively addressed through technical assistance (TA) to farmers, SPM training of TA providers, financial support for growers to implement SPM and market SPM-produced products. Organic agriculture technical assistance and innovation must be prioritized given that this existing certification is verifiable.

Subgoal “By 202 , increase the number of integrated pest management and SPM technical assistance resources that DPR provides by 20%.”

Consider modifying the goal to explicitly target priority pesticides. Any increase in SPM resources is good, but resources that help transition away from priority pesticides probably would have greater benefit to public and worker health. In addition, it would be helpful to clarify the baseline against which the 20% increase will be measured and how DPR plans to enumerate “resources”.

Subgoal “By 202 , success in support for SPM transition is measured by ongoing 5% annual reductions in Priority Pesticide use.”

- **This target must be boldly expanded.** A 5% annual reduction in overall use of priority pesticides is not sufficient to protect public or worker health. Some priority pesticides should be entirely phased out within 5 years or less.
- **A target for overall pesticide use reduction should be included.** Reduction in use of priority pesticides should not be the only metric for success; reduced use of many pesticides that don't make the priority list is needed to reduce impacts on worker, public and environmental health. DPR should adopt the EU target to reduce overall pesticide use by 50% by 2030, and by 65% for high-hazard pesticides.
- **For accountability, this subgoal needs to be tied to a commitment to reduce the time lag for access to PUR data.** Current lags already were discussed under "DEI Commitment". Unless the public has access to current PUR data, there is no way to verify any percent reduction in use of priority pesticides.

Goal 2.1: Enhance and modernize DPR's collection of information and data to improve program policies, procedures, and priorities.

Subgoal "By 202 , develop metrics for analyzing compliance trends and regulatory effectiveness across pesticides, repeat violations. application methods, and counties."

The Department needs to track whether individual counties are taking enforcement actions for repeat violations and other violations as required by regulation, and should make these enhanced enforcement profiles public. Metrics are already available to initiate this.

Subgoal "By 202 , establish a transparent, community-informed monitoring program to track pesticides in water and air."

This subgoal needs to be expanded to add the obligation to "promptly inform communities of monitoring results" especially when air levels exceed screening levels. When input is solicited from communities, the results of past monitoring should be presented. For example, the recent AB 617 presentation in Arvin should have included information about seasonal MITC monitoring conducted several years ago.

Subgoal "By 202 , expand DPR's pesticide use data collection and trend analysis to incorporate urban and other nonagricultural areas."

Please clarify what is meant by "expand DPR's pesticide use data collection". We support increased data about pesticide use in non-production-agriculture and non-agriculture settings. However, it is our understanding that expanding PUR data collection would require rulemaking. Is that what DPR is proposing?

Goal 2.2: Enhance DPR's statewide regulatory capacity in partnership with the County Agricultural Commissioners (CACs).

Subgoal "By 202 , develop and annually offer a comprehensive training for CAC staff biologists."

Please clarify what is meant by "comprehensive training". We support improved training for CAC staff. In particular, we consider that CAC staff who prepare and sign Restricted Materials Permits need training in evaluating site-specific risks, and in assessing alternatives to particular Restricted Materials. Does DPR plan to include those topics in its training curriculum? Will DPR require completion of training before CAC staff are allowed to carry out particular duties related to pesticide use enforcement?

Subgoal "By 202 , update pesticide use enforcement response policies to support statewide consistency and improve outcomes for all Californians, with a focus on those who reside in communities that have historically been disproportionately impacted by pesticide use."

This subgoal needs to be tied to a commitment to compel CACs to follow DPR's enforcement response policies. Unless CACs follow the policies, merely updating the policies will not "support statewide consistency and improve outcomes for all Californians". Those will remain empty words, unless and until DPR uses its authority to address under-performing CACs.

Goal 2.4: Improve worker safety by increasing awareness and reducing potential for pesticide exposure.

- **Add an additional subgoal: "Issue meaningful penalties that deter further violations for all pesticide worker safety violations."**

Subgoal: "By 202 , expand efforts to coordinate and collaborate with consulate offices, community-based organizations, CAC offices, community health workers and organizations to provide training"

Please clarify the nature of this training and who it would be provided for. There is an urgent need for outreach to increase awareness of farmworkers and others within rural communities of their rights to protection from pesticide exposure, and of the obligation of agricultural commissioners to respond to pesticide incidents and complaints. However, equally important is the need for agricultural commissioners to build trust with the communities they serve. Improving language access and cultural competency in CAC offices is a crucial part of this.

Subgoal “By 202 increase collaboration with CalOSHA and other agencies that share joint enforcement authority with DPR for non-agricultural pesticide exposures.”

Please clarify whether this increased collaboration will be limited to collaboration on training. We support any and all increased collaboration among enforcement agencies. We simply want to understand what DPR is proposing and whether there will be measures of improved enforcement and reduced worker exposure to pesticides.

Subgoal “By 202 , adopt additional Farm Labor Contractor worker safety regulations to enhance compliance for training and documentation requirements.”

We don’t think this subgoal should be limited to FLCs. The quality of training and record keeping needs to be improved by many growers as well as FLCs.

Goal 3.1: Broaden opportunities for regular, transparent, and meaningful access to DPR.

With the passage of AB 652 establishing an Environmental Justice Advisory Committee at DPR, the Plan should be revised to include benchmarks to ensure 2026 implementation. DPR should set a goal to publish the first report on how they will incorporate the feedback of the environmental justice advisory committee by 2028.

Subgoal “increase the number of meaningful outreach and engagement events ...”

Explicitly state a goal of providing opportunity to influence decisions before they are finalized. We strongly support DPR’s expressed intent to increase transparency. But the community doesn’t need better presentations about decisions DPR already has made. Rather, the real need is to have a voice in shaping decisions before they are finalized. Whether the word used is “engagement” or “participation” or “partnership” is less important than a genuine commitment from DPR to incorporate community input in decision making.

Goal 3.2: Improve information access and data sharing.

Subgoal “By 202 , redesign the department’s website to improve user experience and access to information and services.”

Include an explicit target for timeliness of posting information online. As was already discussed under “DEI Commitment”, multi-year lags in posting data hamper accountability and community involvement. Again, we recommend that DPR post data online within 18 months after receiving the data.

Include a commitment to restore all documents removed from the website since 2017. This includes agendas, notes, plans, toxicology summaries, risk assessments

and other documents. At a minimum, DPR should add an indexed list of all documents available on request.

Subgoal “By 202 , implement new data visualization tools for partners to interact with Pesticide Use Report data and at least two additional key DPR datasets.”

Clarify that new visualization tools already have been developed in partnership between DPR and external stakeholders. At least two external stakeholders recently have coordinated the development of new PUR data visualization tools: San Francisco Estuary Institute, and Californians for Pesticide Reform. The Strategic Plan should clarify that, rather than reinventing the wheel, DPR intends to link to and encourage use of these existing tools. In particular, DPR should post links to these tools within the “Related Links” section of its main PUR webpage:

<https://www.cdpr.ca.gov/docs/pur/purmain.htm>

Goal 3.3: Launch a statewide restricted material pesticide application notification system.

- **Specify that the notification system must be modified to provide site-specific notice for restricted pesticide applications by 2024.**
- **Delete the phrase “restricted material”.** We have repeatedly brought to DPR’s attention community members’ need for site specific notification and notification about all pesticide applications near where they live and work. Many pesticides that are not classified as California Restricted Materials are documented to pose risks to residents and fieldworkers. Notification must be expanded to include applications of all such pesticides, to enable community members to protect themselves and their families.

Subgoal “By 202 , launch beta testing pilots of a pesticide notification system in several counties ... “

Replace “several” with a specific number of counties. Now is the time to specify an acceptable minimum size for the pilot.

Subgoal “By 202 , release a report evaluating the notification system’s effectiveness.”

Replace with “initiate annual public reviews and improvements of the notification system’s effectiveness”. In several public meetings during 2023, DPR committed to an “iterative process” of review and improvement. Merely releasing a report is not an acceptable alternative. DPR should commit to including meaningful stakeholder engagement in the evaluation of the notification system, and should provide accountability for making recommended changes in a timely manner.

Goal 3.4: Expand language access throughout California in collaboration with federal, state and local partners.

Subgoal “By 202 , provide resource support for county-based language access and increased community engagement.”

Add an explicit target for which CAC services will be accessible, and in what proportion of counties. Merely providing resource support is not sufficient. DPR needs to acknowledge its responsibility to ensure that CAC services are accessible to all, regardless of English language proficiency. A similar issue of DPR authority was already discussed under Goal 2.2.

Subgoal “By 202 , provide 75% of all health and safety resources in Spanish and at least one other language.”

Clarify that this will include resources provided by CACs, not merely resources provided by DPR.

Sincerely,

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