



November 10, 2023

Julie Henderson, Director
California Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95812

Re: Draft 2024-2028 Strategic Plan Update

Dear Director Henderson:

On behalf of the undersigned organizations, we'd like to thank you for the opportunity to submit the following comments regarding the Department of Pesticide Regulation's (DPR's/Department's) draft 2024-2028 strategic plan. Our coalition represents the interests of agricultural organizations and agricultural service providers in California who support a strong DPR and network of County Agricultural Commissioners and strives for a future where agricultural and environmental sustainability are achieved through responsive and proactive pest management systems.

While we appreciate the lengths DPR staff and leadership have gone to develop the draft, without a clear understanding of some of the recommendations proposed by the and the resources available to effectuate them (both staff and financial capacities), this coalition is ill-equipped to advise on dates for each individual action,

unless specified. Realistic timelines and successful outcomes are predicated on the Department's availability of resources. We are acutely aware of potential budget proposals submitted by DPR in 2024 and of impending mitigations and legislatively mandated use reductions that will negatively impact DPR's revenues. Therefore, we would strongly discourage the Department from setting expectations for interested parties that cannot be fulfilled or must be deprioritized due to resource or capacity constraints. ***We would suggest the Department pause this strategic planning process until such a time that resource availability is better understood, and priorities can be assessed.***

In addition, based on a thorough review of the draft strategic plan, we have identified several foundational issues that should be addressed before DPR adopts a final strategic plan. The following comments should be viewed as a high-level summary, and we encourage DPR to engage directly with us and others to have more in-depth discussions on these and other issues.

Mission, Vision, Core Values and Strategic Goals

This coalition has noted a change to the proposed mission statement for the Department from "To protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management." to now read "We protect human health and the environment by fostering sustainable pest management and regulating pesticides." While we appreciate the efforts of the Department to initiate the Sustainable Pest Management (SPM) Workgroup and the development of the *Sustainable Pest Management Roadmap (Roadmap)*, we note that "SPM" is not well-understood as a risk management concept, whereas "reduced-risk" is. The latter is also grounded in science, whereas SPM is inherently qualitative and subjective. Therefore, the Department's core scientific and regulatory functions should continue to be explicitly stated in its mission statement.

With respect to the core values, as presented, we would request a modification of the descriptor under the "Accountability" subheading. While most assuredly, accountability is operationalized by protecting human health and the environment, the Department's core responsibilities also include licensing and product registration. We would request a modification of this section to read: "We hold ourselves accountable to all Californians through transparency and engagement in advancing our mission of protecting human health and the environment, *licensing users, registering, and regulating pesticides.*"

Finally, within the paragraph of "DPR Strategic Goals" we would like to note concern with the reference to the Department's goal to "focus resources on the development and adoption of safe, sustainable alternatives..." While we recognize the purpose of this paragraph is to frame the remainder of the document, we are concerned with the perspective that DPR's responsibility is in grower (or user) "adoption." This concern is reflected in several other portions of the draft strategic plan. The agricultural community does not agree that the Department's limited resources should be focused on adoption of alternatives or alternative techniques, given that the U.C. Cooperative Extension, pest control advisors, trade associations and others already occupying the field as trusted advisors for adoption. Rather, DPR's responsibility is to focus their resources on the development and access to safe and effective pest management techniques, not adoption of them. Therefore, we request this (and other sections) be modified to reflect this reality.

Goal 1: Increase Access to Safe, Effective, Sustainable Pest Management (SPM)

- We would like to note repeated references in the draft strategic plan and this section to "high risk" pesticides without a clear definition. It is therefore challenging to provide thoughtful and responsive comments on this reference.
- **Goal 1.1.**
 - We appreciate the references to several advisory committees to work on both the prioritization and interagency processes established for SPM. However, we would like more guidance on how these groups work together, or separately, and their participants. Namely, we encourage the Department to empanel a *true* cross section of stakeholders with scientific knowledge as a part of the prioritization advisory committee, and that any future implementation can be commented on

through a public process, rather than through a duplicative advisory group.¹ It is also unclear if the SPM advisory group in Goal 1.1 is in addition to the prioritization advisory group in Goal 1.3. or if they are the same. If they are two distinct groups, we recommend the former be eliminated and allow the public to have equal access to comment on the agency implementation plan referenced in this section.

- We also do not encourage the Department to invest any resources to develop an SPM certification. There are several state, local and private entities that have the infrastructure to market sustainability certifications. Rather, we request a revision indicating that DPR provide guidance and any science, data, documentation needed for an SPM certification to be created privately and in response to consumer demand.
- **Goal 1.2.**
 - With respect to a suggestion for a “streamlined pathway for registration of efficacious alternatives,” we would posit that the 2023 annual processing timeline report indicates that the Department is better served to improve the existing system. In 2022, it was reported that it took up to 1,832 days (over 5 years) for a new active ingredient to be registered by DPR.² Considering most if not all the products in queue at DPR’s registration system will be safer and more sustainable than current products and formulations, improving the registration system best facilitates SPM. Furthermore, as we have discussed at length with DPR, the registration system should be a gateway to prioritizing and reevaluating restricted use pesticides to ensure that viable alternatives are available to growers before DPR imposes additional mitigation measures on existing products. This approach should be explicitly and prominently stated in the Strategic Plan.
 - We appreciate the references to greater transparency in scientific review and management, and a focus on efficiency in DPR’s evaluation process.
- **Goal 1.3.**
 - Regarding the reference to the development of an SPM advisory group, we would reiterate our comments found in Goal 1.1. We would also like to remind DPR that the recommendations from the *Roadmap* suggested that the review for prioritization “includes products, active ingredients, and groups of related products *within the context of specific product uses or pest/location use combination.*”³ This context is critical and notes the cost, staffing needs, and complexity of impaneling members and implementing this process. Therefore, we would suggest a timeline in late 2027/2028.
 - This coalition does not agree with the recommendation for annual initiation and completion of formal mitigation for at least two pesticides. As a science-based agency, new scientific information should serve as the impetus and the basis for mitigation. If, as noted in the draft Strategic Plan, integrity in DPR’s science-based process is a core value—and we agree it should be—then these proposals must be removed.
- **Goal 1.4.**
 - While we appreciate that DPR seeks to provide technical assistance for the public, we do not agree this is the best use of agency resources. Technical assistance on adoption of IPM is best managed through trusted allies at U.C. IPM and other assets in the U.C. system. Not only did the *Roadmap* suggest this, but in 2021-2022, U.C. Agriculture and Natural Resources (the home of UC Cooperative Extension Farm Advisors, UC Master Gardeners, UC IPM, etc.) received an additional \$30 million annually to fill vacancies and establish new technical assistance positions. This is in addition to the work of trade associations, licensing associations, County Agricultural Commissioners, and researchers. Rather, DPR should seek to facilitate a stronger relationship with UC IPM and these other parties.

¹ The Sustainable Pest Management Roadmap contained design guidance on the membership noting: stakeholder experts with science and practice knowledge related to both agricultural and urban/nonagricultural contexts; Areas of scientific expertise to be represented among the group include but are not limited to: pesticide-related public health, management of agricultural ecosystems for pest prevention, management of built ecosystems for pest prevention, biological pest management, toxicology and efficacy of chemical pesticides, and Indigenous Traditional Ecological Knowledge.

² <https://www.cdpr.ca.gov/docs/registration/canot/2023/ca2023-07.pdf>

³ https://www.cdpr.ca.gov/docs/sustainable_pest_management_roadmap/spm_roadmap.pdf; Page 32

- This coalition strongly objects to the proposal for a 5% annual use reduction target for priority pesticides. Not only would use reduction not be achievable from a timeline perspective, considering the prioritization advisory group and process isn't likely to begin until 2027 or later. This coalition agrees successful adoption of SPM is not measured by use reduction. A use reduction goal discredits the robustness of the system DPR has in place to review, re-evaluate, and mitigate the impacts of pesticide use, a system based in risk-reduction. Other recommendations in this draft strategic plan suggest that enhancing monitoring and data collection may facilitate greater protection. It is also unclear how DPR arrived at this 5% benchmark. We seek clarification on the following: was this based on a set list of prioritized products, historical use patterns, new product registrations or other factors? We also request clarification on what classes or individual products would be determined 'Priority Pesticides.' Finally, as this growing season has demonstrated, extreme weather events, climate change and changing cropping/land use patterns have brought unprecedented pest pressures in both urban and rural environments. New formulations may not be sufficiently effective in responding quickly to atypical circumstances, thereby necessitating access to a combination of readily available products. It's important to note that SPM, as articulated in the *Roadmap*, allows for such uses. Therefore, an alternative target or measurement should be considered that is consistent with existing Department standards.

Goal 2: Track, Evaluate, and Enforce Safe Pesticide Use

We would like to note that this section does not include any goals related to one of the Department's core functions—licensing of qualified applicators and pest control advisors. The agricultural community is unique in that many applications are recommended and overseen by experienced and qualified professionals whose work is facilitated by a responsive and collaborative DPR. With the advent of the Certification and Training regulations effective January 1, 2024, we would recommend the Department articulate a goal related to ensuring access to training support (such as study guides), examination sites and times, and expedited processing of licenses and certifications.

- **Goal 2.1.**
 - We agree with the Department's initiatives to facilitate safe and lawful pesticide use that minimizes risks to the environment and as such, agree with the development and communication of compliance trends for pesticide use.
 - Several bulleted goals of this section, particularly on establishing new ecosystem monitoring and reviewing pesticide presence in water and air, are redundant of existing data collection efforts. DPR and other State and local agencies have a tremendous environmental monitoring infrastructure in place, including air monitoring networks, groundwater, and surface water (including state and local well testing, residential water testing, etc.), wildlife testing, human sampling (epidemiological studies, use reporting, California Pesticide Illness Query, etc.) and soils sampling, with special consideration of areas with high use, disadvantaged communities, and vulnerable soils. This is in addition to work at the Air Resources Board, State Water Resources Control Board, Department of Fish and Wildlife, Department of Water Resources, Department of Public Health, and CalOSHA, among others. We would recommend references to ecosystem and environmental monitoring be centered on "enhancement" rather than establishment of new programs or target neglected areas (such as urban or commercial settings).
- **Goal 2.2.**
 - We agree with the proposal to strengthen use enforcement in concert with local County Agricultural Commissioner partners. This coalition supports a strong framework to deter unlawful and unsafe pesticide use, distribution and sale.
 - This coalition questions the recommendation to evaluate the Healthy Schools Act and regulations governing pesticide use near schools. California already has the most robust use protections near schools, limiting application methods, timing, which products may be applied, by whom they are applied by, and how parents and schools are notified. This will only be enhanced by the statewide notification project referenced in this draft strategic plan. Therefore, a general statement to "take appropriate action" raises concerns and does not facilitate the provision of learned feedback.
- **Goal 2.3.**

- We applaud the Department for recognizing and seeking to address the issues associated with online sales and e-commerce in the distribution, use and sale of pesticidal products.
- **Goal 2.4.**
 - We advise DPR to exercise caution in several of the proposals recommended in Goal 2.4. New worker safety requirements imposed by DPR, currently implemented through use mitigations, licensing of users and label restrictions and standards, may result in a duplication of efforts between DPR and other agencies. The result would be jurisdictional confusion and regulatory redundancy. We would also encourage DPR to note the work of the agricultural industry in using licensed and trained professionals for many product applications, hosting of continuing education, field demonstrations and Spray Safe events across the state hosted in multiple languages. DPR should partner with the appropriate stakeholders on these efforts and enhance knowledge access through data and information sharing.

Goal 3: Foster Engagement, Collaboration and Transparency

- **Goal 3.1 and Goal 3.4.**
 - Several of the recommendations regarding meaningful outreach language access, and tribal consultation in Goal 3.1 and 3.4 should be combined for ease of reading. Moreover, with the passage of AB 652 (Lee, 2023) and the creation of the Environmental Justice Advisory Committee starting in 2025, it may be more efficacious to adopt that process by reference rather than presupposing what they may propose and have implementation timelines post convening in 2026.
- **Goal 3.2.**
 - While we appreciate many of the data sharing and access references in this goal, we do question what measurable outcomes can be expected from a website redesign and whether those are worth the considerable time and resource investment required for state-based IT projects.
 - Additionally, while we appreciate the Department’s interest to provide access to comments by the public on rulemaking, that is already accomplished in DPR’s obligations under the Administrative Procedures Act to respond to public comments on regulatory proposals. This does not require an adjustment to the comment submission or review process.
 - This coalition would request more information regarding DPR’s vision for a new “data visualization tool” for Pesticide Use Report (PUR) data. While we appreciate DPR’s interest in making the information accessible, PUR data is hard scientific data and any departmental manipulation of that is open to interpretation or omission and would come at considerable cost. We would also request feedback on what the two additional datasets would entail.
- **Goal 3.3.**
 - This coalition is well-versed in the statewide notification project, and encourages beta testing to be launched by 2024 and finalization of a statewide system by the end of 2024 with a launch date in 2025. We also incorporate by reference prior correspondence on the specifics of this project.
- **Goal 3.4.**
 - This coalition appreciates DPR’s interest in responding to the needs and interests of California’s diverse linguistic communities. As such, we support broadening access to QAL/QAC examinations to Spanish speakers, however, we would encourage that the timelines for such translations be uniform to U.S. EPA’s timeline for pesticide labels to also be in Spanish as of December 29, 2030. We are concerned about the potential inability of qualified applicators to access and interpret pesticide labels as written in English.

Goal 4: Promote Excellence and Innovation

- **Goal 4.2.**
 - We appreciate the attention offered to developing and finalizing an electronic system to submit pesticide registration applications. Modernizing DPR processes is a shared interest. Because the Department has received considerable funding since 2015 on the creation of this digitized system, including \$5 million provided in 2021-2022, we recommend that this, rather than other unfunded and non-mandated projects, be the highest priority IT project for the Department with a timeline of

2024. We appreciate any opportunity to collaborate on this and others that facilitate an effective and reactive registration system for SPM tools.

- We hope that as the Department embarks on an electronic payment system for licensing, they consider lessons learned from the Cal PEST project and collaborate with industry moving forward.

We appreciate your consideration of our comments and recommendations. If you have any questions, please feel free to contact us.

Sincerely,



Tricia Geringer, Vice President of Government Affairs
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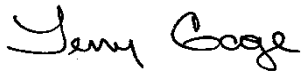
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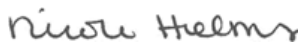
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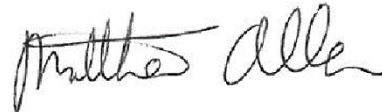
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