

November 9, 2023

California Environmental Protection Agency  
Julie Henderson, Director  
Department of Pesticide Regulation  
Sacramento, CA 95812-4015  
*Submitted electronically to DPR Public Comment Portal*

Dear Director Henderson:

On behalf of the Household & Commercial Products Association (HCPA)<sup>1</sup>, I would like to express our appreciation for the California Department of Pesticide Regulation's (DPR) commitment to human and environmental health. We have carefully reviewed the strategic plan laid out by DPR, and we commend the department's dedication to achieving the highest standards of pesticide management and promoting sustainable pest management practices in the state.

Specifically, we would like to extend our praise for the emphasis placed on improving the timeliness and transparency of science-based evaluation and registration of pesticide products in Goal 1.2. We suggest adding "predictability" alongside "timeliness" as a crucial factor, as predictability is often just as vital, if not more so, when planning to bring a pesticide product to market – especially when you consider the seasonality of many products. HCPA believes that establishing transparent and enforceable timelines is key to achieving success in this goal for both the state and the registrants.

Goal 1.2 outlines DPR's commitment to establishing a streamlined registration pathway for effective alternatives to high-risk priority pesticides, addressing gaps in priority pest management. The definition of alternatives is a crucial aspect that demands a robust framework and substantial public engagement. Factors influencing the products and/or technologies that should be considered as alternatives extend beyond efficacy and encompass commercial viability, use site, use scenarios, and other variables.

Goal 1.3 sets forth DPR's intention to initiate and complete an annual process of "formal mitigation" for at least two identified priority pesticides. This goal assumes that these priority pesticides will require mitigation, and in doing so precedes the scientific evaluation that may determine whether human health and environmental risk assessments indeed warrant mitigation. HCPA underscores the importance of incorporating science, data, and evidence to inform critical decisions within the mitigation measures framework.

Furthermore, we applaud DPR's efforts to enhance statewide enforcement of pesticide sales in California, particularly in the realm of e-commerce, as mentioned in Goal 2.3. Addressing the under-

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<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

collection of the mill assessment is crucial, as it will not only benefit the department but also reduce the financial pressure on those subject to the mill assessment. Relatively few entities pay the mill assessment when you consider the nearly \$100 million in funding it currently brings in. There are 167 brokers, 359 dealers, and only 1,500 registrants tied to the mill (some of which do not pay any mill assessment). As it relates to mill audits, HCPA encourages DPR to ensure there is an equitable distribution of companies identified for audits focused on pesticide sales and mill revenues, rather than other ancillary or unrelated criteria like pesticide type.

We are also pleased to see the goal outlined in Goal 1.1 of the strategic plan, which seeks to "establish a diverse, cross-sector SPM advisory group for advising on SPM implementation and the pesticide prioritization process." This collaborative approach is essential in ensuring the effective implementation of sustainable pest management practices while safeguarding public health.

Moreover, we believe unintended consequences that may arise during the promotion of alternatives warrant the attention of the advisory group, the department, and CalEPA. For example, it is essential to avoid making it difficult to register traditional products that are not high-risk at the expense of fast-tracking sustainable products. HCPA firmly believes in sustainability but also wants to ensure that those companies already leaning into sustainability through traditional science are not penalized. A relevant example is the pet product sector, where biologicals have been avoided due to pet owners' reluctance to introduce fungi into their pets' environment. Or consider other outdoor products that are derived from flowers have been on the market for decades. The department's goals should address such nuances and ensure that companies are encouraged to continue developing new products with traditional science while exploring sustainable alternatives that meet consumers' needs. The definitions of sustainable products, alternatives, and high-risk pesticides is a critical aspect of this conversation.

HCPA notes that Goal 3.4 of the Strategic Plan aims to enhance language accessibility across California in collaboration with federal, state, and local partners. As a pivotal member of the Pesticide Registration Improvement Act (PRIA) Coalition, HCPA has played a proactive role in integrating provisions within PRIA 5 that require Spanish translations in pesticide labels. This concerted effort underscores HCPA's commitment to broadening language access for pesticide users as we continue to ensure the availability of Spanish-language pesticide labels within the end-user community.

PRIA 5 mandates that, prior to distribution, every U.S. Environmental Protection Agency (EPA) registered pesticide product incorporate translations of the labeling sections outlined in the EPA's Spanish Translation Guide on the label. These translations should either be physically present on the product container or accessible through scannable technology or other electronic means integrated into the product label.

While PRIA 5 focuses on access to Spanish translations and we understand that the scope of DPR's Strategic Plan may be broader, we urge DPR to consider EPA's timelines to avoid creating undue burden on registrants and confusion to the user community. In the past, the lack of a unified approach and contradictory timelines have slowed down access to resources in different languages. Compliance deadlines for various pesticide categories have been set to ensure a phased-in approach for Spanish labeling:

- Restricted use pesticides (RUPs) within three years of PRIA 5 enactment (by December 29, 2025);
- Non-RUP pesticides that are designated as Toxicity Category 1 within three years (by December 29, 2025) for agricultural products and within four years (by December 29, 2026) for non-agricultural products;
- Non-RUP products that are designated as Toxicity Category 2 within five years (by December 29, 2027) for agricultural products and within six years (by December 29, 2028) for non-agricultural products; and
- All other products within eight years (by December 29, 2030).

PRIA 5 also provides flexibility for registrants of antimicrobial and non-agricultural use products by allowing compliance with bilingual labeling requirements through a link to the Spanish safety data sheets (SDS).

Importantly, PRIA 5 includes a requirement that EPA consult with the states regarding bilingual label implementation, including a mandate for EPA to develop an implementation plan to make Spanish labels available to farm workers by December 29, 2025. HCPA encourages DPR to consult with EPA accordingly as it develops its own Strategic Plan.

HCPA stands ready to collaborate with DPR in achieving the strategic goals outlined in your plan. We share your commitment to protecting public health and the environment while ensuring Californians have access to the tools they need to eliminate and mitigate pests. By working together, we can make significant strides in sustainable pest management and pesticide regulation.

Thank you for your commitment to these important issues, and please do not hesitate to reach out if you require any further input or assistance.

Sincerely,



Christopher Finarelli  
Director, State Government Relations & Public Policy - Western Region