



# CCOF

Advancing organic agriculture through certification, education, advocacy, and promotion.

November 9, 2023

Julie Henderson, Director  
Department of Pesticide Regulation  
1001 I Street  
Sacramento, CA 95812

**Re: CCOF Comment on the Department of Pesticide Regulation Draft Strategic Plan 2024-28**

*Submitted via DPR's public comment portal*

Dear Director Henderson:

California Certified Organic Farmers (CCOF) appreciates the opportunity to comment on the Department of Pesticide Regulation (DPR or Department) Draft Strategic Plan 2024-28 (2024 Strategic Plan). CCOF is a farmer-led nonprofit representing more than 3,000 organic farms, ranches, processors, and retailers throughout California. Our mission is to advance organic agriculture for a healthy world through certification, education, and advocacy.

DPR has developed strategic plans since 1993 to improve environmental protection and incorporate stakeholder input in the development of measurable performance objectives.<sup>1</sup> CCOF appreciates that the 2024 Strategic Plan provides greater specificity than the 2018 Strategic Plan and moves toward measurable performance objectives. Overall, however, we are concerned that DPR is mired in redundant planning that undermines the state's goal to "reduce state spending through more efficient and effective operations and programs, without reducing services to residents."<sup>2</sup>

The 2024 Strategic Plan reinvents solutions rather than harmonizing across government, a longstanding challenge for DPR. In 2015, the National Research Council concluded that DPR could substantially streamline its process and achieve greater productivity by relying on external-agency information. The Council made this assertion after finding that the typical time for the Department to complete human health risk assessments was 6-10 years; the shortest took 2 years (DEET) and the longest took 19 years (azinphosmethyl).<sup>3</sup> Analogous to the Council's critique in 2015, we find that the 2024 Strategic Plan is inefficient and duplicates efforts across agencies. Instead, DPR should collaborate and coordinate to effectively regulate pesticides in a timely manner. Specifically, the 2024 Strategic Plan should:

- I. Harmonize within DPR
- II. Harmonize with other departments within CalEPA
- III. Conserve limited resources

- I. Harmonize within DPR

DPR has unveiled two plans in 2023 alone, publishing the 2024 Strategic Plan only 8 months after the Accelerating Sustainable Pest Management: A Roadmap (Roadmap). While both plans have multi-year goals and specific objectives, the 2024 Strategic Plan does not build on the groundwork laid by the Roadmap. Rather than using the same goals and timelines of the Roadmap, the 2024 Strategic Plan creates new language and removes deadlines. The result is a confusing

<sup>1</sup> California Department of Pesticide Regulation. 2017. *A Guide to Pesticide Regulation in California 2017 Update*.

<sup>2</sup> GOV 11813(f)

<sup>3</sup> National Research Council. 2015. *Review of California's Risk-Assessment Process for Pesticides*. Washington, DC: The National Academies Press.

collection of goals and objectives that leaves stakeholders with little understanding of how these two documents relate to one another.

In Appendix A, we attempt to compare the goals and objectives of the Roadmap and the 2024 Strategic Plan. However, we have little clarity on whether our approach aligns with DPR since the language differs significantly. For example, the Roadmap includes two ambitious goals for next year: that relevant state agencies will have the funding, staffing, and mission to advance the goals of sustainable pest management (SPM) by 2024 and that the state will have multistakeholder bodies at the state and regional levels to coordinate and collaborate on SPM activities by 2024. In contrast, the 2024 Strategic Plan does not include either a goal to secure sufficient staffing and funding or a goal to create multistakeholder bodies at the state and regional levels. The 2024 Strategic Plan does include an objective to establish an SPM advisory group, but it is unclear how this advisory group will relate to the state and regional multistakeholder bodies or whether these are in fact the same entity. With the 2024 deadline in the Roadmap fast approaching, it is concerning that DPR does not include clear action items in the 2024 Strategic Plan.

By publishing related but disjointed plans, DPR has weakened its accountability. Ironically, the 2024 Strategic Plan includes the goal to broaden opportunities for regular, transparent, and meaningful access to the Department. By including this goal but without mention of the staffing, funding, and multistakeholder bodies necessary to implement collaboration, DPR is not following through on its commitments in the Roadmap. We strongly encourage the Department to sync the 2024 Strategic Plan to the Roadmap. The goals and objectives should be consistent, with the 2024 Strategic Plan serving as a more detailed outline of how DPR will implement the Roadmap over the next five years.

## II. Harmonize with other departments within CalEPA

The California Environmental Protection Agency (CalEPA) consists of DPR, the California Air Resources Board (CARB), and the Office of Environmental Health Hazard Assessment (OEHHA) among other departments. While DPR has the sole responsibility for regulating pesticides, both CARB and OEHHA have created targets and tools that could facilitate DPR achieving its goals. Instead, the 2024 Strategic Plan duplicates the work of CARB and OEHHA and misses the opportunity to gain efficiencies through collaboration.

The 2024 Strategic Plan states DPR's mission to "protect human health and the environment by fostering sustainable pest management and regulating pesticides." CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (Scoping Plan)<sup>4</sup> aligns with this mission by setting "us on course for a more equitable and sustainable future." Included in the Scoping Plan is the agricultural target that 20% of farmland transition to organic by 2045. CARB included climate actions "aimed at not only fighting climate change but also improving air quality and public health. The climate action identified in the agricultural sector [including the organic acreage target], for example, should result in decreased pesticide and synthetic fertilizer use. This decrease of synthetic chemical use in agriculture across California also should result in improved public health, especially for communities that work and live in and around agricultural lands."<sup>5</sup> The Scoping Plan further elaborates that "... diversified organic agriculture can help California achieve social and environmental benefits, like improving water use efficiency, increasing pollinator habitat, and reducing synthetic fertilizer and pesticide use."<sup>6</sup> Despite the clear overlap between CARB's target and DPR's mission to protect health and adopt SPM, the 2024 Strategic Plan makes no reference to organic certification.

Not only does the 2024 Strategic Plan ignore the mission-aligned organic target in the Scoping Plan, DPR proposes to develop SPM certifications. This reinvented solution is the type of inefficiency the Legislature described as "undermin[ing] the confidence of Californians in government" under the strategic planning statute.<sup>7</sup> DPR has already acknowledged that

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<sup>4</sup> California Air Resources Board. 2022. *2022 Scoping Plan for Achieving Carbon Neutrality*.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> GOV 11813(a)



organic certification is aligned with SPM in Appendix 8 of the Roadmap. CARB has researched and modeled the climate, environmental, and public health benefits of organic agriculture in the Scoping Plan process. Rather than spending limited resources to create a new certification, DPR should adopt organic certification as the SPM certification in agricultural settings to harmonize across CalEPA and improve efficacy.

DPR also misses the opportunity to coordinate with its sister department, OEHHA, to identify and assess priority pesticides. OEHHA is well-suited to assess pesticides given its mission to protect environmental and human health through evaluations and assessments.<sup>8</sup> In fact, OEHHA's CalEnviroScreen 4.0 assesses cumulative pollution burdens, including pesticide use, by analyzing environmental, public, health, and socioeconomic data. OEHHA partnered with DPR to create a list of high-risk pesticides ranked by hazard and likelihood of exposure in the aptly entitled "Pesticide Use" chapter.<sup>9</sup> Despite this existing list of priority pesticides, the 2024 Strategic Plan outlines DPR's goal to complete human health and environmental risk assessments and establish a priority pesticide process informed by stakeholders.<sup>10</sup> This work duplicates the assessment of high-risk pesticides in the CalEnviroScreen 4.0.

The 2024 Strategic Plan lays out a significant workload for DPR that repeats the efforts of DPR's sister departments. This type of redundancy in government is costly and time-consuming. Rather than duplicating work, DPR should coordinate across CalEPA to streamline its processes and conserve resources. The 2024 Strategic Plan should articulate how DPR will build on the relevant work of CARB, OEHHA, and other departments to strategically advance SPM.

### III. Conserve limited resources

Plans are only successful when the department has the resources and capacity to implement them. Unfortunately, DPR does not have sufficient funding nor personnel to meet current and future programmatic needs. The Department currently operates at a \$3.8 million deficit and has maintained roughly 28 vacant positions, a 6 percent vacancy rate, since 2014. At the same time, DPR requires an additional 148.9 positions equating to \$28.6 million to implement the Roadmap.<sup>11</sup> It is unclear the total cost to implement the 2024 Strategic Plan.

DPR explored increasing revenue through adjustment to the mill assessment on the sale of registered pesticide products, which is the Department's largest funding source.<sup>12</sup> However, any increase in the mill assessment requires legislation. In addition, Proposition 26 adopted in 2010 established supermajority requirements for tax increases, which includes "[a]ny change in state statute which results in any taxpayer paying a higher tax," and it defines "tax" to mean "any levy, charge, or exaction of any kind imposed by the state."<sup>13</sup> The expansive definition of "tax" was intended to prevent the Legislature (and local governments) from avoiding the supermajority requirement for taxes by using regulatory fees to raise revenue instead.<sup>14</sup> While Proposition 26 imposes limits, the mill assessment can be increased via a simple majority vote if it is set at a level commensurate with the state's regulatory costs and is allocated fairly based on payor's contributions to those costs. It is unclear whether DPR can advance legislation that raises sufficient revenue within the confines of Proposition 26 in a timely manner. DPR's last legislative attempt to increase the mill assessment failed.

Given these constraints, it is critical that DPR streamline its plans to maximize impact while minimizing costs. Coordination and collaboration are key to ensure DPR is efficient with its limited resources. Rather than duplicating efforts, DPR should harmonize with its own Roadmap and sister departments to streamline SPM adoption and pesticide regulation.

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<sup>8</sup> Office of Environmental Health Hazard Assessment. *About*. Available at [About - OEHHA \(ca.gov\)](#).

<sup>9</sup> Office of Environmental Health Hazard Assessment. 2021. *CalEnviroScreen 4.0*.

<sup>10</sup> Strategic Plan Goal 1.3

<sup>11</sup> Crowe. 2023. *Mill Assessment Study: Workload Analysis*.

<sup>12</sup> Crowe. 2023. *Mill Assessment Study: Recommendations and Proposed Implementation Plan*.

<sup>13</sup> Cal. Const. art. 13A, § 3(a), (b).

<sup>14</sup> *Schmeer v. County of Los Angeles* (2013) 213 Cal.App.4th 1310, 1323 (citing Proposition 26 Ballot Pamphlet).



In conclusion, DPR should not work in a silo. The long-term goals of eliminating priority pesticides and adopting SPM are not unique to DPR. Reducing pesticide use overlaps with California's climate, organic transition, and human health targets. Critical work relevant to the Roadmap is underway at CARB, OEHHA, and other agencies. DPR must harmonize with these efforts to meet its targets within budgetary constraints.

We look forward to working with the Department to advance a strategic plan forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebekah Weber', with a horizontal line extending to the right.

Rebekah Weber  
Policy Director



Appendix A

A comparison of the agricultural SPM leverage points and goals 1 and 2 of the 2024 Strategic Plan.

SPM Roadmap (Agricultural SPM)		2024 Strategic Plan (Goals 1 & 2)	
Leverage Points	Goals	Goals	Objectives
Update California's pest prevention, exclusion, and mitigation systems	<p>By 2030, California, coordinating across federal, Tribal, state, and county programs, has strengthened its biosecurity measures in alignment with SPM. These measures are sufficient to effectively prevent, eradicate, and mitigate invasive pests, and protect California's agricultural industry, ecosystems, and natural and cultural resources.</p> <p>By 2030, every region in California has a strong collaborative process in place to prioritize invasive pest prevention and enable coordinated pest detection, exclusion, and mitigation at a landscape scale.</p> <p>By 2030, all growers understand their role in invasive pest detection and reporting.</p>	<p>Goal 2.2 Enhance DPR's statewide regulatory capacity in partnership with County Agricultural Commissioners (CACs)</p>	<p>By 202_, increase collaboration with CACs on county and state pesticide use enforcement activities to strengthen pesticide use compliance, to address repeat violations and offenders, and to inform mitigation measures.</p> <p>By 202_, evaluate regulations governing pesticide use around schools and take appropriate action to improve processes that support safe pest management around schools.</p> <p>By 202_, develop and annually offer a comprehensive training for CAC staff biologists.</p> <p>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.</p>
		<p>Goal 2.3 Enhance statewide enforcement of pesticide sales in California</p>	<p>By 202_, increase number of pesticide mill audits by 25%.</p> <p>By 202_, expand focus on e-commerce enforcement to more effectively regulate online sales.</p> <p>By 202_, create a product compliance inspection framework for new, emerging alternative pesticides.</p>
		<p>Goal 2.4 Improve worker safety by increasing awareness and reducing potential for pesticide exposure</p>	<p>By 202_, expand efforts to coordinate and collaborate with consulate offices, community-based organizations, CAC offices, community health workers and organizations to provide training and resources to migrant and other workers in multiple languages.</p> <p>By 202_, increase collaboration with CalOSHA and other agencies that share joint enforcement authority with DPR for non-agricultural pesticide exposure.</p> <p>By 202_, adopt additional Farm Labor Contractor worker safety regulations to enhance compliance for training and documentation requirements.</p>



Improve California's pesticide registration and continuous evaluation	<p>By 2025, DPR's registration review process prioritizes and expedites alternative products to high-risk pesticides, reflects the goals of SPM, and provides clarity on its scientific review and decision-making process for both the registrants and the public.</p> <p>By 2025, DPR has developed a process for evaluating currently registered pesticides, consistent with the recommendations outlined in this Roadmap, and with scientific and legal requirements. DPR has prioritized actions addressing state SPM priorities, established through the process laid out in the SMP Leadership Structures section, and human health and environmental risks.</p>	<p>Goal 2.1 Enhance and modernize DPR's collection of information and data to improve program policies, procedures, and priorities</p>	<p>By 202_, establish ongoing ecosystem monitoring and collect information on the impacts of pesticide applications to organisms in the environment.</p> <p>By 202_, develop metrics for analyzing compliance trends and regulatory effectiveness across pesticides, repeat violations, application methods, and counties.</p> <p>By 202_, establish a transparent, community-informed monitoring program to track pesticides in water and air.</p> <p>By 202_, expand DPR's pesticide use data collection and trend analysis to incorporate urban and other nonagricultural areas.</p>
		<p>Goal 1.2 Improve timeliness and transparency of science-based evaluation and registration of pesticide products</p>	<p>By 202_, create a streamlined pathway for the registration of efficacious alternatives to high-risk priority pesticides and alternatives that cover gaps in priority pest management.</p> <p>By 202_, issue timeline projections for scientific data evaluations.</p> <p>By 202_, initiate pesticide registration evaluations within 30 days of receiving necessary information.</p> <p>By 202_, update process for pesticide registration environmental review.</p> <p>By 202_, update and clarify current data requirements for new pesticide technologies.</p>
		<p>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</p>	<p>By 202_, release a schedule for completing human health and environmental risk assessments with annual benchmarks.</p> <p>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.</p> <p>By 202_, begin an annual process of initiating formal mitigation for at least two identified priority pesticides.</p> <p>By 202_, begin an annual process of completing formal mitigation for at least two identified priority pesticides</p>
Strengthen coordinated SPM leadership structures	<p>By 2024, relevant state agencies and departments have the funding, staffing, and mission to advance the goals of SPM.</p> <p>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.</p>	<p>Goal 1.1 Develop partnerships and collaborations for implementing sustainable pest management</p>	<p>By 202_, establish a diverse, cross-sector SPM advisory group for advising on SPM implementation and the pesticide prioritization process.</p>
Enhance knowledge, research, and technical assistance	<p>Expand research and development infrastructure: by 2030, California has revitalized and expanded the public and private institutional infrastructure, workforce, and processes that meaningfully fund and support SPM research and technology development; the research community is prioritizing sustainable pest management options that are viable and are low-risk and low-impact to humans and the environment (it is prioritizing biological control, and adding more alternative products and practices to the suite of available tools); and from start to finish, SPM research is regularly and explicitly engaging and integrating farmer, farmworker, and other stakeholder expertise and needs, from both traditional and</p>	<p>Goal 1.4 Facilitate and support SPM technical assistance and innovation in pest management in collaboration with all interested partners</p>	<p>By 202_, increase the number of integrated pest management and SPM technical assistance resources that DPR provides by 20%.</p> <p>By 202_, establish formal partnerships with researchers and IPM technical advisors to advance SPM technical support.</p> <p>By 202_, increase annual baseline grant funding to support projects and research that advance SPM.</p> <p>By 202_, success in support for SPM transition is measured by ongoing 5% annual reductions in Priority Pesticide use.</p>



	<p>Indigenous knowledge sources, supporting multi-directional learning</p> <p>Enhance extension and education: by 2030, every farm in California has access to free or affordable SPM education, training, and independent technical advice that is relevant to its crops, region, farm size, pest pressures, and language needs and by 2040, every growing region in California has successful, trusted, transparent, knowledge-based networks focused on farmer-informed technical assistance and farmer-to-farmer learning.</p>		
Align pest control advisors with SPM	By 2030, all PCAs have received meaningful training in SPM and are incentivized to promote it in the field		
Reduce economic risk for growers transitioning to SPM	<p>By 2030, every grower in California has a suite of effective and feasible alternative practices and products, where available</p> <p>By 2030, California has implemented a system of incentives and financial risk management that integrates supply chain partners, educational institutions, private financial markets, and state and federal risk management programs to drive widespread adoption of SPM</p> <p>By 2030, SPM has been adopted as the de facto pest management system for state agencies and state-managed land</p>	Goal 1.1 Develop partnerships and collaborations for implementing sustainable pest management	<p>By 202_, in collaboration with state and local agencies and with public input, develop an agency implementation plan for SPM.</p> <p>By 202_, in collaboration with CDFA and other partners, develop SPM certifications for agricultural and urban settings, including for California-grown produce.</p>
Activate markets to drive SPM	<p>Establish purchasing criteria: by 2025, the state has established purchasing criteria for identifying and validating agricultural products that are grown in accordance with SPM.</p> <p>Increase procurement: by 2030, there is 50 percent increase in purchases by state-owned or state-run institutions of California-grown agricultural products grown in accordance with SPM criteria. There is a comparable increase in funds to local educational agencies for pupil meal reimbursement.</p> <p>Expand presence in retail markets: By 2030, a diversity of affordable California, SPM-grown agricultural products are recognized by national retailers for the value of SPM. SPM is accepted as meeting supplier approval requirements, including but not limited to ESG buying requirements.</p>		

