

Almond Alliance

November 9, 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:

The Almond Alliance appreciates the opportunity to comment on the Draft Strategic Plan 2024-2028 for California Department of Pesticide Regulations (DPR). We appreciate that DPR has taken the time to reflect on the steps needed to meet the challenges in pest management across all aspects of Californians' lives. We also appreciate DPR's efforts to follow the steps outlined in the Sustainable Pest Management Roadmap. Though it is difficult to comment when in many places the plan only has broad outlines and no specific timelines, we also see that as an opportunity to provide relevant details pertaining to the goals outlined.

Almond Alliance is the leading authority in state and national policy, championing American almond farmers, industry, and community for the continued global growth, innovation, and success of California almonds and agriculture. With the Almond Board of California, the federal marketing order, the Alliance represents the 7,600 almond farms, of which nearly 75% are less than 100 acres and 90% are family owned and operated, along with the and over 100 hullers, shellers, and processors. As California's largest agricultural export, the almond community grows nearly 80% of the world's supply of almond and almond products, supporting 110,000 jobs and generating nearly \$19.6 billion in gross revenue for the state of California.

In collaboration with the Almond Board of California, the Almond Alliance has developed and offers the following comments and recommendations for your consideration.

Mission Statement

We believe that the California Department of Pesticide Regulation's (DPR) primary mission is to regulate pesticides and pest management tools, while also supporting sustainable pest management practices. We appreciate DPR's efforts to develop the Sustainable Pest Management Roadmap and incorporate sustainable pest management into its mission statement. However, we believe that the current mission statement is still too limited in scope, as it focuses solely on regulatory authority as the only means of achieving the mission. This limits DPR's ability to truly achieve sustainable pest management.

As currently stated, the mission statement implies that DPR will be primarily focused on pest management, which is not its traditional mission area or primary skill set. By centering the mission statement solely on DPR's regulatory authority as the only means of protecting human health and the environment, the statement ignores DPR's ability, authority, and responsibility to fully serve its

mission through incentive structures, collaboration, and research beyond regulation.

We recommend that the mission statement be reworded to better reflect the means of "fostering sustainable pest management" and to highlight DPR's scientific leadership and support, as well as its regulatory authority: "We protect human health and the environment by regulating pesticides and supporting sustainable pest management through research, collaboration, and incentive structures."

Strategic Goals

We appreciate that DPR's primary strategic goal is "to protect public health & the environment and support a stable, healthy food supply for all Californians". California is the source of many healthy foods not only for Californians, but for the rest of the United States and beyond. DPR should consider its role in the larger context of how California can support a stable, healthy food supply for the broader world. Meeting export phytosanitary and quality expectations and requirements are key elements to pest management decisions for many crops, and a requirement for our trade partners around the globe.

Integrity

We are pleased that DPR notes that they plan to hold themselves to a high standard of integrity in their scientific review processes and other actions. We stress the importance of science-based risk assessment. As reinforced by OECD: "Rules and procedures that do not correspond to genuine risks tend to result in higher costs and burdens, without providing real benefits. Those that do not effectively target the causes of risks, based on findings from research and evidence, likewise fail to deliver. Regulation that is not useful or effective decreases public trust and harms the economy." We strongly encourage this to be forefront to DPR policies and procedures.

Continuous Improvement

While we laud DPR's focus on continuous improvement for the agency with regard to learning, innovation and improvement across how DPR executes its mission. This focus needs to extend to stakeholders ♦ that is supporting the learning, innovation, and improvement in pest management across the range of pest management stakeholders in California. That is, DPR should include how it can support the continuous improvement of stakeholders: from how pests are managed to how registrants supply data packages to DPR. We recommend not making quick changes that require rapid adaptation by stakeholders without adequate time, resources, and efforts to support stakeholders in adapting to the changes for the best opportunity at success. Without this support, DPR could be making changes that lead to unintended consequences, particularly economic.

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

Overall, DPR should acknowledge the role of the Environmental Protection Agency as the primary agency in the United States for developing risk assessment processes and registering new pest management tools, as well as EPA's mandate to review all existing registrations at least once every 15 years. Many of the decisions on alternative pest management tools and how they will be regulated are not for California to decide on its own. Without coordination, companies that may deliver more sustainable pest management options will be faced with conflicting regulations that disincentive the California market. Thus, we recommend rewriting this section with a focus on how DPR will collaborate with US EPA in developing coordinated risk assessment processes for

both existing and new conventional, and new types of pest management tools.

1.2: Collaboration with EPA (and international bodies) in establishing harmonized risk assessment processes and timings would further the goal of streamlining pathways for alternative pest management tools. As new technologies are developed such as drone applications, weed zapping robots, and other precision ag approaches, as well as new approaches to pesticides in the biological realms such as RNAi, GMO Sterile Insect Technologies, etc., they will require coordination by the regulatory agencies on determining what data is needed to regulate appropriately, and require harmonizing the assessment approaches. Efforts on harmonizing approaches and data requirements are also underway at the international level via the Trilateral Working Group between Canada, USA, and Mexico, and the Organization for Economic Cooperation and Development (OECD). DPR should include in the Plan how they will incorporate EPA and international efforts to improve the science and streamline regulatory approaches for reduced risk approaches.

In addition, we strongly recommend that DPR add to their strategy a renewed emphasis on concurrent assessments with EPA so that the limited resources of both agencies can be utilized effectively. It simply does not make sense for DPR to duplicate many of the analyses that EPA conducts in the processes of assessing any potential risks from pesticides. This is true for both conventional and biological pesticides. We understand California's right to place higher priority on the environmental and worker safety impacts given the diversity of California ecosystems, diversity of crops, and associated labor. Ideally, there would be work sharing, thus truly reducing the workload and time costs, overall. EPA would welcome, and we encourage, conversations with DPR on how to better coordinate and streamline products that are assessed by the Biopesticide Program within OPP at EPA.

1.3. In terms of regulating "priority pesticides", again DPR makes no mention of EPA's regulatory processes and how DPR plans to coordinate with EPA's registration review processes. Another opportunity for streamlining and making the regulatory processes more effective.

DPR proposes that it will annually "initiate formal mitigation..." as well "complete formal mitigation for at least two identified priority pesticides". This proposed promise contradicts the process laid out within the SPM roadmap. The workgroup clearly stated that before DPR can regulate "priority" pesticides, DPR needs to have assured that there are effective, safe, and economically viable alternatives in place. DPR will not be in the position to initiate mitigations let alone formalize mitigations starting in 2024 or 2025 for at least 4 products each year. DPR making such false promises of mitigations within the 2024-28 plan, reinforces the fear and distrust of growers and concerned public. Thus, we recommend that DPR amend this section to focus on developing how DPR will implement all the efforts recommended in the Roadmap: who is responsible for them, timing, research gaps, and funding needs. This will lead to a more sustainable effort to truly change pest management for the better, rather than making promises that will only increase the distrust, legal risk, and lead to unsustainable pest management.

1.4. We appreciate that DPR includes a focus on facilitating and supporting SPM

technical assistance and innovation in collaboration with all interested partners. And generally, we support the actions outlined with some additional recommendations:

- Research funding: As noted in the SPM roadmap, a key priority is increased research funding including research capacity to develop alternative pest management approaches for the wide range of crops grown in California and wide diversity of non-crop uses. The strategic plan needs to more clearly articulate how DPR will coordinate with CDFA and external stakeholders to achieve this goal. We can attest to the time and investment it takes to make changes in pest management, as the Almond Board of California since 1973, has financed \$89 million in research to improve farming practices while minimizing environmental impacts, identifying health benefits from almond consumption, ensuring food quality and safety, and identifying new uses of orchard biomass. Thus, we recommend that the Plan describe in more detail how DPR will gain a better understanding of the amount of funding needed to make real strides towards SPM and understand current funders and opportunities for collaboration.

- Attracting Investment in California's Pest Management Needs: Technology will play a role in achieving sustainable pest management goals. California should engage globally to attract and incentivize innovations to meet the diversity of agricultural and other pest management needs. There are major strides in precision agriculture for broad acre crops, but limited commercial investment for specialty crops. We encourage DPR to work with other state agencies, including but not limited to CDFA and the GoBiz to use creative new tools to attract global commercial investment in bringing sustainable pest management solutions to the state.

- Increasing Confidence in Alternative Pest Management Approaches: DPR needs to more clearly articulate how it plans to increase confidence in alternative pest management approaches by applicators. That is how to address efficacy, costs, complexity of many of the new approaches. This ties in with the research funding needs, but also in how to better understand the economic, time, labor, knowledge hurdles that will limit grower (and others') adoption of newer approaches to pest management. The Almond Board is currently initiating a project to fund efficacy trials of biopesticides to start to address the trust gap. And we are learning it is very complex, especially if looking at a systems approach to pest management. Thus, DPR needs to include how they plan to support funding and efforts to increase the confidence in new tools.

- Grower Incentive Program: Also noted in the SPM roadmap, but not addressed in the Plan, is development of an incentive program for growers to adopt more sustainable pest management approaches. Currently most approaches for lower risk pest management involve either increased risks of damage to the crop and/or costs to growers. Evidence from grower self-reported practice and pesticide use reporting indicate that just having alternative tools and/or approaches alone, without considering how growers make risk management decisions can lead to slow adoption of IPM practices. For example, while research clearly shows that a prophylactic miticide application is generally not needed to control web-spinning mites in almonds, as beneficials generally will be adequate to provide control, almond growers have been slow to move away from the miticide use. For growers, the risk of a mite flare close to

or in the middle of harvest is too complicated to manage, plus reliance on the beneficials currently requires repeated scouting to ensure they will be adequate. An incentive program could help growers test the new approach and better assess the efficacy without bearing all the risk themselves. The almond industry has also worked with USDA-NRCS to have pheromone mating disruption for Navel Orange Worm included in their incentive programs. However, NRCS incentives have an adjusted gross income cap that limits access for higher value specialty crop growers, and NRCS has not been focusing on pest management as a priority for their incentive dollars. Thus, the plan should include an outline of how DPR will work with others to develop and fund such an incentive program.

- It is unclear what DPR means when referring to "increasing by 20% the number of integrated pest management and SPM technical assistance resources that DPR provides." Integrated Pest Management has been the purview of UC Extension and pest control advisors; not traditionally DPR. And UC Extension generally has the trust of the growers. We would be supportive of efforts to increase support for IPM informational resources and outreach efforts by UC-ANR, but do not believe this is DPR's role.

- As noted above, we believe it is premature for DPR to make promises to see reductions in Priority Pesticide Use within the time period covered by this 5-year Strategic Plan. As outlined above, it will take a broad suite of approaches to accomplish this. DPR needs to first focus on how it will, in collaboration with others, implement the wide range of "levers" identified in the SPM Roadmap before focusing on the actual regulation and reduction in use of priority pesticides. Only once effective, safe, and economically viable alternative pest management tools are in place can efforts be started to see if there are reductions in priority pesticide use.

- We also remind DPR that pests are not consistent from year to year thus promising a linear decline or annual decline does not make sense. We have seen the number of applications for a single insecticide go from 80 in one year to 800 in the next in one county due to a pest outbreak. Thus, DPR may want to consider using a 3-5 year rolling average, once DPR is in a position to assess changes in priority pesticide use.

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

2.1 Before DPR invests in increasing pesticide monitoring in ecosystems, we recommend the Department assess what monitoring is already on-going. We are thinking of the current lack of coordination in the monitoring of pesticides in surface waters between the Irrigated Lands Regulatory Program, USGS and DPR.

- Clarification is required as to how the data from such monitoring will be used. Just because something is measured does not necessarily mean there is a risk.

2.2 We appreciate that DPR is including an increased collaboration with the County Agricultural Commissioner Offices. The CAC are truly unique in the world in how they work on both enforcement and education for agricultural pesticide users, thereby contributing to some of the safest use of pesticides globally.

2.4 We request that the Department more clearly articulate how current efforts by EPA to improve Worker Protection will be built upon or leveraged such as funding from

PRIA for worker protection education.

Goal 4: Promote Excellence and Innovation

As noted above, we share the Department's efforts to promote excellence and innovation. As such this goal should be pursued in collaboration with a range of stakeholders to more quickly, affordably, and effectively implement sustainable pest management goals, further protecting human health and the environment.

4.2 EPA is in the midst of modernizing their electronic submissions and tracking system. Thus, we recommend that DPR indicate how it will build upon and learn from major efforts to modernize their system. Again, why reinvent the wheel, particularly since the types of data required by EPA and DPR are generally identical?

- EPA is also working on electronic labeling efforts. DPR makes no mention of this as a part of the innovation to improve compliance and enforcement. Please address.

Other

The SPM Roadmap indicated that changes in the pest control advisor system may be necessary, specifically ways to divorce PCAs' income from sales. DPR makes no mention of starting to tackle this lever from the SPM roadmap, in the strategic plan. We would encourage focused attention to this recommendation.

We encourage DPR to maintain investment in DPR's Endangered Species Project. As EPA is focused on coming into compliance with ESA for pesticide registrations, DPR's existing efforts to find locally relevant solutions with both the State and Federal Services to protect listed species in California from pesticides, will be more critical. Having locally relevant solutions is critical to the effective and meaningful protection of endangered species.

Conclusion

We thank you again for the opportunity to comment on the Strategic Plan. With nearly 50 years of industry driven research and investment in assisting almond growers and processors implementing the best cultural practices and technologies to improve human, food, and environmental health, we look to partner and collaborate with DPR as it too, drives towards these same goals.

Should you require any further information or discussion, please contact us at any time.

Sincerely,
Aubrey Bettencourt
President & CEO
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Sincerely,

Aubrey Bettencourt

President & CEO

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