



August 1st, 2024

Ms. Lauren Otani, Senior Environmental Scientist (Specialist)

Department of Pesticide Regulation
1001 I Street
Sacramento, CA 95814

RE: DPR 23-003 Statewide Notification of Agricultural Use of Restricted Materials

Dear Ms. Otani,

California Farm Bureau (CAFB) is a voluntary, non-profit organization made up of nearly 29,000 members across 53 counties and is the largest farm organization in the state. Established in 1919, we work for the betterment of family farmers and ranchers in California and help support up to 2.5 million jobs and over \$56 billion in crop value. As a significant provider to hundreds of commodities distributed across the US and the world, our members have always understood the importance of keeping farming practices, such as pesticide application sustainable and safe.

CAFB appreciates the opportunity to continue our discussion on the Department of Pesticide Regulation's (DPR) Notice of Intent (NOI) system. California Farm Bureau has actively engaged in this issue since its proposal in November. While we generally support the proposed modifications that clarify the required timeframes for submitting NOI information, we still have significant concerns regarding the public notification requirements and their impact on growers. We are pleased to see the proposed 30-day extension of the effective date to address potential technological issues with the untested electronic notification system. This extension is necessary to ensure a smooth implementation and prevent any unintended consequences that may arise from technical failures.

The proposed requirement to disclose additional details, such as product names, active ingredients, and acres treated, has been at the forefront of our concerns and opens the potential to identify individual growers before they apply restricted use materials. This identification could expose growers to targeted harassment, even when they comply with all regulations. The department addressed this concern during public hearings and explained there would be an evaluation of the system, and if excessive protesting and harassment occurred, the program would undergo substantial changes. While the NOI system is to receive a yearly evaluation and three-year report, there does not seem to be clear markers to identify whether the program is successful, only indicators that it is harming growers. For these reasons, we encourage DPR to protect the sensitive information of growers before the misuse of the notification occurs, not after.



Moreover, providing specific details and granting broad access to pending applications beyond a one-mile radius does not offer any tangible public or individual benefit. Instead, it creates unnecessary fear and confusion. We propose that the information disclosed should be limited to active ingredients, permit and county numbers, application date range, and relevant label information, without detailing the method of application, the acres treated or exact location.

We also feel there are long-term repercussions to this system, as releasing personal information to the public is likely to result in a surge of unfounded appeals against NOIs, delaying essential pesticide applications. This delay can cause significant crop loss, further pest outbreaks, increased legal reviews, and slower response times from DPR. The provisions allow any individual to appeal against an NOI which heightens the likelihood of these negative outcomes. Excessive appeals, as well as many other complications, will be addressed by the County Agricultural Commissioner first, and will impose an undue administrative burden at the local level. The allocation of resources to address application questions and expressions of concern from the public will consequently reduce the capacity for use-enforcement, education, pest detection, and community engagement.

The proposed modifications also require DPR to consult with a specific set of groups; DPR Environmental Justice Advisory Committee and the State Board of Food and Agriculture. This review process would not fairly represent all stakeholder's concerns and recommendations. Directing input from these specific groups through a separate agency is also inappropriate. If DPR decides to maintain this review process and include these stakeholders, it should include additional groups with relevant expertise, such as the Agricultural Pest Control Advisory Committee.

We appreciate your consideration, and we look forward to the department addressing these recommendations and concerns in a subsequent public notice of modifications to the proposed regulation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Isabella Quinonez', written in a cursive style.

Isabella Quinonez
Governmental Affairs Analyst