



August 1, 2024

Ms. Lauren Otani, Senior Environmental Scientist (Specialist)
Department of Pesticide Regulation
1001 I Street
P.O. Box 4015
Sacramento, California 95812-4015
dpr23003@cdpr.ca.gov

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

Dear Ms. Otani:

I am submitting this letter on behalf of the Western Plant Health Association (WPH) in regards to “DPR 23-003 Statewide Notification of Agricultural Use of Restricted Materials” dated July 2, 2024. WPH appreciates the opportunity to comment on this proposal and looks forward to participating in continued discussions on the Pesticide Application Notification System. WPH represents the interests of pesticide and fertilizer manufacturers, agricultural biotechnology providers, and agricultural retailers in California, Arizona, and Hawaii.

WPH thanks DPR for the measured approach that DPR has utilized when considering both the needs of farmers and the wants of other stakeholders in this process. We would be remiss in not noting the necessity of DPR’s measured approach in developing this system when considering the ongoing costs of development and implementation. The ongoing staff and financial resources that will be required by the state and at local levels to implement the proposed system, provide system updates, and respond to the consultation requirements must be considered part of the Pesticide Application Notification System. Because of these costs and that this is a legislatively mandated program, WPH strongly believes that future costs should be borne by the State General Fund through budget change proposals, rather than at the expense of DPR’s tax and fee payers.

WPH supports modifications that provide greater clarity for when notice of intent information will be required. We are concerned that the 48-hour notice for soil-applied fumigants is unnecessary and will create confusion. DPR has explained at recent public hearings that restricted use products (RUPs), including fumigants, are thoroughly evaluated prior to registration approval. Precautionary mitigations are mandated at the federal, state, and county

level when needed in relation to the use of all RUPs. As a result, WPH does not believe that an additional 24-hour notification for fumigants, built on top of the already planned 24-hour notification for RUPs is warranted. In addition, as has been expressed previously, the application of a pesticide is based on a variety of factors including weather, atmospheric, or pest conditions which change on an ongoing basis. WPH is concerned that these changing conditions will result, when utilized in a 48-hour notification framework, in unintended confusion in communities as notifications are issued, cancelled, and then reissued, potentially multiple times over a 48-hour period. If DPR's intent is to simply issue the notifications, but not the cancellations, than DPR will not only confuse the public with multiple notifications in the same application grid, but create fear of excessive applications as community members will be unaware that applications were cancelled.

WPH supports the currently proposed 1-mile spatial grids for the notification framework. We believe that this will provide an appropriate level of notification for interested parties, while protecting the privacy of farmers and applicators. WPH is unsure of DPR's intention of providing product names as part of the Pesticide Application Notification System. We are concerned that simply releasing product names will not provide useful information to the public. Unless DPR includes factual information about the product, including the safeguards required by DPR so the public can make informed decisions, then we don't believe that the release of this information is appropriate or beneficial.

WPH opposes the release of exact addresses of application sites and the names of businesses who apply RUP products. This information should remain in the custody of Agricultural Commissioners who oversee applications and safeguard all segments of the public. California has taken tremendous steps to assure that members of the public's names and addresses are not commonly accessible to protect community member's privacy. We believe that this same right should be applied to farms and businesses who have a right to have their privacy protected. WPH thanks DPR for their consideration of the need to protect the privacy of all stakeholders impacted by the Pesticide Application Notification System.

WPH supports the proposed modifications that specifically require that DPR provide updates and receive feedback from identified stakeholder groups. WPH acknowledges the intent of DPR to consult with, and receive feedback from, the DPR Environmental Justice Advisory Committee and the CDFA State Board of Food and Agriculture. WPH appreciates DPR including an agricultural entity to receive updates on the system. However, we ask that the Office of Pesticide Consultation and Analysis (OPCA) Advisory Board be included to receive DPR's updates. The OPCA Advisory Board consists of farm group representatives who interact more directly with farmers on an ongoing basis. WPH believes this group will be better suited to evaluate agricultural impacts from the Pesticide Application Notification System. The OPCA Advisory Board could then provide to the State Board of Food and Agriculture an agricultural assessment

of the System. Again, while WPH supports the State Board of Food and Agriculture's involvement, we think it is unrealistic, from a time and resource standpoint, for the State Board of Food and Agriculture to engage in the kind of review the OPCA Advisory Board could provide.

Finally, we continue to encourage DPR to develop effective educational resources for those communities who will be recipients of the pesticide notifications. While agricultural interests have developed the knowledge and expertise to understand the use and built-in safeguards of RUPs, the general public will require ongoing education through non-traditional delivery systems. WPH recognizes the efforts DPR is taking in this area, and we thank you for your continued commitment to provide these resources to communities. We thank you for your consideration of our comments. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pinel', with a stylized flourish at the end.

Renee Pinel
President/CEO