



STANISLAUS COUNTY



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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,

Stanislaus County Farm Bureau is a grass-roots organization dedicated to promoting and preserving agriculture in Stanislaus County. We represent nearly 1500 members who produce our food and fiber.

We would like to thank Director Henderson and her staff for coming to Stanislaus County twice in 2023 to learn more about potential local impacts and solutions to the proposed rule. It is important to hear from those that will be directly affected because quite often the loudest voices come from people and organizations that have no stake in the implementation of new regulations. We hope that those visits were educational for all of the regulatory staff involved.

At the initial meeting with Director Henderson, we were asked what some of our reservations were and why there was a lack of grower participation. Many growers have been through these hearing exercises with the California Air Resources Board, local Air Pollution Control Districts, the State Water Resources Control Board, Regional Water Quality Control Boards, CalEPA and DPR in the past. While the intention is to get public input for the good of the program, agriculture has often felt that they are:

- 1) seen but not heard;
- 2) advocacy groups receive greater credence and
- 3) these are simply box-checking exercises where a pre-determined result and regulation framework is already in place.

We participated in one online hearing (Ventura) and one in-person hearing (Turlock). The online hearing in early 2023 was abominable. We encouraged our members to listen in. Following that hearing, and the way it was conducted and not controlled, we encouraged our members to stay away from this process. When a speaker is doxed while he is speaking, with his name, employer, phone number and employer address posted in the Chat Room and the participants encourage other participants to harass him and his employer, the process is seriously flawed. There was absolutely no control. We have heard that other hearings, such as in Tulare, had similar outcomes, only the participants were in-person. Fast forward to June 2024 and the Turlock hearing was very well organized and all participants were respectful and cordial. We appreciate the changes that DPR staff made to make it welcoming to growers and advocates alike.

Many of the comments addressed lack of training and their main focus, exact location. There are current rules in place for all of their concerns. The testing and continuing education of applicators for multi levels of licensing never stops. The use of the term "Spray Days" sounds very reminiscent of a term used in the Eastern US called "Farming Days" which are days that farmers can or cannot farm and work their ground. Growers do not necessarily have the ability to wait for a "Spray Day" in many situations. Weather conditions, such as moisture and wind speed, are taken into account with every application. It is conceivable that a crop could be lost while waiting for a "Spray Day." Additionally, "Spray Days" isn't a true reflection of pesticide applications, not all pesticides are applied via a spray, contributing to the continued misinformation to the public.

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 and farmworkers 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, application date range, and relevant label information, without detailing the method of application, the acres treated or exact location.

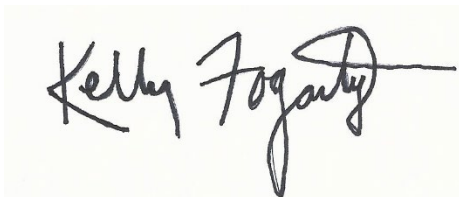
Throughout this process we have been concerned with the lack of education provided by this proposed system. Providing only the label to the public requesting notification, is misleading. The label is written for hazards to the handler and fieldworker. The label does not provide guidance for persons living within a mile of an application. Does this guidance, based on science, even exist? Additionally, pesticide application does not equal pesticide exposure. California has the most rigorous pesticide use enforcement requirements in the world. In listening to the comments at the public hearings, this has not been conveyed by DPR, and it completely misunderstood by community members.

Last year, DPR staff attended and spoke at our local *Spray Safe* seminar. Each year we host nearly 200 farm workers for safety and regulatory training in conjunction with nearly 300 permit and license holders for DPR approved topics, current events and continuing education. Ironically, some of the organizations and individuals that spoke at the Turlock hearing in favor of "Exact Location" have been invited to the last two *Spray Safe* events (2022 & 2023) and chosen not to attend. This adds to our frustration of claims of 'untrained farm workers' and 'spraying around schools.' Each year we train farm workers and each year growers are reminded of when and where they can apply near schools. A spray permit is not taken for granted because it is necessary education and husbandry practice for a grower to remain in business. Perhaps DPR grant funds for more 'Spray Safe' events is an opportunity to continually educate rather than regulate.

We ask that regulations be based on science and facts and not emotion. Many of the proposals with this rule are already covered under current regulation. There is no need to add additional layers and costs when those mechanisms already exist.

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 on a light yellow background. The signature reads "Kelly Fogarty" in a cursive, flowing script.

Kelly Fogarty
Stanislaus County Farm Bureau President