

# CropLife America (CLA) and Responsible Industry for a Sound Environment (RISE)

Dear Ms. Otani,

CropLife America (CLA) and Responsible Industry for a Sound Environment (RISE) would like to thank you for the opportunity to provide comments regarding the Department of Pesticide Regulations' Notice of Modifications to Text of Proposed Changes in the Regulations Pertaining to Statewide Notification of Agricultural Use of Restricted Materials.

While we support the goal of transparency in pesticide regulation and believe that the public has a right to understand pesticide regulations, we have concerns about implementation of the Notices of Intent (NOIs) and the proposed changes to the information provided in these NOIs. Without proper context, NOIs are likely to be confusing to the public and will not add additional safety benefits. Detailed information about the pesticide's intended use, the targeted pest, and the precautions taken to minimize exposure are essential to understand the rationale behind the applications and to determine any potential risk from application. Without this information the NOIs, and the additional information proposed for inclusion in the NOIs, offer no information for the evaluation of risk from a specific pesticide application.

It is essential to recognize that there is a robust risk assessment process through the California Department of Pesticide Regulation and Federally under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These processes evaluate the safety of pesticides when they are used according to the label instructions. The risk assessments ensure that pesticide products pose minimal risk to human health and the environment when used properly and consider safety precautions such as re-entry intervals, drift control, and other routes of exposure. It is also important to note that NOIs do not account for compliance with regulations or adherence to pesticide label instructions. The mere submission of an NOI does not infer that the pesticide application is unsafe; therefore, these types of notifications can lead to a fundamental misunderstanding by the public of their safety risk. Therefore, the focus should also be on ensuring strict compliance with existing regulations and label instructions.

Additionally, the publication of private information, which can be used to identify specific use sites should be absolutely avoided, as this could impede individual privacy and lead to the identification and targeting of growers and applicators during legal applications of restricted materials. Protecting the privacy of individuals and businesses is crucial to avoid any potential misuse of this information which if abused could lead to not only physical threats to growers and applicators, but creates additional opportunities for unnecessary appeals, leading to crop loss and potential liability.

We fundamentally support transparency, but greatly value the benefits from implementation of a robust pesticide safety education program for the public. Such a program should equip community members with the resources to understand the pesticide registration process and how mitigations on pesticide labels are designed to ensure safety. This education can help demystify pesticide use and reassure the public that rigorous safety standards are in place when the products are used in accordance with label instructions.

Furthermore, we suggest an exemption from the reporting requirements for certain pesticide formulations or application methods such as baits, granular products, or spot treatments. These products do not result in spray drift and generally have limited routes of exposure when used according to label instructions. Exempting these products would reduce the administrative burden and consider a scientifically motivated, risk-based approach.

In summary, we appreciate the efforts to enhance transparency and public awareness regarding pesticide applications and encourage efforts to educate on the safe use of registered pesticides; yet we are unclear how this notification system, including the proposed modifications to the notification system, will increase public health and safety. We recommend these proposed changes to the text for the notification regulation:

- Ensure that information provided in NOIs has the appropriate context for the public, the inclusion of active ingredients is not justified without a full explanation of pesticide regulation and robust risk assessment these products go through to obtain registration with both EPA and in California.
  - Develop and promote a comprehensive pesticide safety education program for the public.
  - Protect the safety and privacy of individuals by not publishing detailed information that could identify specific use sites.
  - Focus on ensuring compliance with existing regulations and pesticide label instructions.
  - Consider exemptions from reporting requirements for certain formulations, such as baits, granular products, and spot treatment applications due to their limited exposure risk from spray drift.
- Thank you for the opportunity to comment on this important regulatory proposal. We look forward to the successful implementation of these regulations in a manner that balances public transparency, safety, and environmental protection.

Sincerely,

Megan J. Provost

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RISE (Responsible Industry for a Sound Environment)<sup>®</sup> is the national trade association representing manufacturers, formulators, distributors, and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers. Learn more at [www.pestfacts.org](http://www.pestfacts.org).

CropLife America (CLA) represents the manufacturers, formulators, and distributors of crop protection products in the United States. CLA member companies produce, sell, and distribute virtually all the crop protection products used by American farmers. Learn more at [www.croplifeamerica.org](http://www.croplifeamerica.org).



August 1, 2024

Submitted via email to: [dpr23003@cdpr.ca.gov](mailto:dpr23003@cdpr.ca.gov)

Ms. Lauren Otani, Senior Environmental Scientist (Specialist)  
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Re: *DPR 23-003 Statewide Notification of Agricultural Use of Restricted Materials*

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