

California Strawberry Commission

Dear Ms. Otani:

The California Strawberry Commission (CSC) appreciates this opportunity to comment on the Department of Pesticide Regulations' (DPR) NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES IN THE REGULATIONS PERTAINING TO STATEWIDE NOTIFICATION OF AGRICULTURAL USE OF RESTRICTED MATERIALS, dated July 2, 2024.

The Commission represents all of California's strawberry farmers, shippers, and processors. The California strawberry industry has a long history of safe use of pest management tools focusing on protecting workers, the public, food safety, and the environment. Throughout the development of the statewide notification system, we have actively participated by providing feedback during public comment periods to share the concerns of our members. We ask that in finalizing this regulation, DPR consider the following key concerns that have been voiced by members of the public and the regulated community:

- **Unnecessary duplication:** Redundancy of the notification system with currently existing notification processes takes resources away from other necessary areas of pesticide regulation, such as registration, re-evaluation, and enforcement.
- **Lack of consistency:** This proposed notification system only applies to agricultural pesticide applications, which are only a portion of the state's pesticide applications, and completely ignores structural pesticide use.
- **Fails to achieve intended outcome:** As the system is currently designed, the notifications create confusion and panic for notification recipients as the notices do not explain the purpose of the notification as it pertains to protection of their health and safety. Furthermore, the notifications do not indicate what steps or actions the public would need to take after receiving a notification.
- **Erosion of trust:** The system reinforces the public's mistrust of safe and regulated pest management by implying the need for a notification to prompt the public to take measures to protect their health and safety. As designed, the system creates confusion regarding the safety of the pesticides that DPR evaluates and registers. This undermines DPR's scientific review and authority, as well as the effectiveness of DPR's certification and training program for pesticide applicators. The Sustainable Pest Management (SPM) roadmap highlights DPR's response to the public's request for more transparency on how DPR is protecting human health and the environment. As such, in addition to adoption of new technologies and novel communication methods such as the notification system, DPR should communicate its longstanding efforts, expertise, and sound scientific decisions regarding pesticide use, including the additional layers of safety and protection CalEPA places on U.S. EPA regulations.

We believe the new requirement to disclose product names and active ingredients, coupled with information on the number of acres treated, allows those that would misuse the notification system to draw inferences regarding the exact location of the proposed application and by extension, the responsible grower. In the absence of context regarding mitigation measures required to protect potentially exposed individuals, and how those measures reduce potential health and ecological risks - especially risks associated with off-site exposures - this additional information could be used as the basis for organized efforts to obstruct legal applications of restricted materials. We remain concerned that such actions would place grower owners, employees, and members of the public at greater risk of harm, without providing any additional public health benefit. This sequence of events may lead to significant crop loss, further pest outbreaks, and more frequent legal reviews by DPR

resulting in delays for needed applications. We also ask the Department to consider potential state liability for releasing sensitive personal information.

We are concerned about the substantial ongoing costs to state and local agencies for implementing, maintaining, and supporting the proposed system. These costs should be covered by the State General Fund, not by DPR taxpayers. Additionally, a public notification system without clear guidance is likely to cause unnecessary alarm. County Agricultural Commissioners, already overburdened, will be inundated with public inquiries, straining their ability to focus on essential tasks like enforcement, education, pest control, and community outreach. We request that DPR address the above issues and recommendations in a subsequent public notice of modifications to the proposed regulation.

Sincerely,

Mark Martinez, Vice President of Public Policy

July 31st, 2024

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

Subject: California Strawberry Commission comments on the Department of Pesticide Regulation's 30-day notice of modifications to the proposed restricted material use notification regulations.

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- **Fails to achieve intended outcome:** As the system is currently designed, the notifications create confusion and panic for notification recipients as the notices do not explain the purpose of the notification as it pertains to protection of their health and safety. Furthermore, the notifications do not indicate what steps or actions the public would need to take after receiving a notification.
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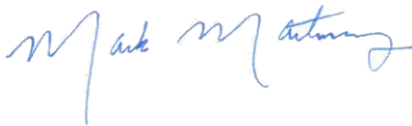
DPR's scientific review and authority, as well as the effectiveness of DPR's certification and training program for pesticide applicators.

The Sustainable Pest Management (SPM) roadmap highlights DPR's response to the public's request for more transparency on how DPR is protecting human health and the environment. As such, in addition to adoption of new technologies and novel communication methods such as the notification system, DPR should communicate its longstanding efforts, expertise, and sound scientific decisions regarding pesticide use, including the additional layers of safety and protection CalEPA places on U.S. EPA regulations.

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Sincerely,



Mark Martinez, Vice President of Public Policy

cc: Julie Henderson, Director – DPR
Karen Morrison, Deputy Director – DPR
Ken Everett, DPR