

The Chloropicrin Manufacturers' Task Force

Dear Ms. Otani:

The Chloropicrin Manufacturers' Task Force (CMTF) appreciates the opportunity to comment on the Department of Pesticide Regulation's (DPR) modified text for the proposed regulation DPR 23-003, Statewide Notification of Agricultural Use of Restricted Materials. The CMTF represents registrants of chloropicrin, a pre-plant soil fumigant which is a restricted material in California. Chloropicrin improves soil health, helping California growers produce abundant fruits and vegetables.

The CMTF is providing comments on three issues related to the proposed modifications. First, CMTF addresses location information regarding the application site. Second, CMTF discusses the importance of participation from all stakeholders in the evaluation process. Finally, CMTF comments on the name of DPR data base "Spray Days." Field Location Information. The proposed regulations provide communities with the base, meridian, township, range, and sections of the area to be treated. Despite this, some commentators have requested the exact location of the application site. The CMTF encourages DPR to maintain the currently proposed location information. First, the DPR proposal provides for a standardized location description throughout the state. The current location information specifies a one square mile area that aligns with the existing Public Land Survey System. This allows DPR to provide consistent location information throughout the state. Second, providing the exact location could negatively impact public health and safety, as individuals may show up at an application site to protest or otherwise interfere with the application, creating potential hazards that would cause the delay of the application and divert valuable County Agricultural Commissioners' (CAC) resources to address the protesters' actions. In addition, the timing of applications can be time sensitive, and delay could increase burdens on CAC staff and decrease the benefits of the application to growers. While many residents have stated that they do not intend to protest, since the information is public others may use the information with intent to disrupt an application. For example, protesters caused a delay during one of the pilots. Finally, growers expressed privacy concerns related to providing the exact location. These issues were noted by the UC Davis Center for Regional Change in its analysis of the pilot projects for notification system.¹ 1 UC Davis Center for Regional Change, Outcome and Process Evaluation for Four Pilot Projects for the Statewide Notification System at 15,

https://www.cdpr.ca.gov/docs/pesticide_notification_network/outcome_process_evaluation_four_pilot_projects.pdf
Review of the Program. The modified proposal requires DPR to issue an annual status update about (1) its system and process for making information about intended applications available to the public, (2) feedback received, and (3) changes to its system and process. DPR must receive feedback from the Department of Pesticide Regulation Environmental Justice Advisory Committee, the State Board of Food and Agriculture, and the public via a public comment period until DPR issues a draft report on its system three years after the regulation becomes effective. The CMTF reaffirms our belief that property owners, applicators and CACs must be consulted in the evaluation process, along with representatives of farmworkers and residents. It is important to receive feedback from all parties involved to craft the most effective system.

Database Name. We appreciate that DPR has shared the beta version of the proposed notification system, called "SprayDays." However, the CMTF is concerned with the name chosen for the system, as it does not accurately reflect the variety of pesticide applications. For instance, chloropicrin is injected directly into the ground and is not sprayed. The current title risks misleading the public into believing that all restricted material pesticides are "sprayed" near them when, in reality, various application methods have been developed over the decades to better protect human health and the environment. The CMTF request that DPR rename the notification system to avoid misleading the public.

Thank you again for the opportunity to comment on the proposed regulation.

Regards,

Stephen Wilhelm

Chairman

Chloropicrin Manufacturers Task Force

THE CHLOROPICRIN MANUFACTURERS' TASK FORCE

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Via email at dpr23003@cdpr.ca.gov

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RE: Statewide Notification of Agricultural Use of Restricted Materials
DPR Regulation No. 23-003

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Field Location Information. The proposed regulations provide communities with the base, meridian, township, range, and sections of the area to be treated. Despite this, some commentators have requested the exact location of the application site. The CMTF encourages DPR to maintain the currently proposed location information. First, the DPR proposal provides for a standardized location description throughout the state. The current location information specifies a one square mile area that aligns with the existing Public Land Survey System. This allows DPR to provide consistent location information throughout the state. Second, providing the exact location could negatively impact public health and safety, as individuals may show up at an application site to protest or otherwise interfere with the application, creating potential hazards that would cause the delay of the application and divert valuable County Agricultural Commissioners' (CAC) resources to address the protesters' actions. In addition, the timing of applications can be time sensitive, and delay could increase burdens on CAC staff and decrease the benefits of the application to growers. While many residents have stated that they do not intend to protest, since the information is public others may use the information with intent to disrupt an application. For example, protesters caused a delay during one of the pilots. Finally, growers expressed privacy concerns related to providing the exact location. These issues were noted by the UC Davis Center for Regional Change in its analysis of the pilot projects for notification system.¹

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Stephen Wilhelm
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