



May 15, 2025

*Submitted via SmartComment portal:
DPR Environmental Justice Advisory Committee Public Feedback*

Celia Pazos
Deputy Director, Environmental Justice and Equity
Department of Pesticide Regulation
1001 I Street (P.O. Box 4015)
Sacramento, CA 95812-4015

RE: Comments on DPR's Environmental Justice Advisory Committee Formation

Dear Deputy Director Pazos,

In March 2025 the Department of Pesticide Regulation (DPR) shared draft documents related to the formation of an Environmental Justice Advisory Committee (EJAC), pursuant to AB 652 (Lee). We appreciate the opportunity to provide a written response to DPR's request. The comments provided in this letter reflect the common viewpoints of the agricultural organizations (herein referred to as "organizations") that have signed below.

Although the committee's purpose is clearly established (Food & Agricultural Code Section 11519), DPR's draft documents would benefit from further implementation details. Specifically, we recommend a comprehensive orientation be provided to the committee to ensure it can effectively meet its goals and support DPR's established mission and regulatory responsibilities. We encourage DPR to clarify opportunities for public input on the EJAC's nomination and recommendation process. We also offer specific suggestions for your consideration as you refine the EJAC's draft scope of work, charter, and the evaluation criteria for EJAC member applications.

Our organizations offer suggestions regarding the following:

1. Committee Preparation on DPR Responsibilities & Mandates

2. Draft Scope of Work
3. Draft Charter
4. Draft Scoring Criteria for Reviewing EJAC Membership Applications

PART 1 COMMITTEE PREPARATION ON DPR RESPONSIBILITIES & MANDATES

Managing pests is a complex process that requires balancing multiple pressures including agricultural productivity, regional ecology, pest and disease resistance, community health, local economies, global trade systems, supply chain systems, and regulatory frameworks. DPR's statutory mandate to "provide for proper, safe, and efficient use of pesticides essential for the production of food and fiber..." (Food & Agricultural Code Section 1150) must remain at the forefront of decision making.

DPR has several committees in place, chartered to address specific cross-functional priorities. These include the Agricultural Pest Control Advisory Committee (APCAC); the Pesticide Registration and Evaluation Committee (PREC); and the Pest Management Advisory Committee (PMAC), all of which are scientifically based. A Scientific Advisory Committee focused on pesticide prioritization has also been proposed by DPR.

Risk assessment based on peer-reviewed scientific evidence forms the fundamental basis for all of DPR's pesticide procedures including registration, licensing, enforcement, pesticide review and evaluation. This approach also informs all considerations of potential environmental impacts, human health and safety, product effectiveness, and more. It is imperative that this scientific foundation remains central to all decisions regarding pesticide registration, reevaluation, and mitigation measures. Any newly introduced data should be held to the same high standards of scientific integrity.

We request that a DPR scientific advisor be present during all EJAC committee deliberations to ensure committee members fully understand DPR's mandated risk-based assessment approach. Risk assessments evaluate both the potential severity of harm and the probability of occurrence under specific circumstances, whereas hazard assessments merely identify the possibility of harm without analyzing likelihood or exposure factors. DPR has a legal obligation to evaluate pesticides by way of a thorough risk-based framework that considers all relevant factors and extends to the deliberations of this committee. Having a DPR scientific advisor available to provide guidance, information, and instruction on DPR's regulatory requirements will help the EJAC develop more effective recommendations that are aligned with DPR's statutory mandates.

The EJAC must maintain its distinct purpose focused on community engagement, educational programming, and environmental justice outreach. It will be essential for all

committee members to understand the process by which EJAC recommendations will be considered alongside the work of DPR's preexisting science-based committees. We recommend implementing regular cross-committee updates to foster continuity, enhance transparency, and ensure accountability to DPR's legislative mandates across all committees.

We suggest DPR provide the EJAC a thorough educational foundation related to its statutory obligations, including the specific priorities established by the adoption of AB 2113. This orientation and continued focus on scientific standards for analysis will ensure committee members comprehensively understand DPR's complex regulatory framework, enabling them to contribute more meaningfully and effectively to discussions. Absent this degree of oversight, the EJAC's recommendations risk ongoing misalignment with DPR's established standards, an outcome that benefits no one.

Further, we understand this committee was initially established through mill tax revenues via a budget change proposal in 2024, which requested \$581,000 and covered two staff positions as well as per diem fees for committee members. As DPR has advanced significant legislative direction related to registration and reevaluation, it must operate within this established budget and authority when implementing this committee and not threaten resources that should be otherwise assigned to achieving the agency's broader mission. Any cost overruns should be borne by external funding sources, like the State General Fund, not from mill tax revenues. As the EJAC's input is expected to benefit stakeholders statewide, we request DPR pursue additional or supplementary State General Funds to implement the EJAC as necessary.

PART 2 DRAFT SCOPE OF WORK

We appreciate the detail provided in the draft scope of work and would like to suggest the following amendments.

Objectives

Regarding "Objective 2: Promote Equity in Decision-Making", we support incorporating members with diverse perspectives and community experiences to enhance equity in educational initiatives and communications strategies to ensure departmental transparency. All pesticides approved for use in California must go through a rigorous scientifically based analysis that yields some of the most stringent human health and environmental safety measures in the world. Licensed professionals utilize their vast and diverse experience to recommend and apply products in the agricultural sector. Government at all levels takes discrete actions to ensure the highest levels of protection for environmental, human, and species health and safety. California's extensive pesticide

regulations are often unknown to the public, so the EJAC's initial charge should be educating communities about DPR's rigorous scientific process and regulatory oversight of pesticide registration and use.

DPR determinations regarding pesticides must adhere to established regulatory frameworks. We propose revised language for this objective that reflects DPR's legislatively required decision-making process, while promoting equitable access to scientific information. This will enable the committee to effectively guide educational initiatives and community outreach strategies. Additionally, this approach will create meaningful opportunities for committee members and the public to contribute insights regarding procedural transparency and accessibility.

Regarding "Objective 4: Identify Barriers and Solutions," while we recognize the value of inter-agency coordination, we recommend that DPR clearly define the committee's scope in this area. Direct communication between agencies on overlapping issues, along with any resulting actions, should remain the responsibility of agency directors and their staff, not EJAC members. EJAC recommendations related to sister agencies should first be reviewed by DPR staff to confirm they align with statutory authority, budget constraints, and administration priorities. The committee should focus solely on developing recommendations, not on serving as a facilitator for inter-agency discussions.

Membership

The current scope of work limits who may nominate candidates for this committee to environmental justice organizations, community groups, or other organizations or entities implementing program work that seeks to achieve environmental justice. There are organizations and individuals currently engaged in environmental justice work who may not fit into these descriptors. We encourage the department to expand the scope of individuals and organizations who may nominate committee members to include all stakeholders engaged in and affected by DPR decision-making. This approach will promote equity in public participation without compromising the committee's legally mandated composition requirements (Food and Agricultural Code Section 11519). By broadening access to nominations, DPR will enhance engagement while fostering greater diversity among committee participants.

We appreciate the transparency document that outlines responsibilities related to Bagley-Keene Open Meeting Act (Bagley-Keene), conflicts of interest and the public records act. We ask that reference to this document be included in the Scope of Work via a short synopsis of all requirements and that all conflict-of-interest filings be reviewed by DPR's Chief Counsel. Candidates should be disqualified if they have received grants or other funding or are engaged in any activities that could compromise their ability to make

unbiased recommendations. Further, committee members must be made aware of their professional responsibilities and duties as related to reporting, including any applicable Fair Political Practices Commission State of Economic Interests (Form 700) filings.

DPR Roles and Responsibilities

DPR should enhance its onboarding process to include statutory and regulatory education, as described in Part 1. This will ensure committee members thoroughly understand DPR's complex framework, positioning them to make more effective recommendations.

We appreciate the detail provided in this section regarding how the Director will consider and review the committee's prioritized recommendations. We encourage DPR to also detail how public comment and input will be incorporated into final decisions, ensuring all proposed recommendations follow a transparent process that includes: notification through DPR's list-serve, a written comment period, public meetings with ample opportunity for input, clearly documented decisions, and a defined appeals process.

PART 3 DRAFT CHARTER

We recommend the following enhancements to the committee's draft charter.

EJAC Leadership and Membership

As DPR finalizes the EJAC's governance structure, we encourage the selection of a chair that has strong awareness of DPR's regulatory mandates and risk-based scientific analysis structure, so they may work collaboratively with staff to guide committee deliberations in productive and effective ways. We also request the "Qualifications of Members" section be amended to reflect our comments related to "Membership" in Part 2.

We recommend implementing staggered terms, as used by other State Agency committees such as the Water Resources Control Board's Safe and Affordable Funding for Equity and Resilience (SAFER) Advisory Group, and term limits, as required in the statute (Food & Agricultural Code Section 11519). This structure ensures regular introduction of fresh perspectives while maintaining continuity and helps ensure the committee fully represents a diverse array of community interests and stakeholders. We encourage DPR to consider issues and questions of equity of access, representation, language, regionality, urban and agricultural use, and transparency on committee membership and provide term limits to allow multiple organizations and individuals the opportunity to participate.

We request that more specific details about the process for collecting and integrating public input be incorporated into the charter. Specifically, we would appreciate

clarification on how both written and verbal public comments will be actively solicited and meaningfully incorporated into the recommendation development process before final proposals are submitted to DPR.

PART 4 DRAFT SCORING CRITERIA FOR REVIEWING EJAC MEMBERSHIP APPLICATIONS

We encourage clarification regarding the following elements of the proposed scoring criteria for committee membership.

Initial Threshold Screening of Application

In accordance with Parts 2 and 3 of this document, public participation in the committee member nomination process is essential. Specifically, regarding the position designated for a socially disadvantaged farmer and rancher, it is vital that agricultural organizations have the opportunity to put forward and endorse candidates from within their communities who meet the position requirements. The individual selected for this seat should be engaged in production agriculture as their primary means of employment to provide essential, current perspectives and input for committee recommendations.

Criteria and Weights

Within this section there is mention of a candidate's expertise including environmental issues, not limited to pesticides. As DPR's statutory authority is specific to pesticides, we question the intent of this element of the requirements. We request that DPR clarify its expectations regarding the breadth of environmental experience required, specify acceptable types of expertise, and explain how these align with DPR's regulatory mandate.

We appreciate that the policy and regulatory knowledge section mentions the importance of a candidate's "demonstrated ability to build trust and work collaboratively with government agencies" and suggest that this competence should be broadened to include engagement with fellow committee members, the user community, and the public. We recommend that DPR include additional criteria in this section emphasizing the importance of candidates' willingness to learn about the full range and depth of DPR's legal mandate, risk-assessment methodology, and science-based approach, to best inform EJAC recommendations.

While an urban community representative is required in the regulation (Food & Agricultural Code Section 11519) and mentioned in the charter and scope of work, the scoring criteria document makes no mention of urban contexts related to committee participation. DPR's Sustainable Pest Management Roadmap (SPM Roadmap) detailed the importance of

investing in expending funding and infrastructure for urban SPM research, innovation, and outreach to align with and reflect the volume and impacts of pesticides used in urban contexts. Further, the SPM Roadmap acknowledged the high proportion of pesticide use in urban contexts and the diversity of users with varying degrees of knowledge, many of whom are not licensed to apply pesticides (examples may include home users, landscapers employed by homeowner associations, facility managers, school district staff, pool maintenance and more).¹ Urban users apply many of the same products used by agriculture, without the same level of training, certification and awareness. Selecting an urban representative who also meets the established criteria set forth for committee members will contribute a critically important perspective to EJAC deliberations. We ask that DPR include language in the nomination review scoring criteria that explicitly encourages urban perspectives.

CONCLUSION

We offer our appreciation for the opportunity to provide comments on DPR's EJAC formation process and urge DPR to revise the draft scope of work, charter, and evaluation criteria for EJAC member applications aligned with our comments. We recommend that DPR set the committee up for success by providing thorough initial training and continuous learning opportunities regarding DPR's regulatory obligations, mandatory risk-assessment framework, and scientific methodology standards of operation. We request clear information about how the public can participate in both the committee member nomination process and the development of priority recommendations.

Thank you for your consideration of our comments on this proposed process. Please contact us if you have any questions.

Sincerely,



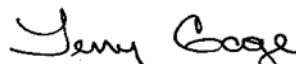
Emily Rooney, President
Agricultural Council of California



Zachary Fraser, President & CEO
American Pistachio Growers



Shirley Rowe, President
African American Farmers of California



Terry Gage, President
California Agricultural Aircraft
Association

¹ DPR, *Accelerating Sustainable Pest Management: A Roadmap for California*, p. 7, 58, & 73, available at: https://www.cdpr.ca.gov/docs/sustainable_pest_management_roadmap/spm_roadmap.pdf.

Deputy Director Pazos

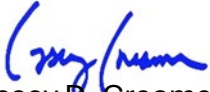
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Ruthann Anderson, President/CEO
California Association of Pest Control
Advisers



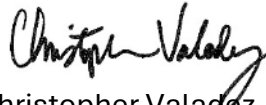
Casey D. Creamer, President/CEO
California Citrus Mutual



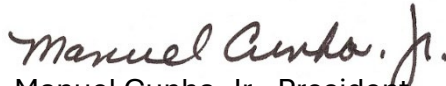
Rick Tomlinson, President
California Strawberry Commission



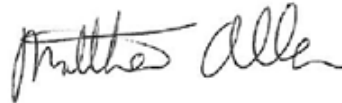
Mike Montna, President/CEO
California Tomato Growers Association



Christopher Valadez, President
Grower-Shipper Association of Central
California



Manuel Cunha, Jr., President
Nisei Farmers League



Matthew Allen, Vice President, State
Government Affairs
Western Growers Association



Renee Pinel, President/CEO
Western Plant Health Association

cc: Karen Morrison, Director, Department of Pesticide Regulation