



May 8, 2025

The Honorable Dr. Karen Morrison, Director
California Department of Pesticide Regulation (DPR)
1001 I Street
Sacramento, CA 95814

Re: DPR Pesticide Prioritization

Dear Director Morrison:

On behalf of the Western Plant Health Association (WPH) I am submitting these comments regarding DPR's pesticide prioritization process, which is a key component of DPR's Sustainable Pest Management (SPM) Roadmap. WPH appreciates the opportunity to share our comments on the prioritization process as it is a keystone goal of the SPM program. WPH represents the interests of pesticide and fertilizer manufacturers, biotechnology providers, and agricultural retailers in California, Arizona, and Hawaii.

Sustainable Pest Management Roadmap

Controlling pests and plant diseases is a complex process that requires balancing multiple pressures, including agricultural productivity, pest and disease resistance, protecting community health, assuring all residents have access to healthy, affordable fresh foods, local economies, and safe and efficacious pesticide products.

With that, WPH would once again like to acknowledge the efforts of the SPM workgroup for their more than two-year commitment to the development of the SPM Roadmap. While WPH may not agree on all the components of the report, we do wish to recognize the time and effort of workgroup members for their commitment to this project including recommendations to advance the registration and adoption of new pesticide products and technologies which the pesticide prioritization process looks to assure.

A key goal of the SPM Roadmap is to create and implement a science-driven process for prioritizing high-risk pesticides, identifying alternatives, developing appropriate mitigation

strategies, and registering new products that advance SPM, while effectively addressing pest and disease threats. SPM and the pesticide prioritization process must be driven by evidence-based decision-making, based upon scientifically relevant data and research, incorporation of scientific methodology, external experts with direct scientific and field level knowledge of the realities of pest management, methodologies and data that can be publicly reviewed, and adaptive management to adjust decisions based on new evidence or changing conditions.

Priority Pesticide Identification and Process Structure

We remind DPR that any proposed prioritization process must align with the existing authorities and available resources to allow for continuous evaluation. AB 2113 set ambitious targets for initiating reevaluation. This represents a major increase for DPR, and we are concerned that this process could result in resources being directed away from DPR meeting the goals of AB 2113.

DPR's statutory mandate is to provide for "the safe, and efficient use of pesticides essential for the production of food and fiber," and must remain at the forefront of decision making, resource prioritization and allocation, and department activities. WPH recognizes that DPR is making significant commitments to register new pesticide products, as directed through the implementation of AB 2113. As such, we urge DPR to carefully coordinate your registration of new products with any identification of priority pesticides. As WPH will outline later, the consequences of the "cart getting ahead of the horse" has had devastating consequences to farmers.

Information to support a Science Advisory Committee (SAC) or public proposal for a priority pesticide is identified as, monitoring data, human health data, and environmental toxicity data. While this may sound straightforward, we ask for more clarity on what information DPR would deem admissible. Human health data could be anecdotal or associative, rather than causative, and the same could be said for environmental toxicity data.

WPH requests that DPR provide greater clarity to the criteria and processes DPR will consider for screening publicly nominated active ingredients. We also ask that DPR clarify if the SAC will nominate AIs for DPR scientists to review, or will DPR make those selections and the SAC then make recommendations to DPR based on DPRs review? We also ask that DPR provide more clarity on how DPR will pare down the potential list of products that could be listed. It seems the potential list could be extensive depending on the structure identified in advance by DPR for inclusion.

DPR outlines a system where proposals come in from the public, staff and the advisory committee. Under this proposed system, DPR should ensure that it focuses its resources on real priorities. DPR provided a flow chart of actions at its April 8th workshop for "potential

priorities.” All options on this chart appear to show a significant action from DPR. We recommend that DPR identify more off ramps, including returning recommendations to the SAC for further discussion, or an ability by DPR to transparently pause or expedite priorities based on regulatory and scientific developments.

DPR has identified that the prioritization process could result in recommended mitigations, risk assessments, and requesting data, as DPR actions. Given that DPR’s mission and authorities have not changed, will this work be the same as the risk assessments, mitigations and reevaluations it has conducted in the past. WPH believe the types of data that could be requested of registrants, government agencies, grower and farmworker associations, NGOs, Universities, etc. should be consistent with current processes, to avoid redundant requests or alternative formatting of information that would be a burden to the regulated community.

The proposed prioritization process references prioritization based on three outcomes - product reevaluation, use mitigation, or cancellation. WPH is concerned that the current proposal assumes that any product recommended as part of the prioritization process will have a negative finding or action it. WPH strongly recommends that DPR include a “No Action Recommended” category as an outcome of the prioritization process. In addition to the inclusion of a “No Action Recommended” option, we ask that any resubmissions for listing only be considered if they are accompanied by new or additional data.

WPH appreciates DPRs statements that the prioritization process will be focused on individual AIs that demonstrate through scientific data and monitoring results that additional review is warranted. Evaluating similar pesticide products, active ingredients, or groups of related products would be inappropriate and not follow the strict scientific protocols consistent with a product review. We strongly support DPR establishing a priority pesticide identification process that is firmly grounded in scientific evidence and rigorous validation, while simultaneously preserving agricultural productivity and sustainability, and protect community health.

When identifying priority pesticides, it is essential for DPR to conduct a risk-based prioritization process. During the April 8th workshop, DPR staff generated potential risks based on “hazard x exposure”. We believe this is an inappropriate definition for a risk-based assessment. Risk-based assessments evaluate the likelihood and severity of potential harm under specific conditions, rather than a hazard-based assessment which identifies whether something can cause harm without considering likelihood or exposure. WPH is concerned that DPR appears to be employing a hazard-based methodology for review rather than a scientific, risk-based approach. While agencies such as OEHHA may utilize hazard-based evaluations, DPR must fulfill its specific statutory and regulatory obligations when assessing priority pesticides, which explicitly require consideration of impacts and pesticide reevaluation and mitigations, through a comprehensive risk-based framework.

In addition, listing or a reevaluation should not be based simply on “high use” or exposure scenarios. While “highest use” may be an appropriate criterion for choosing monitoring programs, it does not represent hazard in prioritizing review or recommending priority pesticides. DPR should assess exposure based on the potential for exposures from labeled uses, incident reports, and not overall use (acreage or amounts). Doing so would wrongly focus on pesticides that are widely used but have a low rate of likely exposure. It could also lead to less widely used pesticides being utilized to fill the gap and potentially increasing risk.

The identification process should establish clear, standardized qualification criteria that create an objective baseline for determining priority pesticide designation. Qualification criteria should incorporate data from multiple scientific studies and metrics to ensure comprehensive evaluation extends beyond what is initially proposed. This should include peer-reviewed studies, cost-benefit analyses, risk assessments, alternatives analysis, previous reevaluation findings, and assessment of mitigation necessity. It should also include a full alternatives analysis report of currently available alternative tools.

WPH strongly believes that any recommendation for listing by the SAC must include multiple currently available alternative products, and supporting studies demonstrating their efficacy to control pests that could damage commodities impacted by a priority listing action. We strongly believe that DPR must identify multiple currently alternative products to avoid the current problem of expanding numbers of unaddressed pests. This problem is resulting in widespread crop damage and potential resistance to new products because more applications of products with more narrow control options is required to try to address these secondary pest infestations.

To better demonstrate our concerns we raise the elimination of chlorpyrifos as an example of removing a product before multiple alternative products were registered for market. Since its elimination, farmers across multiple crop varieties have been forced to increase insecticide application frequency due to alternative products' narrower efficacy spectrum and control range. Furthermore, concerning developments have been cited in several cropping systems including increasing insecticide resistance and notable declines in beneficial insect populations. Pests including Lygus bugs and Diamondback Moths, are devastating crops throughout California, and farmers and DPR are potentially having to look to the emergency use of products that have not been verified to be fully efficacy against these pests.

We recognize that DPR has stated that they recognize the challenges created by previous actions taken before alternatives are available. As a result, we believe the consequences to farmers and communities must be included as part of any formal process. We also again emphasize that multiple alternatives must be available to farmers at the time of any listing, to avoid another “cart before the horse” scenario.

This systematic approach would streamline DPR's process for determining prioritization validity. Establishing robust criteria would provide DPR with a scientifically defensible foundation to decline prioritization requests.

Published lists of priority pesticides have the potential to create alarm or give a false sense that priorities are unsafe or unregulated. Market actors and political bodies that lack DPR's scientific perspective could misinterpret a priority list and seek to enact restrictions not supported by a scientific review. As DPR publishes lists, it should also provide context and regulatory background to explain that this process builds on a world class and comprehensive system for assessing and mitigating risk. The possibility of misinterpretation is also a reason to avoid an overly long list of priority AIs and to focus on those that can be acted on soon.

A product's inclusion on this prioritization list could inadvertently signal that its regulatory future is uncertain. It is imperative that DPR clearly communicate that selection for priority review does not equate to registration revocation, inevitable mitigation or reevaluation or indicate any predetermined regulatory outcomes. It is vital that the methodology includes defined exit ramps for cases when products are evaluated by the committee and determined to require no additional evaluation or action.

Scientific Advisory Committee Membership

California maintains the most comprehensive pesticide review and analysis process in the world. Along with having a strong science-based background, the committee members should have a strong understanding of DPR's regulatory standards and processes. This will support DPR's ongoing scientifically sound review of potential products, enforcement of safe pesticide use regulations and laws, and conducting continuous monitoring of pesticides to protect agriculture, public health and the environment.

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. DPR consults with other state and federal human health and environmental agencies to further assure safe products. In addition, California's Agricultural Commissioners have the discretion to add additional mitigations for use when deemed appropriate.

WPH believes that the Scientific Advisory Committee should represent individuals with deep scientific knowledge in alignment with the stated goals of the prioritization process. These should be individuals who; Employ evidence-based decision-making grounded in scientific data and research; Process practical knowledge of viable pest management alternatives and their potential for all crop types and agricultural systems; Demonstrate expertise in applied sciences to

connect the insights of licensed pest control advisers and farmer with the research and data when making pesticide prioritization recommendations.

WPH supports the categories of expertise that DPR has identified as potential SAC members. However, we believe to assure that real-world consequences are not overlooked or missed while the prioritization process is being considered, WPH asks that individuals who can bridge formal scientific analysis and in-field impacts of recommendations be included. We believe that there are able scientists within the University Extension Specialist system that could fulfil this role, as well as individuals who work within the Agricultural Commissioner's system.

We recognize DPRs concern that having registrants participate on the Advisory Committee could result in a conflict of interest. If that is a concern than no individual registrant, regardless of what sector of industry they may represent should participate. WPH believes that it would be constructive to have a registrant perspective represented, however that individual should represent all registrant classifications so their perspective is impartial and not represent a single or narrow area of pesticide product research or product market.

WPH supports the idea that DPR should engage working groups consisting of commodity group representatives when evaluating alternatives' effectiveness for the variety of California's farmers. Without this field level expertise, alternative discussions will inevitably not include minor crops, consider pest and disease trends, or trade standards, and will exist only in the hypothetical rather than practical.

Scientific Advisory Committee Interactions

DPR has referenced US-EPA activities as a factor influencing prioritization. DPR should look for opportunities to harmonize its process with US-EPA's registration reviews. While US-EPA's review schedule is a "time based" schedule, rather than a "priority based" schedule, identified priority active ingredients may also be in an ongoing reevaluation. Coordinating with US-EPA registration review can better prioritize resources for both DPR and regulated interests and minimize the disruption on growers from inconsistent mitigation requirements.

Along with development of the SAC, DPR is in the process of instituting an Environmental Justice Advisory Committee (EJAC). During the April 8th workshop, DPR outlined the role of the EJAC in providing input to the SPM Scientific Advisory Committee. WPH supports mechanisms to ensure the EJAC's mission and processes remain distinct and separate from the Pesticide Prioritization framework. Maintaining each committee's independence preserves the integrity and specific focus of each initiative, and it is critical that the EJAC committee's interaction with this proposed process be focused on educational outreach and transparent communication with the community, consistent with its purpose.

The science-driven prioritization process will require formal consultation with various inter-agency scientific committees and with the SAC for technical evaluation and methodology reviews. The EJAC should maintain a separate function focused on community engagement, educational initiatives, and broader environmental justice outreach.

Additional Comments

WPH appreciates DPR's intent to formally identify a reevaluation process that could help expedite the development and approval of more new products. We are concerned about how this process could be misunderstood and resulting downstream consequences. Published lists of priority pesticides have the potential to create alarm or give a false sense that listed pesticides are unsafe or unregulated. Market actors and political bodies that lack DPR's scientific perspective could misinterpret a priority list and seek to enact restrictions not supported by a scientific review.

As DPR publishes lists, it must provide context and regulatory background to explain that this process builds on a world class and comprehensive system for assessing and mitigating risk. The possibility of misinterpretation is also a reason to avoid an overly long list of priority AIs and to focus on those that can be acted on soon. With registrants excluded from the process, this could result in market signals that would reverberate to registrants and users of products being in-effect blacklisted by being identified on a list. Again, the listing of an AI will have direct impacts to registrants. If industry representatives are not allowed to participate on the SAC, how beyond being allowed to comment during a yet to be identified public comment periods will registrants be able to engage in this process?

We are also concerned about premature third-party action based on recommendations from this committee. These actions could lead to pressure for early removal of legally registered products without viable and complete alternative sets identified, or even litigation by third-parties to remove products simply identified on the list. Will a safe harbor provision apply to any materials added to this prioritization list?

.Conclusion

WPH recognizes that a system that will identify how DPR makes risk-based decisions and is transparent, can provide a more formal structure to the reevaluation process. This could improve DPR's ability to prioritize and provide reevaluations that are based on science-based data, rather than media or legislatively driven misunderstanding, and support AB 2113's mandate to improve registration timelines for new products. We support DPR's intention with this initiative, however we again must urge DPR to maintain the science-based protocols that it has identified for this

process. WPH appreciates your consideration of our comments, and asks that you contact me with any questions.

Thank you again for providing the opportunity to comment. We look forward to further engaging with you on this issue. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pinel', with a stylized flourish at the end.

Renee Pinel
President/CEO