Tim McPherson

See attached correspondence.

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Dr. Jennifer Teerlink
Deputy Director and Science Advisor
California Department of Pesticide Regulation
1001 I Street
Sacramento, CA 95814

Subject: Douglas Products' comments on the Department of Pesticide Regulation's Proposed Pesticide Prioritization Process.

Dear Dr. Teerlink:

Douglas Products ("Douglas") appreciates this opportunity to comment on the Department of Pesticide Regulation's ("DPR") proposed Pesticide Prioritization Process ("Process") and the formation of a new Science Advisory Committee ("SAC") to guide this process and oversee ongoing implementation of DPR's pesticide review and regulatory programs. Douglas manufactures market-proven products to control pests in structural and post-harvest agricultural commodity settings. We partner with regulatory agencies, our customers, researchers, and industry experts to effectively eliminate threats to homes, businesses, and communities. As a global protector of food safety, public health, biodiversity, housing, and economic resources, our company is committed to creating quality solutions backed by our expertise in training, stewardship, and regulatory compliance.

Douglas understands that the proposed Process is an outgrowth of the additional resources provided to DPR through Assembly Bill (AB) 2113 (Garcia, 2024) and is intended to establish a structure and accountability mechanisms for DPR's expenditure of those resources. As a product registrant, Douglas is subject to the escalating mill assessments imposed by AB 2113 on the sale of our products. Accordingly, we have a vested interest in working with DPR and other stakeholders to ensure that this additional fee revenue is directed toward activities that identify and mitigate the most significant risks to human and ecological health and safety, including effective mitigation of health and safety risks posed by uncontrolled pest infestations. This is the very foundation of Sustainable Pest Management (SPM). In this regard, we support DPR's stated intention to establish a "data-driven, transparent, and coordinated approach," focused on pesticides that present the greatest risks to public health and the environment, that is bounded by DPR's statutory authority to mitigate any significant risks it identifies through registration of pesticide products and periodic re-evaluation of those products.

We agree with several of DPR's statements and public comments made during the April 8, 2025 public workshop on the proposed Process regarding the need to:

- Establish a clear definition of "significant risk." DPR's past regulatory practice establishes benchmarks for what constitutes a significant risk for pesticide applicators, occupational bystanders, and non-occupational bystanders that should serve as the baseline for this definition. Given the above noted scope of DPR's statutory authority, and consistent with the approach summarized on Slide 13 of DPR's April 8 staff presentation, the threshold for elevating a registered product to "priority pesticide" status should also be risk based, considering available data quantifying hazard endpoints (e.g., acute or chronic toxicity), actual or potential exposures based on approved product uses and label restrictions, and a corresponding range of potential human health or ecological risks.

- Establish detailed protocols for screening requests for pesticide reviews and elevating eligible requests to the SAC. These protocols should be employed uniformly, without regard to the requesting entity, and should include minimum criteria for evaluating the scientific merit of each request to ensure that SAC resources are allocated to the active ingredients that present the greatest risks to human health and the environment and that SAC decisions are based on the best available science. For example, published data developed pursuant to Good Laboratory Practice (GLP) standards, and data reviewed and approved by USEPA and DPR should be afforded greater weight than unpublished data that does not reflect best practices in scientific research.

- Provide transparency regarding the process and data DPR uses to establish ranked lists of active ingredients, including by soliciting external scientific peer review and public input on development of new or updated lists. The active ingredient ranking process should be subject to the same standards for data quality assurance and quality control that apply to the screening process for requests to elevate pesticides to the SAC for further review and prioritization. Douglas also recommends that DPR include a mechanism to document SAC evaluations and actions on requests for pesticide prioritization to avoid duplication of effort that may result from repeat requests to elevate pesticides that were previously evaluated by the SAC in the absence of new peer-reviewed scientific data.

- Clarify how the proposed Process would interact with USEPA's Registration Review for active ingredients. It seems inherently inefficient, and potentially a misdirection of AB 2113 resources, for DPR or the SAC to duplicate work on an active ingredient that is in process or recently completed by USEPA.

- Conduct a comprehensive evaluation of the registered product and potential alternatives, including but not limited to the demonstrated public health and safety benefits and risks resulting from approved uses of the registered pesticide compared to the expected public health and safety benefits and risks of potential alternatives, the relative efficacy of the subject pesticide compared to potential alternatives (e.g., the number of applications necessary to achieve a comparable level of efficacy), the regulatory status of potential alternatives (e.g., are alternatives already registered for use in California in all of the potentially impacted applications), the market availability and scalability of potential alternatives, the

need for users to make operational changes (e.g., changing methods of product application or logistical changes that might be necessary to accommodate use of a combination of alternatives where no single alternative would achieve comparable efficacy), the feasibility of those changes, the effect of those changes on other state priorities (e.g., food security and reducing food waste, preservation of affordable housing), among other factors; provide an opportunity for public input on a draft of the evaluation; and respond to public comments in a final evaluation. The pending fumigant alternatives research being conducted by the California Council on Science and Technology ("CCST") should employ a similarly comprehensive approach, making use of the best available science and considering the input of subject matter experts and the public.

- Define the range of possible outcomes for "priority pesticides" from no further action to use restrictions. Cancellation of product registration should be reserved for extreme cases where identified health or ecological risks are unacceptably high. DPR also presents the concept on Slides 16 and 17 of "taking simultaneous actions" depending on identified risks and availability of alternatives. However, any additional mitigation measures that may be identified for registered products must follow from the kind of comprehensive alternatives analysis described in the preceding comment. Claims may abound regarding the availability and feasibility of potential alternatives for a given product, but unless and until those claims are verified in specific applications, the efficacy, economic feasibility, and technical feasibility of the proposed alternatives are purely theoretical. Imposing further use restrictions on registered products under these circumstances may result in regrettable outcomes such as uncontrolled pest infestations that compromise public health and safety or cause environmental harm.

Douglas also recommends that DPR reconsider the tentative structure and terms for its proposed SAC. As we discussed following the April 8 workshop, a 15-member SAC is likely to be unwieldy and likely to foster group dynamics that could frustrate SAC deliberations and decision-making. We also noted that the proposed categories of subject matter expertise for SAC members on Slide 20 are not necessarily relevant to the scientific disciplines that inform DPR's regulatory work. DPR should instead seek to impanel scientists who are experts in toxicology, ecotoxicology, biology, entomology, epidemiology, health risk assessment, chemical fate and transport, or other directly relevant scientific disciplines. Moreover, the presently proposed categories overlap with the expertise and experience of individuals who are likely to advise DPR through one or more of the several other standing and future DPR advisory committees indicated on Slide 8, including the soon to be convened Environmental Justice Advisory Committee (EJAC). These interested parties, including members of the EJAC and other advisory committees, do not need to sit on the SAC to have their voices heard. Instead, DPR should provide a transparent SAC review process that includes opportunities for stakeholder input and other public participation. For these reasons, we recommend that DPR restructure the SAC along the lines of science advisory panels created under other state laws, such as the California Air Resources Board's Scientific Review Panel on Toxic Air Contaminants (https://ww2.arb.ca.gov/resources/documents/scientific-review-panel-toxic-air-contaminants) and the Carcinogen Identification Committee (https://oehha.ca.gov/proposition-65/carcinogen-identification-committee) and the Developmental and Reproductive Toxicant Identification Committee (https://oehha.ca.gov/proposition-65/developmental-and-reproductive-toxicant-dart-committee-members) that comprise the Office of Environmental Health Hazard Assessment's Science Advisory Board.

In addition to these structural considerations, we also recommend that DPR establish the following terms, procedures, and conditions for SAC membership:

- The DPR Director should appoint members to the SAC following consultation with the DPR staff who lead DPR's pesticide registration and reevaluation programs to select scientists that best fit the above noted relevant disciplines.

- The benefit of the proposed two-year terms for SAC members is unclear, particularly when one considers the potentially small pool of scientists with the requisite expertise and availability to serve. Instead of the proposed terms, DPR should consider establishing a process and timeline for the DPR Director to identify and select replacements for SAC members who choose to resign, and an administrative process for DPR to remove members of the SAC for cause.

- Because of the important role the SAC will play in informing DPR's decisionmaking, DPR should develop procedures to avoid any actual or potential conflicts of interest on the SAC that would undermine the value of the SAC's advice concerning DPR's science-based decisions. No member of the SAC should have a financial, political, or personal interest in the outcome of the SAC review. Even the appearance that the SAC's advice to DPR on an issue may have been tainted by personal interest would taint the credibility of the SAC and would call into question any DPR decisions based on the SAC's input and subject those decisions to legal challenge. To avoid these negative outcomes, the SAC should specifically exclude any individual working on behalf of product registrants and members of trade associations, environmental non-governmental organizations, and other groups that advocate for or against the use of pesticides, generally or specifically.

  To ensure the SAC has access to the best available information and scientific data available to inform their evaluations, DPR should expressly require the SAC to seek out and carefully consider input from interested stakeholders and scientific experts, including scientific experts affiliated with product registrants and industry groups, before it begins its review. This may be accomplished through a data call-in and one or more opportunities for stakeholder presentations to the SAC during public meetings on specific pesticide products or active ingredients. DPR should also require the SAC to solicit and consider broader public comment on its draft conclusions and recommendations.

- For similar reasons, if a member of the SAC, acting as an individual and not as a SAC member, identifies a potential pesticide for prioritization, that member should be required to recuse themselves from the SAC review process related to that pesticide. DPR should also revise its proposed process for identifying potential pesticides for prioritization by removing the SAC as a whole from the list of those who can recommend a pesticide for prioritization.

Douglas appreciates the opportunity to offer these comments, and we look forward to reviewing and commenting on a more detailed proposed Pesticide Prioritization Process. If you have any questions, please do not hesitate to contact me at 269-339-2014.

Sincerely,

Tim McPherson
Vice President Regulatory Affairs
Douglas Products

cc: Dr. Karen Morrison, Director, CDPR
Dr. Sapna Thottathil, Deputy Director for Sustainable Pest Management, DPR