



Don J. Cameron
Board President
General Manager,
Terranova Ranch, Inc.

Joshua Eddy
Executive Director

Rachelle Pastor Arizmendi
Government Industry
Advisor, Avenu Insights &
Analytics

Jenet DeCosta,
Chief of Staff, Driscoll's

Michael Gallo, Co-owner
Joseph Gallo Farms

Eric Holst, Senior Director,
Environmental Defense
Fund

Glenda Humiston, Vice
President for Agriculture
and Natural Resources,
University of California

Julia Jackson, Founder,
Grouned

Bryce Lundberg,
Vice President,
Lundberg Family Farms

David Mancera, Director,
Mancera Consulting
Group

Michelle Passero,
Director of Climate
Change Programs,
The Nature Conservancy

Doria Robinson,
Executive Director,
Urban Tilth

Frank Salazar, President,
Vencer Public Affairs and
Strategy

Joy Sterling, CEO
Iron Horse Vineyards

Patricia Stock, Dean
College of Agriculture,
California State University
Chico

Christopher Valadez,
President, Grower Shipper
Association of Central
California

January 12, 2024

DPR – Notification
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015

RE: Public Comment (DPR Regulation No. 23-003 Statewide Pesticide Notification)

Dear Director Henderson:

On behalf of the California State Board of Food and Agriculture, I would like to thank you for participating in our January 3rd meeting related to the proposed regulatory action for the Statewide Notification of Agricultural Use of Restricted Materials. Your presentation about the pilot pesticide notification program and the demonstration of the system was very helpful and appreciated. This letter is a summary of comments received from the public. We are hopeful these comments will help to inform DPR's process and implementation of the proposed regulation.

More than twelve individuals representing agricultural associations and individual farmers provided public comment and the virtual meeting had approximately 78 attendees. Comments reflected concerns on the proposed regulation as well as on the need for a better understanding of the regulation's purpose and scope.

A summary of the key themes is listed below.

Information/Education

Several individuals commented that it is important to put the regulations in the context of California's pesticide regulatory program which is recognized as one of the most stringent and progressive evaluation and registration programs in the world. Throughout the history of the program California has continued to be a leader in the science and regulation of pesticides to protect environmental, worker and public health while maintaining the role as this country's most valuable agricultural producing state. In addition, California has licensed pest control advisors and pesticide applicators certified by DPR.



Concerns were expressed on how notifications could be misinterpreted and/or misused when accessed through the public website. Because a notice of intent may not result in an application due to changes in weather, applicator and equipment availability or other circumstances, a new notice can be filed more than once. Individuals accessing the system would see multiple application requests without context or a clear understanding that an application does not always occur.

Again, the need for greater public education was expressed. The notice of intent for pesticide applications are for products that are registered for use by federal and state laws. Regulated applications of restricted materials are approved by the DPR with appropriate measures to mitigate risk. There needs to be public clarification that the registration and regulated use of restricted materials requires safeguards to protect the health of individuals and the environment while maintaining essential agricultural production to ensure food security. The system design needs to provide greater context on the safety, allowability and need for the material.

Availability of Data

A number of individuals commented on the availability of data to website users. Inquiries for application notifications could be made by individuals non-adjacent or non-local to application grids as well as for individuals located out-of-state. As proposed, the number of inquiries/locations is not limited and seems contrary to the purpose of the system to provide awareness to those individuals within the community who may be impacted and have a local interest in notification.

Several commenters expressed concern that the notice of intent includes the number of acres of the crop to be treated. This information, in most cases, can be used to identify location and ownership. The level of data available may directly impact food, worker and public safety. Instances of past trespassing on farms has been attributed to availability of location data. By limiting public data to only product information and not the size of application meets the need of the proposed regulation and protects privacy and safety.

A common theme was to allow individuals (with address verification) from a local area to sign-up for notifications in their area versus a publicly available statewide website accessed by any individual (California/non-California based) with interest in pesticide applications.

Availability of Information and Potential Impacts to Local Officials

The county agricultural commissioner system is unique to California and they are required to go through rigorous licensing to qualify for the position. It was noted by some who commented that the information required for notice of application is submitted to the local

County Agricultural Commissioners' Office. This information is currently publicly available for local residents.

Several comments focused on the implementation cost of the proposed regulation, specifically on the workload impacts to County Agricultural Commissioners. Statewide notification could increase incidents of reporting by individuals on various aspects of the use of restricted materials – and even fears of interference with applications - requiring mandated action by local staff.

Ag Commissioners also play a critical role in the state's pest prevention programs and it was suggested that a notification system's educational elements should provide public information about the significant steps taken by California to prevent the introduction and establishment of invasive pests and plants to mitigate pesticide use.

There was a general expression of concern that a great deal more information and outreach is needed to help the agricultural community better understand the proposed regulation and its need. Ongoing communication and outreach to grower organizations is necessary. It will also be helpful for DPR to ensure that public access to the platform promotes the strength of DPR's existing regulatory system while adding information that contextualizes pesticide notifications. The Board encourages DPR to carefully consider the concern about non-regional individuals or organizations accessing notification information which should be available primarily to address local questions or concerns.

The Board strongly supports collaboration on smarter regulations to grow opportunities for farmers and ranchers, farmworkers, individuals and communities as part of California's Agricultural Vision. We look forward to continuing engagement on this issue and hope that these comments provide additional insight to thoughts expressed by agricultural stakeholders.

Sincerely



Don Cameron

cc: Secretary Karen Ross, California Department of Food and Agriculture