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December 3, 2021

Comments to California Department of Pesticide Regulation on the development of a statewide pesticide application notification system

Submitted via email to ProjectNotify@cdpr.ca.gov

The Environmental Working Group submits these comments in support of the development of a statewide pesticide notification system. We urge the California Department of Pesticide Regulation to create a system grounded in effective communication, transparency, and public accessibility.

California has been the nation's leader in pesticide data reporting, with a unique data portal that makes pesticide use data available to the public. The pesticide use dataset has been a crucial data source in the field of epidemiology, elucidating health effects associated with pesticide exposure, particularly to farmworkers and their families. The findings of such studies have led to regulatory action on pesticides and the protection of public health.

The pesticide use dataset is an essential resource for a broad group of stakeholders, with a potential to help advance public health equity for all Californians. And yet, the dataset itself and the Department of Pesticide Regulation's overall approach to public notification about pesticide use must be updated to fully reflect the goals of equity and public health protection.

This commitment to data transparency and public access should be upheld in the development of the pesticide notification system. Therefore, EWG recommends that:

1. The advanced notification should be accessible to anyone, not just those adjacent to applications of pesticides.
2. Pesticide notifications should occur for all pesticides and include the precise locations of applications.
3. The system should be implemented as soon as possible.

The Advanced Notification Should Be Accessible to Anyone

In materials published on its website, the Department of Pesticide Regulation emphasizes that its notification system "will advance environmental justice and further

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protect public health by providing transparent and equitable access to information in advance of pesticide applications occurring near where people live, work or play.” The only way to achieve this essential goal is through a fully public, transparent, multilingual, web-based system.

Importantly, Guiding Principle 2 needs to be revised to fully encompass this goal. As currently stated, the guiding principle, “Improves equity and transparency,” applies only to communities where pesticides are used “around them.” This word choice is inherently limiting and suggests proximity as the basis for transparency. Although there are restrictions on pesticide use based on proximity, they are not grounded in the best available science, which indicates pesticide drift as well as pesticide harm can be realized several miles from the site of pesticide application.^{1, 2}

This also underscores the need for enforceable and health protective standards for pesticides in air. Currently, only screening levels exist that are not based on health harms that have been observed in epidemiological studies. Air monitoring by the California Air Resources Board has also observed exceedances of these screening levels, particularly for the carcinogenic fumigant 1,3-dichloropropene. In fact, CDPR recently issued a risk management decision showing the health protective level for 1,3-dichloropropene should be lower to protect children’s health.³

Furthermore, stakeholders such as family members, researchers, medical professionals, and others are not in direct proximity to pesticide applications yet would be interested in and benefit from access to the notification system.

In addition to a web-based system, notification texts, alerts and emails should also be included without the need to verify the location of the individual registering for such alerts.

Pesticide Notifications Should Occur for All Pesticides

¹ Lombardi C, Thompson S, Ritz B, Cockburn M, Heck JE. Residential proximity to pesticide application as a risk factor for childhood central nervous system tumors. *Environ Res*. 2021 Jun;197:111078. doi: 10.1016/j.envres.2021.111078. Epub 2021 Mar 31.

² Park A, Ritz B, Yu F, Cockburn M, Heck J. Prenatal pesticide exposure and childhood leukemia - A California statewide case-control study. *Int J Hyg Environ Health*. 2020 May;226:113486. doi: 10.1016/j.ijheh.2020.113486. Epub 2020 Feb 19.

³ California Department of Pesticide Regulation. Risk management directive and mitigation guidance for acute, non-occupational bystander exposure from 1,3-dichloropropene (1,3-D). October 19, 2021. https://www.cdpr.ca.gov/docs/whs/pdf/1,3-d_directive_mitigation_exposure.pdf



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Guiding Principle 4, “Prioritizes by Health Impact,” aims to “Prioritize pesticide applications that have greater potential to cause health impacts.” EWG recognizes that to develop the system in stages or launch it in a timely manner, certain pesticides may be more of a priority than others. However, EWG believes all pesticide applications should ultimately be included in the notification system.

Some pesticides are listed as restricted materials by CDPR and require special permitting for their use given the established health and environmental harms associated with exposure to them. However, this list does not encompass all pesticides that may harm human health. Several epidemiological papers have identified pesticides associated with health harms, including cancer, reproductive and development effects, and neurological impacts. Yet these pesticides are not listed as restricted materials or found on authoritative or regulatory lists.

Importantly, current evaluations of pesticide toxicity are conducted in isolation, with consideration for mixture effects rarely given, despite the reality of exposure to multiple pesticides at the same time. Health effects may arise from exposure to a pesticide in a mixture that are different or more severe than the pesticide in isolation. Including all pesticides in the notification system can further our understanding of chemicals mixtures while protecting public health from their potential health harms.

We also recommend including precise locations of pesticide applications. This would not only be beneficial to alerting individuals nearby to take additional health protective measures but would also greatly improve the current California Pesticide Use Reporting dataset, since several pesticide use data points are limited to the approximate square mile where they occurred. This introduces uncertainty into pesticide modeling and exposure assessments.

Notification Should Occur as Soon as Possible

The full notification system will take time to implement. However, certain actions can immediately better protect public health. Additionally, a commitment to a fully transparent system will limit the time required for further decision-making, such as determining who should get notified and which pesticides should be included.

Department of Pesticide Regulation already collects Notices of Intent for Restricted Materials as part of the permitting process. The notices include the sites to be treated and the pesticides to be used, and this information is sent to the County Agriculture Commission at least 24 hours ahead of the pesticide use. At a minimum, this



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information should be made available to the public now. Since these data are already collected, there is no need to wait until 2023-2024, when CDPR anticipates launching the full system.

EWG appreciates this opportunity to submit public comments and urges the state of California to uphold its role as a leader in pesticide use reporting across the nation, with greater transparency, real-time electronic reporting via materials posted on the web, and a commitment to notifying communities in English and Spanish, with consideration in the future of providing notifications in other languages used by the people who live and work in California.

Submitted on behalf of the Environmental Working Group,

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