Randy Segawa
Department of Pesticide Regulation
PO Box 4015
Sacramento, CA 95812-4015
Randy.Segawa@cdpr.ca.gov

Dear Mr. Randy Segawa, and members of the California Department of Pesticide Regulation,

As a citizen of California, Monterey County, and a member of the farming community, I am writing to express my concerns on the proposed regulation regarding pesticides around schools, notifications and the slippery slope that could be introduced to the legislative system. The continued use of agriculture as California's whipping boy has to stop and I hope it starts with the development of a collaborative, focused, and science based evaluation of the true risk of pesticide use around schools.

I work for a small grower in the Salinas area and manage a variety of the compliance activities. I have my Agricultural Pest Control Adviser License and Private Applicator License. One of my many responsibilities involves compliance with pesticide regulations, including use around schools due to the fact that our organization farms a ranch adjacent to a school. Contrary to much of the information that has been swirling, safety is our main priority. I have read articles and comments online insinuating that farmers are deliberately poisoning farm workers and school children. It is sad that I would have to point out, these "farm workers" are our employees and, more often than not, our friends. We share meals and stories and work side by side. Our children, nieces, nephews, and cousins go to these schools. Some of us have family members who work at these schools. There is a continued perception of farmers and agriculture as a problem despite the fact that in Monterey County alone agriculture contributes more than 55,000 local jobs and those companies and their employees spend over $2.4 billion dollars in the local economy. The same economic study found that an additional 20,000 plus jobs are made possible because of the expenditures by those same companies and employees. To put it into perspective, over 75,000 jobs would be lost without agriculture and the local economy would lose $1 million every hour of every day.

My primary concern is the continued introduction of false information, the misuse of scientific data and the blatant disregard for facts and logic. I attended the Spreckels public meeting and was shocked by some of the comments and studies that were sited. One in particular referred to a cancer study and the speaker portrayed it as a single exposure to one elevated reading when the actual study pertained to chronic exposures to the highest levels.

At this point I am sure you have heard all of the same points I have attached to this letter. You understand the care that goes into soil fumigations, the specialty tarps, the rigorous permit process and special site conditions that growers follow. I simply request that before making these decisions in haste to appease those with a higher agenda, you ask yourselves a few questions. Who will pay for the increased notification programs and assistance? Will this increased regulation really improve safety?

Sincerely,

Jaclyn Bennett

- Notification won't improve safety.
    - Simply notifying people that a fumigant application is taking place nearby will not improve safety. Public and worker safety is achieved through the regulations and restrictions DPR already has developed and put in place on the fumigant applications themselves.
- California has the strictest in the nation regulations governing fumigants and these regulations protect workers and the community.
- I also don't see any science based evidence that change to fumigation notifications is needed.

Regulation today:

- Over the years California has led the nation in establishing safeguards for pesticides based on facts and scientific evidence. For fumigant use these include:
    - Buffer zones, which are no application zones around treated fields; reducing the potential for exposure. These are special restrictions for applications around schools which provide an extra margin of safety. We understand that pesticide use around schools is being addressed separately.
    - Weather and field conditions for applications
        - 111 Weather conditions limitations –we can't fumigate if there is too much wind and we can't fumigate when there are inversions and not enough air movement.
        - 111 Soil Conditions-- we have to properly prepare the soil including removal of debris and ensuring correct soil temperature and moisture ranges
        - 111 Soil sealing requirements For all applications the soil must be sealed during application with special equipment or the use of plastics
        - 111 _All of these requirements reduce the potential for emissions
    - Application Limits. There are limits on the amount of fumigant that can be applied and the number of acres that can be treated within a given time frame.
    - Application Permits. Permits are required to apply fumigants from the county agricultural commissioners' office. To get a permit a detailed fumigant management plan must be prepared and submitted ahead of time to the county ag commissioner for review and approval before the permit is issued. The commissioner can add special conditions on the permit specific to the application site.

- Licensed applicators apply the product. Only applicators certified by the State of California can apply the fumigant product. These applicators must pass a State examine on pesticide application with specifics on fumigants. They must receive continuing education on application procedures and product safety.
- Labels already require notification of neighbors or monitoring of fields for emergency response purposes based on a sliding scale depending on the size of the buffer zone for the fumigated field.
- No additional notification beyond what is required today is warranted. Nor is there any scientific evidence to suggest that change is needed.

Compare and Contrast Proposal to Current Requirements:

- If DPR were to implement the notification process required for methyl bromide, which was developed before the current notifications procedure where in place, DPR would add a huge workload on growers and county ag commissioners without adding any additional level of safety.
- The requirement to notify all residences and businesses within 300 feet is an arbitrary number that is not related to risk to people for a specific fumigant application and it has nothing to do with emergency situations; the risk mitigation measures and notifications currently required already deal with risk and emergencies based on the application.
- The proposed notification is particularly burdensome because it is really two notifications; one when a permit is issued and, if requested, another 48 hours before an application takes place.
- On top of that, if the application is delayed, even for only 12hours, growers have to re- notify. It is not unusual for fumigant applications to be delayed, because weather conditions are not optimal, or equipment needs repair, etc.
- Who will bear the cost of this new regulation? Will it be the county, the state, the farmers, the anti-pesticide activists -in the end it is all taxpayers who pay for additional unnecessary regulations imposed by the government.

Dear Mr. Segawa:

Hello. I am a licensed Pest Control Adviser and Certified Crop Adviser with Crop Production Services and I attended the Field Fumigation Workshop held at the Spreckels Vets Hall on the evening of April 12th.

What I heard during most of the public comment period was what wasn't said directly, specifically: 'I don't know and I am (viscerally) nervous and anxious.' A retired branch manager of Western Farm Service (now Crop Production Services) used to say: 'knowledge is the sustenance of the nervous system.' When someone doesn't know something they get nervous.

The scientific method consists of 6 elements:
1. observation of phenomena
2. defining the problem
3. formulating a hypothesis
4. data generation & collection and testing the hypothesis 5. drawing conclusions 6. publishing the research

The body of scientific data on the fumigants already exists, but it needs to be communicated in lay terms to the public.

The audience Tuesday night was definitely mixed and based on many of the questions asked, unaware of the extent of existing preplant fumigation regulations and the content of notification already required. Other comments reflected unspecified, unproven harms, unproven causation and reflected a deep animosity and distrust of CDPR, CAC's, commercial applicators, growers and enforcement provisions and mechanisms.

If 'knowledge is the sustenance of the nervous system', I propose the CDPR create a website with FAQ's and links containing data which would answer the questions asked (in lay terminology or with interpretations as needed), pulling together data from: CDPR & CAC's (regulatory oversight and enforcement), major manufacturers (nature and properties of fumigants, half lives in air, water, vapor pressure, rates, etc), commercial applicators (compliance, safety, application methods, field posting, notification, emergency response, REI's etc); film manufacturers (efficacy studies of TIF film), research firms (post-application detection studies, etc).

Based on the viscerally emotional comments made during the meeting, having this information available at a 1-stop website probably wouldn't satisfy everyone, but I think it would lower temperatures a lot. Many comments were from teachers, so they should have an appreciation for science and the truth.

How much of the audience's emotion stems from not knowing and how much comes from a desire to advance a political agenda is an unknown. Since we are surrounded by gases, gaseous pesticides make people nervous. However, the scientist must be rational, unbiased, accurate, quantitative, focused in the scope of their work, and constantly challenging, weighing and explaining.

It was obvious Tuesday night that CDPR and the industry need to do a better job on the 'explaining' part, at least to the general public. I don't think they want to put people out of work/business, but a 1-mile notification requirement is impracticable in many cases and the unintended consequences to farming companies, workers, allied businesses and the economic health of communities hasn't been thought through.

I have been in the industry 26 years and I have talked with a principal to a large contract research firm which has done post-application fumigant detection studies, and he said to me 'we can't detect it' (residual). The angst about chronic exposure is a bogeyman- you cannot be chronically exposed by something that breaks down so rapidly through a series of half lives.

My mom was a school teacher in this area years ago and I am a resident here. I don't want unreasonable risks taken either, but such as it is, regulatory compliance already requires a worksite plan, fumigation management plan, recommendation, work order run through interactive software, intent, advance notification, review by the QAL, 1-3 pre-app inspections by the CAC, inspection during application by the CAC, Raven computers for flow metering, use reporting, etc etc.

I strongly urge the creation of a 1-stop fumigation website with FAQ's and links to information gathered from the parties involved to inform people of regulatory provisions, nature & properties of fumigants, safety precautions, enforcement provisions, inspections, use reporting etc. The hope is to give sustenance to the nervous system.

Additional regulations may be the path of least resistance, but negative unintended consequences to private businesses, ag employees and the economic health of communities would result.

Sincerely,

Martin O'Connor
PCA & CCA
Crop Production Services
(831) 214-7776

-

From: Rev. Alice Ann Glenn

Re: Fumigant Notification

I am unable to attend the Department of Pesticide Regulation Fumigant Notification Workshop in Spreckels on April 12th due to my work schedule.

I want to register my voice for more stringent notification requirements before fumigants can be applied, in an effort both to protect communities and to encourage growers to turn to safer forms of pest control.

I believe that to protect our communities from exposure to these hazardous fumigant chemicals we need GROWERS to
1. Give notice to everyone living, working and learning within one mile of fumigant applications.
2. Provide notice both seven days and 48 hours in advance as we know that many people need to hear or see things more than once for them to “sink in”.
3. Notification must be in both English and Spanish
4. Provide clear information on health effects, both immediate and long term, medical reimbursement, and exact field locations.

And I agree with Safe Ag Safe Schools in asking for Written, bilingual notification at least one week in advance for all places where people live, work, study and play within 1 mile from fields.

Please put these stricter notification requirements into affect as soon as possible.
Thank you.

May 9, 2016

Randy Segawa
California Department of Pesticide Regulation
PO Box 4015
Sacramento, CA 95812-4015

Email: Randy.Segawa@cdpr.ca.gov

Dear Mr. Segawa,

I recently learned of CDPR's intent to extend the Methyl Bromide fumigant notification requirements to all other agriculturally used fumigants. We at Mellano & Company value our community, employees and immediate neighbors and are committed to the safe use of all crop protection materials. We farm over 300 acres of cut flowers in a very urbanized environment and have a long track record of being responsible operators. We pride ourselves on working diligently to maintain friendly cooperation and communication with our neighbors.

We are concerned that the new proposed fumigant notification requirements are not based on sound scientific evidence but rather an emotional public response and will in all likelihood do nothing more than unnecessarily raise the concern and ire of an ill informed populace.

Over the years California has led the nation in establishing safeguards for pesticides based on facts and **scientific evidence**. For fumigant use these requirements include:

- Extensive buffer zones reducing the potential for exposure.
- Optimum weather and field conditions for all applications.
- Mandatory soil sealing & tarping to prevent off-gassing and public exposure.
- Application Limits on the number of acres that can be treated within a given time frame.
- Application Permits to apply fumigants from the county agricultural commissioners' office.
- Application allowed by licensed applicators only.
- ***Labels that already require notification of neighbors*** or monitoring of fields post application for emergency response purposes.

In addition if DPR were to implement the notification process required for methyl bromide, DPR would be adding a huge workload on growers and county ag commissioners without adding any additional level of safety.

I urge you to keep the existing requirements for fumigant notification and not extend the methyl bromide requirements to all other fumigants.

Sincerely,

Michael A Mellano, PhD

VP Production

Mellano & Company

May 3, 2016

Brian Leahy, Director
Randy Segawa, Program Manager
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, CA 95812-4015

Via email: brian.leahy@cdpr.ca.gov, Randy.Segawa@cdpr.ca.gov

Re: Comprehensive Right to Know regarding Fumigation Notification

Dear Director Leahy and Program Manager Segawa,

As a California resident concerned with the well-being of all people including the working families, primarily Latino, who are affected by fumigations of fields in our state, I am submitting the following public comments in favor of a comprehensive right to know regarding Fumigant Notification in California:

I possess a QAC certification through your department and am impressed with all of the laws and regulations I studied for the exam that were designed to ensure careful application of pesticides.

I am also a returned Peace Corps Volunteer who served in El Salvador in agricultural extension. I witnessed the effects of lack of enforcement of environmental standards and pesticide regulations in that country. I have also witnessed the lack of care with those who work in jobs that are considered lower in status yet are crucial to our well-being. For this reason I ask for the following:

Written, bilingual notification is needed at least one week in advance of specific fumigations for all places where people live, work, study and play within 1 mile from the applied fields.

- Notification should be provided to all residences, schools, day care centers, other institutions and businesses, including other farms, within one mile of planned field fumigation because past drift incidents have affected people up to a mile from fumigated fields.

- A one-mile area for notice is needed to allow early detection of drift problems, because there have been incidents where fumigant drift over one mile has caused illnesses. The only comprehensive academic study of pesticide drift incidents found that 85% of the harmed victims were within one mile of the application site.

- Written bilingual notification should be provided at least one week before a scheduled fumigation either by mail or hand delivery to residences including labor camps, schools, day care centers, other institutions and businesses within the notification area. Follow-up notice should be provided 48 hours before fumigation and re-noticed if the fumigation is delayed more than 12 hours.

- A brief notification update should be sent out when re-notification is sent to the Agricultural Commissioner.

- Notification should be automatic rather than follow the methyl bromide regulation model where residents get a pre-notice early in the season and then must request fumigation notification.
- Residents and businesses should be given the option to sign up for supplemental notification by email or robo-call for any future fumigation notices.

- Notification should be maintained as a separate right to know requirement rather than combined with emergency response requirements on the label because people need to be informed of both possible immediate and chronic health risks.

- Written notification in English and Spanish should include the following:
    - a graphic showing a tarped field posted with the skull and crossbones sign;
    - the name(s) of fumigant(s) to be used;
    - the date and time fumigation is expected to begin;
    - the immediate symptoms of exposure and chronic health risks, including any listing in California as a cancer causing chemical or reproductive toxin and website address for label and Safety Data Sheet;
    - the farm name and the business phone number and address of field to be fumigated, including a map of immediate area around the field showing the nearest roads;
    - a contact number for the county agricultural commissioner and instructions on where to call nights and weekends to report fumigation problems;
    - an explanation of the state's pesticide drift emergency medical reimbursement process with website address for more information;

A list of addresses that the advance notification was distributed to and evidence that most people received the notice should be adequate demonstration of compliance.

Spanish is a phonetic language. As long as the wording is with words that are generally known to the population, notification in Spanish can greatly increase the effectiveness of the communication.
Thank you for your commitment to a fair and safe fumigant notification process.

Also wish you to know that I hope the use of fumigants in fields can be banned in the future. I do not purchase strawberries unless I know they come from fields that have not been treated with fumigants.

There is so much that is just beginning to be learned about the incredible diversity of organisms in the soil. Destroying all of that is a very short-sighted, short term solution to the problem.

Sincerely yours,

Margaret Willits

Margaret Willits

WEIMER FARMS

Thank you for the opportunity to address this Panel.

Agriculture abides by the rules of many local, state, and federal agencies eg State water board, Cal OSHA, Air resources EDD, DPR ag commissioner. On annual basis the rules are constantly evolving hopefully based on current and factual knowledge not hysteria. Taken as a whole these rules many time are confusing and difficult but compliance is taken seriously by the agricultural community. Although we are not always pleased with what evolves we adjust to accommodate.

These rules established by many agencies are developed in co operation with agency expertise providing input to protect the environment which includes people, land, air, water and everything that lives. We the stakeholders assist in the develop implementation technics to achieve an agencies goals.

We want the rules to be meaningful. The accommodations to the rules which DPR is entertaining add nothing to further the safe use or the safe application of fumigants. It should be remembered that each material has its own characteristic and accordance with that should have regulations (as we currently have) that reflect the product involved.

There is no doubt that we as stakeholders have an economic agenda which in turn allows us to pay property and income taxes, employ people, buy stuff. Fumigation is a large monetary item and even under current regulations complicated. The applications are done with precision by professional applicators, and rarely by growers themselves unless trained and certified. The process is guided by many established rules with safety in mind first and I believe efficacy second. The worker safety components are stringent and surrounding areas are layered with buffer zones that fit the quantity of material to be applied.

Applications are designed to minimize any off gassing that would be a health hazard. The various materials have individual protocols that have worked well for some time. Some of the technics are impervious tarps, depth of application, type of soil sealing, repeated fresh water seals, limited size of area treated, proper soil temp. and moisture content.

The vigilance of our Ag Commissioner is well noted by growers and applicators alike. They are the third component in the process striving to assure safety that proper application technics are adhered too. Their time is not unlimited and distraction ~~which could material of such time~~ limits monitoring of field activities. We invite unnecessary attention to safe processes could result in unintended attention, not by the general public but by those whose goal it is to cause cessation of fumigants through public confusion and of course litigation.

Unless it is the intent of DPR to give credence and then authority to public on a whim to delay, halt legal fumigation applications, they should be cautious in expanding the notification process.

Unnecessary procedures, for example Telone which the main concern to exposure is chronic. Levels over years, and then the outcomes are not definitive. DPR has taken precautions through township caps to limit material applied annually to minimize potential exposure. A tree or vine grower may use Telone on occasion, 15 to 25 year interval. They pose the most minimum of risk to the general public but will be subject unnecessary procedures

5120 North Arena Way Atwater, Ca. 95301
Office: 209-394-2005 Fax: 209-394-1221

The increase of minority farmers, especially Hispanic are currently struggling with the system in many ways. I use the sweet potato industry as an example of opportunity for success of minority farmers. They can obtain leased property, work with small acres because of the margins of profit are reasonable. It is a specialized crop, expensive to produce and a key component if not geared toward organic is fumigation. The minority growers have the least opportunity to obtain Telone because of the system and there is intimidation in the procedures. Whether Telone or Metam the obstacles are present. Another layer which would serve limited purpose is being proposed.

The DPR, a public agency, technical in nature, objective by facts and operating under high professional standards should be the least influenced by political objectives of some. The driving force for continued curtailment and eventual elimination of fumigants also bring you the anti-vaccination syndrome and the stymying any GMO's which may provide for example root knot nematode
resistance in many highly susceptible economic crops.

Bob Weimer, Weimer Farms, Merced County.
rjw95301@yahoo.com

5120 North Arena Way Atwater, Ca. 95301
Office: 209-394-2005 Fax: 209-394-1221

I am writing to add my comments to the proposed regulations for notification of soil fumigation. As an employee of the Monterey County Health Department, with my office in a school surrounded by fumigated fields, I strongly affirm the need for notification for workers, residents and students and their families located near fumigated fields so that we have a chance to take simple precautions to protect our health and that of our children.

Currently AFTER fumigations of fields surrounding my work place, I see generic hazard signs, with skull and cross bone symbols. There is no indication of which chemicals have been used, and no prior notification to me or my co-workers.

Written notification in English and Spanish should include:

- The name of the fumigant to be used
- Date and time fumigation is expected to begin
- Immediate symptoms of exposure and chronic health risks
- Farm name and business phone number, and address of the field to be fumigated
- Contact number of County Agricultural Commissioner and instructions of where to call at night and weekends to report problems
- Explanation of and link to the state's pesticide drift emergency medical reimbursement process

When a school is in the notification area, parents should receive notification via "robot-call" systems, along with written notice prominently posted at the school and on the school's website. Other institutions and businesses should post the written notification in an accessible central location.

Monitoring of fumigant application must be done by an independent agent. The fumigant applicant is not necessarily a reliable agent to enforce your regulations.

I hope that some day, your department will fall in line with other regulatory agencies, in the EU for example, and will prohibit use of the more hazardous fumigants used regularly around my workplace such as chloropicrin.

Sincerely,

Patricia Ruppelt

Date 16 May 2016

Mr. Randy Segawa
Dept. of Pesticide Regulation
P.O. Box 4015
Sacramento, CA 95812-4015

Re: Comments and My Thoughts

Mr. Segawa:

Since the 1840s my family has been farming in California. Over the many years we have operated in a conservative manner using none or to as little as possible chemicals.

Nobody wants to go back to finding bugs in or on food items unless it is a cultural practice to consume bugs.

Most people do not want bugs in or around their domicile nor feasting on their bodies nor sucking blood from pet animals.

We must work together to have acceptable practices for all involved today and for our future.

It is not the use. It is the abuse.

My personal thoughts are let us enforce the already in place rules rather than the making of new rules.

Looking back to the 1950s the neighbor had chemicals applied to his field by air. The drift came into our pasture. The cow ate the contaminated pasture and ended up dead.

As a child and as an adult while driving down the road I remember having to get out of the way of the aircraft because the drift would come down on the car.

Our cars parked in an open garage showed signs where the paint was coming off due to aerial spraying of the nearby crops.

People residing in a rural area complained of the aerial spray drift getting on their yard trees and killing the trees.

1970s

1971 I weighed one hundred pounds. I was in the back yard when an airplane came over and dumped chemicals on me. It was Parathion. At that time it was against the rules to use this chemical in the city area however, the use was allowed in the country.

After being sprayed I was in the hospital nearly a week. Later my hair began to fall out.

An aircraft was spraying crops while the workers were still in the field. My mother called the plane company to report workers were being sprayed. The man said to my mother, since they were not her employees, it was none of her business.

A helicopter spray applicator was in our cantaloupes loading chemicals and spilling chemicals on the ground. He was using our field to prep for another farmer's field. When I asked him to get out of our melons he threatened to chop me up with the helicopter blades.

In the San Joaquin Valley there were at least two known aerial applicators who did not care what they sprayed or who they sprayed. The two companies were also known to continue the use of banned chemicals.

One of the tricks aerial applicators used to get rid of the left over chemicals was to spray it out over other people's property so when the aircraft returned to the base site there would be no chemicals to dispose.

Some areas have a higher cancer rate than other areas. Could this higher cancer rate be linked to the negligent spraying or overuse of chemicals?

Late 1970s – 1980s

I have been in the rural schools when aerial spraying was being done parallel to the playground while the children were playing. The children and their parents would not complain because they believed a parent could lose a job (retaliation) if someone complained.

My family farming operation has had some aerial spraying done however, near the dwellings we have insisted the spray be manually applied.

The mid 1970s my father and three other men of the same age all had cancer at the same time. These men resided within a two mile radius. At the time we wondered if aerial applied chemicals were a factor.

As an owner of a condo in a large city I found out the complex was regularly sprayed. Big hoses were used to spray in a careless manner the plants and outside areas. This was way too much chemical. Also around the dwellings too much spray was being applied.

Up to current time

City/County employees and others can be seen spraying enough chemical to drown the pest being sprayed.

Many residential metropolitans spray chemicals too often and inappropriately use the chemicals. The watering and runoffs take these chemicals to the water supply.

Having taught in schools I have seen far too many chemicals being used within the school buildings. The smell was horrible and sickening to me.

Sometimes within the school compound the chemicals are/have been worse than what is being sprayed in an agricultural field.

January 2016, I booked a room in a southern California motel. Upon arrival I witnessed an employee heavily spraying a room. This was the room I was given. I could see the rug was saturated with chemicals. Within two minutes I had a horrible head ache. I left that motel. There was definitely an overuse of chemicals. Also the management was from a foreign country.

Some foreign countries do not have any rules or regulations on the use of chemicals being used on food crops. I suggest a thorough investigation be done regarding the use of chemicals on the food to be imported to the USA.

Again, it is not the use of chemicals, it is the abuse. Enforce the already in place regulations.

L. S. Geis

20 May 2016

Dear Mr. Segawa,
I live in the Elkhorn District of Monterey County; the address is actually Castroville CA 95012. We are virtually surrounded by strawberry fields and are uneasy constantly during fumigation times. We do not support the use of any pesticides but are particularly against the use of fumigants. So naturally we are in support of the position taken by Californians for Pesticide Reform on this issue. Please require all the notifications and warnings that Californians for Pesticide Reform suggest.
Thank you,
Jack Ames, (retired Marine Biologist)