

WEBINAR SUMMARY

BACKGROUND

The California Department of Pesticide Regulation (DPR) is in the process of developing a statewide pesticide application notification system, funded by \$10 million allocated to DPR in the 2021-2022 state budget. The purpose of the notification system is to provide transparent and equitable access to information in advance of pesticide applications to enable the public to make informed decisions about actions they may take to protect their health. The statewide notification system will complement existing pesticide laws and regulations that protect public health and the environment.

To develop an effective pesticide application notification system, DPR is conducting a series of focus groups, webinars, and workshops to gather input from community members, CACs, regulatory agencies, regulated industries, the general public and other stakeholders.

On November 2 and 3, 2021, DPR hosted two webinars to gather input from the public on the development of the notification system. The summary below incorporates comments that were made during both webinars, including those shared verbally and via the Zoom chat and Q&A functions, and following the webinars via emails received through December 6, 2021. This summary was compiled by the facilitation team from the California State University, Sacramento Consensus and Collaboration Program (CCP) and reviewed by DPR.

WEBINAR FORMAT

The webinars included two main components: a background presentation on the pesticide application notification system and a listening session to gather participant input on development of the notification system. The background presentation included an overview of California's current pesticide regulatory framework, examples of other pesticide notification systems, a summary of input from the focus groups held in August 2021, and draft guiding principles and practical considerations to guide the development of the system. The slides presented at the webinars are on DPR's statewide pesticide application notification website (https://www.cdpr.ca.gov/docs/pesticide_notification_network/webinar_11-2_11-3.pdf). The presentation was followed by a question and answer session in the first webinar; the listening session immediately followed the background session in the second webinar to provide additional time for public comment and feedback during the listening session. The listening session focused on gathering public input on the guiding principles and practical considerations, listed below. Questions relevant to current design elements of the notification system raised during the webinars will be incorporated into the Frequently Asked Questions (FAQ) section of DPR's pesticide application notification system webpage (https://www.cdpr.ca.gov/docs/pesticide_notification_network/).

The two webinars were held using the Zoom Webinar platform, with one held in the morning (November 2nd) and the other in the evening (November 3rd). The webinars each included options to participate in English and/or Spanish. On November 2nd, the presentation and facilitation were conducted in English, with simultaneous interpretation in Spanish. On November 3rd, the presentation and facilitation were conducted in Spanish, with simultaneous interpretation in English. There were approximately 640 unique participants between the two webinars, with around 550 attendees on November 2nd, 130 attendees on November 3rd, and some attendees who participated in both webinars. Feedback was also accepted in writing through December 6, 2021.

PARTICIPANT INPUT

As discussed above, DPR shared a set of draft guiding principles and draft practical considerations designed to help steer development of the notification system. Stakeholders shared a range of perspectives on the draft guiding principles, draft practical considerations and notification system design elements. They also expressed comments about other topics, including pesticide regulations, the need for a notification system, and the webinar format. The compilation of public input below is organized by each of the guiding principles and the system design aspects related to that principle, followed by a summary of input about other topics.

This summary reflects the individual perspectives, opinions and comments of the participants, and consolidates feedback on the notification system and its associated impacts. The comments included do not always accurately or completely represent DPR's mission, statutory requirements or regulatory framework. The comments summarize themes, feedback and perspectives on the purpose, design and implementation of the statewide notification system, and how that system will integrate with existing pesticide use laws and regulations.

The sections below reflect the breadth of the comments shared, thus points may appear contradictory. In some cases, more than one stakeholder gave the same comment, whether via verbal comments during the webinars or through letters following the webinars.

GUIDING PRINCIPLES

DPR identified the following draft guiding principles to help steer development of the notification system:

1. **Protects Health.** Provide timely information about pesticide applications to enable health-protective actions.
2. **Improves Equity and Transparency.** Provide equitable access to communities about pesticides used around them.
3. **Complements Existing Regulations.** Complement regulations that govern the safe, legal application of pesticides.
4. **Prioritizes by Health Impact.** Prioritize pesticide applications that have greater potential to cause health impacts.
5. **Encourages Communication.** Encourage regular communication between growers, pesticide applicators, local government, and nearby communities.

General Comments on Guiding Principles

- A guiding principle should be added related to facilitating the protection of agriculture and the environment from invasive pests and diseases
- The guiding principles are good but need to be further elaborated to provide more specificity.

GUIDING PRINCIPLE 1. PROVIDE TIMELY INFORMATION ABOUT PESTICIDE APPLICATIONS TO ENABLE HEALTH-PROTECTIVE ACTIONS

TIMING OF PESTICIDE APPLICATION NOTIFICATION

- The system should provide notice of an application 72 hours in advance to allow community members to take precautionary measures.
- The system should provide notification no more than 48 hours in advance so that farmers can be responsive to variable pest threats and weather conditions.
- The system should provide notification no more than 24 hours in advance, as this timing aligns with the existing NOI structure and provides farmers the ability to respond to changing conditions in making decisions about applications while still ensuring notifications are accurate.
 - Having to provide notice further in advance could lead to preventative spraying, increasing pesticide use rather than incorporating it as needed within an integrated pest management approach.
 - Consider how a notification system will account for changes made after the notification has been given, for example due to changing weather conditions.
- The system should provide notification 24-48 hours in advance as this timing aligns with current notification requirements for Restricted Use Products, which would assist regulatory compliance.
- Notification must be made within a realistic timeframe of when a final decision to make an application would occur. NOIs indicate intent, which does not necessarily imply a final decision has been made.

TIMELINE FOR DEVELOPING NOTIFICATION SYSTEM

- Information about pesticide applications is needed now and the timeline for developing and implementing the notification system (by 2024) is too long.
 - The principle should be amended to include a timely system development process.
- Since CACs already collect information on pesticide applications for their NOI system, these should be posted publicly online immediately, in real time. This could be a first step in phasing in the new notification system, adding a more robust set of ways for stakeholders to receive the information as the system is developed.
- Any changes to pesticide reporting should be well thought-out, considering the administrative burden it will bring as well as potential impacts, and the process should not be rushed to completion by the end of 2021.

GUIDING PRINCIPLE 2. PROVIDE EQUITABLE ACCESS TO COMMUNITIES ABOUT THE PESTICIDES USED AROUND THEM

Stakeholders shared input related to providing equitable access to this information, including who should receive notification, the information that should be provided within the notification, and how that information should be accessed. DPR should clarify terms used in this guiding principle.

- The phrase “around them” should be removed from this guiding principle because proximity is an inappropriate metric for how communities are impacted.
- The wording should be changed from “pesticides used around them” to “pesticides used that impact them.”
- The notification system should be uniform statewide.
- Existing pesticide use regulations provide equitable access to information about pesticide application around the state.

WHO SHOULD RECEIVE NOTIFICATION

- There should not be geographic limits to who can access notifications.
 - Migrant workers and those who travel multiple hours to work sites should be able to access information about pesticide applications that might impact them.
 - Some individuals may want to receive notifications in order to share that information with others, for example, school administrators and union officials, and health care professionals. For this reason, it is important that people be able to access information even if it is not in close proximity to where they live.
 - Notifications should be publicly accessible by all.
 - The state’s Pesticide Use Reporting system provides public access to comprehensive information about what pesticides are used and in what amounts throughout the state.
- Notification should be provided only within areas that are impacted by the application.
 - Set a geographically-based “safety area” to determine who will receive notifications.
 - Notify only residents adjacent to an application site because they are the ones who would be affected by accidental exposure and who could use this information to take additional precautions.
 - For example, use an address- or postal code-based system.
 - Notify only those individuals who could experience off-site exposure to the application.
 - Provide notification only to those who live or work near agricultural fields. Consider a ¼ mile distance, as that is consistent with school notifications.
 - Provide notification to those within 2.5 miles of an application.
 - Application information should not be made public, as there are many ways that the information may be misused, including by marketing companies, other growers, or anti-pesticide advocates.
 - If establishing geographic boundaries for who will receive notification, utilize an exposure modeling system that accounts for not only proximity to application but also meteorology and topography, as these significantly impact pesticide drift. For example, wind can blow chemicals miles from where they were applied. Consider taking a geographic information system (GIS)-based approach.
 - All adults who work in places where children may be present, such as schools, sports fields, or other locations near agricultural areas, should be informed in advance about when pesticides may be sprayed so that they may help protect children.
 - People whose water sources may be impacted by an application should receive notification.
- It is important for recipients to be aware of the significance of the notifications they are receiving.

- Provide notification only to stakeholders who request it.
- Allow users to opt-in or out of notifications.

INFORMATION THAT SHOULD BE PROVIDED WITH THE NOTIFICATION

- The material being applied (name of chemical).
- Do not include the specific product(s) that are being applied; this information is not needed to be able to take precautions. However, do include information on potential health impacts and CAC contact information.
- Location
 - Include the precise location where the application will take place.
 - Include maps.
 - Include maps of both past and future applications.
 - Include only the distance from the recipient, not a specific application location.
- When the application will take place, with date and time.
 - Provide an estimated time window, rather than a specific time, to provide flexibility in applications.
- Potential symptoms of exposure to the pesticide being applied and what to do in case of experiencing those symptoms.
 - Information on routes of exposure and potential symptoms should be provided by the system, not by the grower or Pest Control Advisor (PCA) reporting an application.
- Potential health impacts (do not list the specific product).
- Contact information for the CAC office.
- Graphics and links with safety information.
- General information about the pesticide being applied.
- Name and contact information for the entity doing the application.
- Provide a link to public records related to what has been sprayed by whom, type of license, where and when it was applied.
- Include only the chemical being applied and the date of application.
- Provide information on both planned upcoming applications as well as past usage. For past usage, include material applied, quantity, method, location, date and time.
- Consider how the system will account for applications that are planned but need to be canceled or rescheduled.
 - Provide notification if an application has been rescheduled.
 - The system should include an easy way for the person inputting the notification to cancel it.
- Informational materials should be clear, understandable, and meaningful to the target audience.
- Include information about potential impacts to water and air quality.

HOW THE NOTIFICATION SHOULD BE DELIVERED

- Notifications should be provided through a public website that does not require logging in.
 - Some people who are likely to be impacted by pesticide applications, particularly the undocumented community, may be unwilling to share personal information in order to receive the notifications.
- The system should provide an option for people to sign up to receive information via email or text message.
 - In rural communities, access to the internet may be limited, elevating the importance of providing notification through other means such as text messages.

- Text notifications should come from the local CAC, so that information is coming from a trusted source.
- The system must be culturally and linguistically appropriate.
 - Information should be provided in multiple languages, including Spanish as well as indigenous languages including Zapoteco, Mixteco, and Triqui.
 - Provide information via TV announcements and/or local news.
- Provide multiple ways to access the information, such as through a website, a phone-based app, a text message, and others.
- Create a mobile phone app that allows people to manage which notifications they receive, as well as generate reports.
- Although a mobile phone app would be useful, timely implementation of the system is most important, so the system should not be so complicated that it causes delays.
- It is important that information be easy to understand.
- Provide notifications via phone call.
- Post notifications at application sites.
- Provide the notification via social media.
- Use radio and other culturally appropriate methods, in addition to a website and text or email alerts.

NOTIFICATION SYSTEM DEVELOPMENT

- Emphasize input from those who will be directly impacted by this system.
 - Engage directly with farmworker communities to solicit their input on the notification system. Consider conducting outreach with community-based organizations that work with farmworker communities to gather direct input from those most impacted by this issue.
 - Agricultural and rural communities.
- DPR should establish a community-led working group to guide development of the notification system.
 - Residents should also be involved in implementation and adjustments to the system.

GUIDING PRINCIPLE 3. COMPLEMENT REGULATIONS THAT GOVERN THE SAFE, LEGAL APPLICATION OF PESTICIDES

- The principle should be amended to add existing statute as well as regulations and affirm DPR's authority to direct CACs to provide reports.
- To avoid confusion, the timing of the new notification should align with existing notification programs that provide 24-hours notification.

LESSONS LEARNED FROM OTHER NOTIFICATION SYSTEMS

- The current NOI system gives CACs discretion to waive the 24-hour notice, if legitimately needed. Even as ample notice is the goal, it may not always be possible.
- The Monterey County school-based notification system can be used as a pilot of a framework for this system.
- The Monterey County school-based notification system has some limitations.
 - It does not allow teachers to access the notification information.
 - It does not provide the information to people who use the school grounds for other activities such as sports.
 - It is in place only in a small northern portion of the County.

- Few residents in the area of the pilot program utilize it. Over half of the system’s users are from outside of Monterey County.
- Information on the program’s effectiveness should be made publicly available.
- The BeeWhere system includes pesticides that are not labeled as restricted.
- Code Red provides multiple ways for interested stakeholders to access information, including text alerts.
- The California Department of Forestry fire activity maps provide a useful example to build from.
- The Occupational Safety and Health Administration (OSHA) Hazards Right to Know in the Workplace provides a useful example to build from.
- Consider using a similar format to the monthly pesticide use report.
- Kern County Spray Safe has had success through bringing together diverse stakeholders to build direct communication and address challenges. This approach should inform the notification system approach.

GUIDING PRINCIPLE 4. PRIORITIZE PESTICIDE APPLICATIONS THAT HAVE GREATER POTENTIAL TO CAUSE HEALTH IMPACTS

- State that this prioritization is based on the most current science.
- More clarity is needed about what “potential” means in this context.

WHICH PESTICIDES SHOULD REQUIRE NOTIFICATION

- Do not limit the system to restricted material pesticides only.
 - Include all pesticides.
 - Include Prop 65 chemicals.
 - DPR has a registration and evaluation process for pesticides but cannot account for every possible risk.
- Notification should be limited to restricted materials only.
 - DPR classifies materials according to their risk. If there are materials that are not restricted but pose significant risk, they should be re-classified as restricted, or banned.
- Risk-based
 - Include pesticides that are known to be harmful to biodiversity.
 - Highly toxic pesticides.
 - Include volatile pesticides that are more likely to move offsite.
 - Include products that are registered organic that pose a danger if people are exposed.
 - Consider application method.
 - Consider the combination of risk of toxicity *and* off-site exposure.
 - Limit to only restricted use products, which have been designated as needing additional safeguards to protect individuals or the environment. Additionally, this aligns with existing notification requirements.
- Limit the notification system to growers who are not certified organic according to the National Organic Food Act.
- Base notification on product, not application method. Aerial application is used for numerous applications including seed and fertilizer as well as organic and conventional pesticides.
- Application of pesticides with known human health hazards for neighboring communities should require notification regardless of use settings, for example including structural and industrial applications.

GUIDING PRINCIPLE 5. ENCOURAGE REGULAR COMMUNICATION BETWEEN GROWERS, PESTICIDE APPLICATORS, LOCAL GOVERNMENT, AND NEARBY COMMUNITIES

- Add stakeholder engagement to this principle.
- Engagement along with education are critical to the success of the system.
- DPR should develop a recommended communication program to facilitate and encourage regular communication between farmers and their local neighbors.
- Local county systems are effective at facilitating communication between involved parties.
- DPR should be considered in the list of participants for regular communication.

OTHER CONSIDERATIONS

NEED FOR THE NOTIFICATION SYSTEM

Many commenters shared, both verbally during the webinars and through comment letters sent following the webinars, personal stories about why they feel a notification system is important. Some commenters shared about health conditions they or loved ones have that make it critical to be able to take extra precautionary measures to prevent exposure to pesticides; some shared experiences of acute reactions, and others shared experiences of long-term health impacts that they believe may be related to pesticide exposure. Multiple commenters mentioned studies related to the connections between pesticide use and long-term health issues, for example childhood cancer or pesticide residue detectable within homes. One commenter said that as someone who works in the fields, they do not want farmers to stop farming and are not opposed to use of pesticides, but to be able to take care of themselves and their children, they need to have advance information about pesticide applications. A comment letter suggested that the notification system could enhance health providers' ability to correctly diagnose and treat pesticide-related illnesses and injuries. Multiple commenters and comment letters said that the notification system is needed due to environmental justice issues related to pesticide exposure.

Multiple commenters said that the notification system was not necessary and emphasized that the existing regulatory framework ensures that pesticides are used safely and therefore do not pose a danger to communities. Multiple commenters said that public health issues should be resolved during the pesticide registration process – pesticide labels should direct the proper use of pesticides so that public health does not need to be assessed every time a pesticide is used. A comment letter said that California farmers utilize an integrated pest management approach, applying pesticides only if necessary. Multiple comments highlighted that the current NOI system already provides a way for the public to access information about planned applications of restricted pesticides, and use reports provide information about other pesticide applications.

CALIFORNIA'S PESTICIDE REGULATORY FRAMEWORK

- The notification system should be implemented primarily by DPR, to ensure a consistent system across the state, allow CACs to focus on the other roles they fill, and prevent this burden from falling on farmers.
- The notification system should include information on the regulatory processes and oversight that govern pesticide use in California.

- California has the strictest pesticide regulatory structure in the nation, with rigorous review, testing, and permitting to ensure safe use. This information should be communicated with the public.
- Per regulations, the testing that forms the basis of permitting and labeling is funded by the company marketing a product. This testing often does not adequately address some critical issues related to human health impacts. There have been many products that were once permitted for use but are now revoked due to their danger, to humans or natural resources, being revealed over time as they were used.
- Additional research is needed on the impacts, both acute and cumulative, of pesticides on humans, including legacy impacts from pesticides that are no longer applied.
- California farmers and pest control applicators rely on product labels to guide their use. It is critical that the information be accurate and ensure safety if products are used according to the labels; the State should ensure this.
- The State requires testing and licensing of personnel that use pesticides professionally and they should be trusted to apply the products safely and according to the label.
- Pesticide labels are largely based on acute toxicity.
- The notification system should be one part of a larger effort by the State to help farmers transition away from pesticides to non-chemical approaches.
 - Consider incorporating limitations on spraying in conditions where winds are blowing toward sensitive areas such as schools or residential areas.
 - Consider requiring that applicators present potential alternatives to pesticide application.
- Extensive regulation threatens the future of agriculture in California.
- DPR should work with AB 617 air districts to protect impacted communities while the statewide system is developed
- There is funding available for a pilot project in the community of Shafter in Kern County. DPR should ensure the project is implemented and is responsive to community members.
- Clarity is needed regarding DPR authority to require the notification system is implemented.
- The notification system should not prevent use of pesticides in line with their labels.
- CACs are responsible for safe use of pesticides in their counties and have the pertinent information to oversee applications completed in their jurisdiction. Prioritize county staffing to ensure public safety.
- Dialogue is needed about risk assessment studies and chronic exposure safety levels to build trust and to review the science of pesticide safety.
- Ensure that the notification system does not conflict with other regulatory programs.
- Schools and licensed childcare facilities are already able to receive notification of pesticide applications, per California Code of Regulations, Title 3, Sections 6690-9992.
- Enforceable health-protective standards are needed for pesticides in the air.
- DPR should continue work on programs related to product registration, such as CalPEST, to provide growers new safe, sustainable, and effective tools.

POTENTIAL IMPACTS ON AGRICULTURE

- Providing pesticide application notification in advance of applications adds a further burden on top of significant regulatory oversight, pest control regulations, and other challenges growers face.
- There is concern that the system will reduce flexibility and impact timeliness of applications, which could also impact the safety of applications.

- There is concern that the notification could lead to trespassing onto land where applications are planned, impacting farming operations and putting the trespassers at risk as they do not have training or personal protective equipment (PPE).
- There is concern that notifications will be used to stall, reduce, and eliminate legal, regulated applications of crop protection tools.
- DPR should use existing systems to pull information growers already submit so that the information does not have to be reported twice.
- A system that does not over-burden farmers with reporting requirements will be more effective, encouraging high levels of compliance and public safety.
- The system should provide clarity about who would be liable for related losses if a pesticide application is stopped.
- Current evaluations of pesticide toxicity are conducted in isolation, with consideration rarely given for mixture effects, despite the reality of exposure to multiple pesticides at the same time.

OTHER COMMENTS

- Ensure that the program is data driven.
- The notification program should be science-based.
- The notification program should be adaptable.
- System development should remain focused on human health impacts, the stated purpose of the system, not on environmental impacts. Environmental impacts are addressed through other aspects of the State's regulatory framework as well as BeeWhere.
- DPR should create a strategic plan for the notification system, including short- and long-term goals and specific consideration of current science and practicalities for system design.
- Transparency is critical to avoid discussions about the notification system becoming framed as farm workers against farmers.
- It can be especially hard for indigenous communities and speakers of indigenous languages to access information, but they are being impacted strongly by the use of pesticides where they live, work, and play.
- Developing trust and partnership between the State, growers, and communities is critical to ensure buy-in, participation, and compliance with the new system.
- The notification system should be routinely evaluated, including benefits, impacts, and utilization.
 - The system should provide for modification as needed based on the review.
 - Outcomes of the program review should be made public.
 - Evaluation should consider to what extent the system lowers exposures to pesticides.
 - Evaluation should consider how many people in communities are using the system.
 - Survey the public receiving notification regarding their understanding of the information provided.
 - Consider implementing pilot programs to refine the system before implementing.
 - Consider starting small, limiting the number of materials, focusing on higher risk methods of application and incorporate a sunset date and comprehensive review process.
- Require parties applying pesticides to provide DPR with information on safer alternatives that were considered and why those were not selected. This information can support the guiding principles by providing better understanding of why more dangerous materials are applied.
- Consider how the costs at the county level of implementing the system will be funded.
 - County staff should be trained to provide information to the general public about potential health risks from the particular applications, as well as recommended safe practices.

- Health care professionals, especially primary care professionals who work with children as well as school and public health nurses, should receive training on the potential acute and chronic health effects of pesticides.
- Provide an exemption for small growers that live on their land.
- Public education
 - Consider how communities will gain understanding of the implications of the technical information included in the notification. Lack of understanding could lead to undue fear.
 - A strong public education component will be important to complement the notification system. It should be understandable by the general public and based on best available science.
 - A public education component should communicate the existing regulatory processes that govern pesticide use in the state.
- Farmers and the public need safer, more effective options, rather than only more regulation; the State should support this.
- In conjunction with this system, DPR should increase funding and research related to acute and cumulative impacts from permitted pesticides and herbicides.
- The program should identify public safety and health data shortfalls on an ongoing basis and advocate to fill those gaps.
- The most effective notification is one that allows for conversation with individuals receiving the notification.
- A key challenge for an effective notification is the lag time for getting the information out to the public.
- The State should move away from pesticides in general.
- Sharing the basis for DPR pursuing development of this system will allow stakeholders to provide meaningful input on system design.
- Violations of the notification requirement should incur fines.
- Do not provide exemptions to the notification.
- Include ways to report possible drift or violations of notification requirements.
- Public outreach will be critical so that people are aware of the system and the importance of accessing the information.
- DPR should enhance collaboration across industry and communities.
- DPR should prioritize input from the communities that will be impacted by the notification system, particularly agricultural communities.
- The notification system will need to include a user interface that allows for quickly inputting information, is readily searchable, and will require substantial oversight to ensure accuracy.