

Attachment A – Summary and Response to Comments Received during the 70-Day Comment Period

General response to all comments received: *In response to comments received during the 70-day comment period, the Department of Pesticide Regulation (DPR) further amended title 3, California Code of Regulations (3 CCR) section 6434(h). Under proposed 3 CCR section 6434(h)(1), DPR will be required to issue an annual status update and receive annual feedback on the statewide electronic notification system until DPR issues a report on the system three years after the regulation goes into effect. In addition to receiving public comment on each annual status update for a minimum of 30-days, DPR will be required to receive feedback from and present the annual status update to DPR’s Environmental Justice Advisory Committee (EJAC) and the State Board of Food and Agriculture. Three years after the regulation goes into effect, under proposed 3 CCR section 6434(h)(2), DPR will be required to issue a comprehensive report on the statewide electronic notification system. DPR will be required to accept public comment for a minimum of 45-days and receive feedback from and present on the comprehensive report to DPR’s EJAC and the State Board of Food and Agriculture. Proposed 3 CCR section 6434(h) will allow the public, including community members from the communities most impacted by pesticide use, agriculture interests, public health and medical interests, beekeepers, environmental interests, and other stakeholders, to have an opportunity to provide feedback on the statewide electronic notification system and participate in the system review. DPR is committed to receiving feedback on the statewide notification system through this process and will continue to improve the system and process over time.*

Specific response to comments below:

Agricultural Permit Applications (Section 6428)

No.	Comment/Response	Commenter(s)
1Z	<p>The term, "permit applicant" is non-specific. Is it the grower, the pesticide vendor's "authorized representative," the pest control adviser (PCA)? Perhaps sections (i) and (j) will help, but who is accountable?</p> <p><i>Consistent with the plain language of the regulation text, “permit applicant” means the person applying for a restricted material permit. Pursuant to existing 3 CCR section 6420, agricultural use restricted material permits shall be issued in the name of, and signed by, the operator of the property, but, when allowed by the local County Agricultural Commissioner (CAC), may be signed by the property operator’s authorized representative or licensed agricultural pest control adviser.</i></p>	20

2Z	<p>Designating "all known areas that could be adversely impacted" suggests, but does not require a map or aerial photo. Who decides which areas they are, and how is accuracy evaluated? Both an inventory and a map should be required.</p> <p><i>This comment is not specifically directed at the proposed regulatory amendments, and therefore is outside the scope of this regulatory action.</i></p>	20
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Permit Evaluation (Section 6432)

No.	Comment/Response	Commenter(s)
1Y	<p>There is a loophole in section 6432(a): The CAC determines whether to grant the permit based on possible adverse impacts, alternatives, mitigations, etc., all subject to "specific local conditions." We on the frontlines (and UCLA researchers) know that assessment isn't happening. One CAC subscribes to "Show me the dead bodies." Another, when asked about cumulative impacts of exposure, declaimed, "I'm not a doctor." Again, more than pesticide safety information sheets (PSIS) are needed by the public and some CACs. Approval should not be a rubber stamp turned electronic. Written documentation of risk communication and alternatives must be required from both CACs approving permits, and from those responsible for applying them. (PCAs should be aware that their license requires this.)</p> <p><i>This comment is not specifically directed at the proposed regulatory amendments, and therefore is outside the scope of this regulatory action.</i></p>	20
2Y	<p>I want to speak specifically on section 6432. According to the permit evaluation, the CAC must know the risks and the alternatives and the mitigations for each pesticide that's being approved and deny the permit if there are feasible alternatives or there's likely to be a violation. This gives a lot of discretionary authority to the CACs who have admitted that they don't always know about the human health risks of the pesticides that they regulate. Some have been rather cavalier about enforcement and/or claim not to have enough resources to do the required evaluation, inspection, and monitoring of applications. I think that violations will occur and that there may be some difficulties with the enforcement of this.</p> <p><i>This comment is not specifically directed at the proposed regulatory amendments, and therefore is outside the scope of this regulatory action.</i></p>	T69

Scope of Notice of Intent Requirement

No.	Comment/Response	Commenter(s)
1	<p>We support the inclusion of only Restricted Use Pesticides (RUP) within the notification system.</p> <p><i>DPR acknowledges this comment. DPR assumes this comment is referring to restricted material pesticides and not restricted use pesticides (RUPs), which are classified by the United States Environmental Protection Agency (U.S. EPA) and are not the basis for inclusion in DPR’s notification system. This proposed regulatory action applies to restricted material pesticides that require a permit for the production of an agricultural commodity.</i></p>	1
2	<p>We are concerned that prior notification will expand beyond RUPs and move to notification of any pesticide application. It has been our experience that many regulations start small and then expand to have major impacts on agriculture.</p> <p>a. Small and Socially Disadvantaged Farmers and Ranchers are already suffering from increased regulations from all sides, and do not have the staff or the financial ability to hire specialists to keep up with the regulations reporting requirements, let alone provide all the data needed to both government programs and, in some cases, private standards. It is a major reason for consolidation of land ownership or management.</p> <p>i. Over 70% of the almond growers are 100 A or less.</p> <p>ii. Not talking about small growers who supply farm stands/markets, etc.</p> <p>b. Our heads spin thinking about all the additional paperwork burden expansion would mean for growers and PCAs, as well as the CAC.</p> <p><i>DPR assumes this comment is referring to restricted material pesticides and not RUPs, which are classified by U.S. EPA and are not the basis for inclusion in DPR’s notification system. As stated in the Initial Statement of Reasons (ISOR), currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California. This proposed regulatory action builds upon the existing restricted material permit and notice of intent (NOI) processes. DPR considered the economic impact of this proposed regulatory action to the agricultural industry, including to small and socially disadvantaged farmers and ranchers. (See Economic and Fiscal Impact Statement (STD 399); C DPR, 2023.) DPR is not proposing to expand the scope of this regulatory action beyond restricted material applications that require a permit for the production of an agricultural commodity.</i></p>	4

3	<p>It is imperative to emphasize that these proposed regulations apply only to California restricted material use as defined in 3 CCR section 6400 and only for the production of an agricultural commodity. These regulations could cause confusion in communities and will increase unnecessary calls to the local CAC offices due to a lack of understanding between not only federally restricted versus state restricted materials, but more crucially, restricted materials versus non-restricted materials and restricted materials that require a permit. We ask that every effort be made to clarify and emphasize that DPR strictly controls the use of restricted materials (RM) in California. DPR should clarify, through outreach and education, the controls that they have in place to regulate RMs. These controls include, but are not limited to: A RM can only be sold to end users by pest control dealers licensed by DPR; Everyone who supervises the use of a RM is required to be a certified private or commercial applicator; A RM permit shall be obtained prior to the possession or use of a RM (with few exceptions); and a NOI is required to be submitted to the local CAC prior to making an agricultural application of a RM requiring a permit.</p> <p><i>Proposed 3 CCR section 6434(b) – requiring NOIs to be submitted electronically via www.CalAgPermits.org – explicitly states that it applies to “agricultural use restricted materials” and proposed 3 CCR section 6434(d) – requiring select NOI information be submitted to DPR – explicitly states that it applies to NOIs required for the use of a restricted material requiring a permit for the production of an agricultural commodity.</i></p> <p><i>DPR will continue its outreach to inform the public about existing pesticide regulatory requirements, including requirements regarding restricted material sales, possession, and use. Moreover, the pesticide notification system (SprayDays California), the web-based statewide electronic notification system that will make select information about restricted material applications for the production of an agricultural commodity publicly available, will include information about how DPR regulates the possession and use of restricted materials in California and the role of the CAC in reviewing and approving or denying restricted material permits and NOIs. It also will expressly state that this system applies to intended applications of restricted materials for the production of an agricultural commodity, as well as explain and give context to the specific NOI information included in a notification – including explaining what restricted materials are, what active ingredients are, what “treated amount” and “application method” mean, and what the “intended” application date and time notes.</i></p>	6, 35
4	Notifications Must Be For All Agricultural Pesticides, Not Just Restricted Materials	11

	<p>California studies show 13 agricultural pesticides elevated children’s cancer up to 2.5 miles away from the application sites: bromacil, chlorothalonil, dimethoate, diuron, kresoxim-methyl, metam-sodium, paraquat dichloride, phosmet, propanil, propiconazole, thiophanate-methyl, triforine and linuron. Only 5 are classified as Restricted Use by the EPA. But 11 of the 13 are banned or not approved in other countries with 10 of them banned in at least 28 countries.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Under Food and Agricultural Code (FAC) section 14004.5, registered pesticides with greater potential to cause harm to public health, farmworkers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated are designated as restricted materials. This regulatory action builds upon existing agricultural use restricted material permitting and NOI requirements to provide advance notice of those applications. There is no existing statutory or regulatory structure for applicators to provide advanced information about non-restricted material applications.</i></p>	
5	<p>Rodenticides and baits should be excluded from the policy. They are in closed systems and have no potential for drift. At the most, monthly reporting post application might be considered.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Limited potential for drift does not warrant excluding a particular restricted material from this regulatory action.</i></p>	36
6	<p>Your agency should expand pesticide notifications to include *all* dangerous pesticides. Restricted material pesticide use is a small subset of all pesticide use. Many pesticides identified by Proposition 65, banned in other countries, and known to cause cancer, reproductive defects, or a range of other health problems aren’t considered restricted material pesticides. But Californians still need to know about their use. Unless the pesticides included in this disclosure rule are expanded, these dangerous</p>	A1-A2090, 55-57, 59, 60-66, 68, 69, 70-76, 78, 80-84, 104

	<p>chemicals will still be applied in California without residents' knowledge. The agency should require that the use of any pesticide banned in another country, or on the Proposition 65 list, triggers advance notification, as with restricted pesticides.</p> <p><i>See response to comment number (no.) 4.</i></p>	
7	<p>No chem spray, drip, application or dusting should be exempt from notification.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action applies to NOIs for the use of a restricted material requiring a permit for the production of an agricultural commodity, regardless of application method.</i></p>	70, 80, 104
8	<p>We need to know where pesticides are being used including public parks and in agriculture areas.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Registered pesticides with greater potential to cause harm to public health, farmworkers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated are designated as restricted materials. Under proposed section 6434(g), DPR will provide the public the information provided to DPR pursuant to proposed section 6434(d) and (e)(1) about intended restricted material applications for the production of an agricultural commodity. Restricted material applications to public parks and for non-production agricultural purposes exceed the scope of this regulatory action.</i></p>	127
9	<p>I'm worried that the "restricted materials" are only a few dozen pesticides, yet more than 100 pesticides that are banned or not approved in the European Union are applied in California ag fields every year. There will be a lot of dangerous pesticide applications that will remain a secret.</p>	318

	<i>See response to comment no. 4.</i>	
10	<p>We are requesting residential pesticide/herbicide/fungicide notification.</p> <p><i>This regulatory action is intended to increase the transparency of intended restricted material applications, which include restricted material insecticide, herbicide, and fungicide applications, made for the production of an agricultural commodity in California. Under FAC section 14004.5, registered pesticides with greater potential to cause harm to public health, farmworkers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated are designated as restricted materials. This regulation increases transparency by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon existing agricultural use restricted material permitting and NOI requirements. There is no existing structure for applicators to provide advanced information about non-restricted material pesticide applications. Moreover, applications to residences exceed the scope of this regulatory action.</i></p>	24
11	<p>From the draft regulatory language, it is not clear how the use of RUPs will be handled that are not applied to the field. Post harvest fumigants are nearly universally used, and in some cases required, on almonds (tree nuts, dried fruit, etc.) after harvest to minimize insect damage, meet phytosanitary requirements for export markets, for pasteurization to reduce food borne illnesses, and to minimize food waste. Currently a huller/sheller or handler obtains an NOI that is valid for a month from their CAC. Depending on the season there may be daily fumigations, or every couple of days. The regulation is silent as to how such uses of RUPs will be treated in terms of the prior notification. If the prior notifications with the current timeframes does apply to post-harvest uses of RUP, then huller/shellers and almond handlers will likely be submitting NOI every day or every 4th day increasing both the workload for the operation and for the CAC.</p> <p><i>DPR assumes this comment is referring to restricted material pesticides and not restricted use pesticides (RUPs), which are classified by the U.S. EPA and are not the basis for inclusion in this notification system. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended is to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California. This regulatory action would apply to post-harvest commodity restricted material applications that occur on a farm, which is considered the production of an agricultural commodity. However, this regulatory action would not apply to post-harvest</i></p>	4

	<p><i>commodity restricted material applications that occur in an industrial setting, which is not considered production of an agricultural commodity.</i></p> <p><i>Under proposed sections 6434(b)(10) and (d)(2), NOIs will be required to include the “date and time the intended application is to commence.” As a result, NOIs can no longer cover multiple applications over a month. DPR’s understanding is that these types of month-long NOIs, otherwise known as “job permits,” are relatively rare in agricultural use. DPR considered the economic and fiscal impact of requiring job permit holders to also submit an NOI for each application. (See Economic and Fiscal Impact Statement (STD 399); C DPR, 2023.)</i></p>	
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Notice of Intent Submission and Notification Timing

No.	Comment/Response	Commenter(s)
1A	<p>We support DPR’s proposal to enable a 24-hour notification, at a maximum, to interested parties, in that it does not disrupt the current NOI submission requirements. However, we would like to express concern regarding the proposal to increase the NOI submission requirements for soil fumigation to enable a 48-hour notification to interested parties. We believe that this will result in repeated notifications and cancellations of potential soil treatment based on present day weather conditions. Additional notifications along these lines will only increase resident fear, provide misleading information, and overstate the number of actual applications. If DPR wants to pursue timely notification, this coalition strongly believes that it should work within the existing systems and not further penalize growers and applicators in the process.</p> <p><i>As stated in the ISOR, following DPR’s recommendation and under their existing authority in FAC section 14006.5 and 3 CCR section 6432(b)(1), the general practice is for CACs to require NOIs for soil fumigants to be submitted at least 48 hours and sometimes up to a week in advance of an intended application. As a result, this proposed regulatory action does not change the current practice for submitting NOIs for soil fumigants. Requiring NOIs for soil fumigations to be submitted at least 48 hours prior to the date and time the fumigation is intended to commence establishes a minimum standard for all agricultural use soil fumigation NOIs throughout the state, while still leaving the CAC discretion to require NOIs to be submitted earlier if desired based on local conditions. Moreover, applicators have four days from the intended start date specified in the NOI to commence the application. This provides applicators flexibility should there be unexpected weather variability.</i></p>	1

2A	<p>We appreciate that the draft regulation builds on the already existing NOI requirements for RUPs. We acknowledge and value the continued inclusion of a 24-hour notice period for non-soil fumigant pesticides and understand the requirement of a 48-hour notification for soil fumigants. We believe it is imperative to continue these same timeframes. A 24-hour NOI and a 48-hour NOI provide critical flexibility in order to maintain time sensitive pesticide applications. Applications can be unexpectedly impacted by weather, employee availability, equipment issues, or other local conditions.</p> <p><i>DPR assumes this comment is referring to restricted material pesticides and not restricted use pesticides (RUPs), which are classified by the U.S. EPA and are not the basis for inclusion in this notification system. DPR acknowledges this comment.</i></p>	4, 6, 35
3A	<p>The proposed regulations provide that the notification must be provided at least 48 hours in advance for soil fumigant applications and at least 24 hours for nonsoil fumigant restricted materials. During the public hearings, some requested a longer period. As DPR noted in its alternatives analysis, an earlier required notification could be counterproductive, as it may result in property owners submitting multiple NOIs to cover a range of dates so that critical applications can be made in time. This would result in communities receiving warning for applications that do not occur, resulting in loss of faith in the validity of the notifications. In addition, it would expend valuable CAC staff time that could be directed to compliance and enforcement issues.</p> <p><i>DPR acknowledges this comment.</i></p>	9
4A	<p>We have concerns around the timelines for when notifications need to be made. We appreciate the provision for an exemption in case of a hardship but would ask for more flexibility regarding the precise timing of when an application actually takes place. Providing a specific time for the application at least 24 hours out is very difficult and many factors including weather, availability of equipment and of a certified/licensed applicator come into play for the exact timing of treatment to help ensure that environmental conditions support safe and effective pesticide application. Additionally, other factors could impact exact timing, including farm management decisions which could accelerate or delay the timing of the application based on other on-farm activities. We appreciate that some timing flexibility is included in the proposed regulations, for example to allow for an earlier application if a safer application can be made earlier due to weather changes. But we are concerned that without clear communication and education about the safety reasons for flexibility this may lead to an expectation from members of the public that the application will take place at a specific time. If an application doesn't take place at that time, it could lead to confusion and a sense</p>	10

	<p>that the notification is not worthwhile or not working if the application is observed at a different time than expected even if it is still compliant with the regulations. Providing a date, along with information to the public that the application will occur within a date range (within the four day grace period) could go a long way towards eliminating confusion and instilling confidence in the system.</p> <p><i>DPR acknowledges this comment. Consistent with 3 CCR section 6000’s definition of “time specific,” applicators have four days from the intended start date specified in the NOI to commence the application. This provides flexibility should there be unexpected weather variability, difficulty obtaining equipment, a conflict in the applicator’s schedule or other on-farm activities. Proposed section 6434(f) also provides timing flexibility for safe and effective pest control.</i></p> <p><i>The pesticide notification system (SprayDays California) will state that the pesticide applications are “intended” or “planned” applications and that they may not occur on the intended date or even at all. SprayDays California also will expressly state that applicators have up to four days following the intended application date to start the pesticide application to address unexpected weather variability or other factors that may affect the ability to perform safe and effective pest control. Additionally, SprayDays California will include information about California’s pesticide regulatory requirements to provide context to the specific NOI information that DPR will make publicly available.</i></p>	
5A	<p>If you are going to spray the pesticide, at least two days before you expose us women.</p> <p><i>DPR assumes that this comment is requesting notification at least two days in advance of spraying a pesticide. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. The requirement that DPR make specific NOI information publicly available at least 48 hours prior to the intended start of a soil fumigation and at least 24 hours prior to the start of all other restricted material applications is consistent with current NOI submission requirements and practices. As outlined in the ISOR, DPR explored alternatives that included requiring NOIs to be submitted to DPR and DPR to make the NOI information it receives public more than 24 and</i></p>	50

	<p><i>48 hours in advance of the intended start of an application. However, requiring NOIs to be submitted to CACs and select NOI information to be submitted to DPR earlier than is currently required could have a significant economic impact in the form of possible increases in invasive pests and crop losses. It could also lead to increased pesticide use as pest infestations could grow before there is an opportunity to make a pesticide application. Additionally, requiring NOIs to be submitted more than 24 and 48 hours in advance could hinder the intent of this regulatory action, which is to provide the public with information about intended restricted material applications, as property operators have advised that they may submit multiple NOIs covering a range of dates/times for a single application so that they are assured that they can promptly make necessary pesticide applications.</i></p>	
6A	<p>Our growers currently have a 24-hour restricted use report that must be submitted to DPR. There is no reason why growers must submit the application to additional entities. The proposed regulations will convert the NOI submission process to an electronic one, but also require submission of the NOI to the CACs. In addition, DPR will be requiring the NOI to be made available to the public upon receipt or as soon as practicable. Currently growers are not required to submit the NOI to the individual CAC.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity by making select information that is already required to be submitted to the CAC on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. Currently, CACs require, via permit conditions, an NOI to be submitted to the CAC for nearly all agricultural use restricted material applications to make the permit site and time specific. This regulatory action clarifies that requirement and establishes a uniform standard throughout California.</i></p> <p><i>This regulatory action additionally requires the NOIs to be submitted via www.CalAgPermits.org (hereinafter referred to as “CalAgPermits”), the web-based system that will automatically electronically transmit the NOI to the appropriate CAC and the specific NOI information to DPR. CalAgPermits will allow permit holders to simultaneously and automatically submit the NOI to the CAC and the select NOI information to DPR so that DPR can make the select NOI information it receives available to the public in a more timely, accessible and equitable manner. DPR considered the economic impact of the requirement that NOIs be submitted electronically via CalAgPermits to the agricultural industry in its</i></p>	T14

	<i>Economic and Fiscal Analysis memo. (CDPR, 2023.) As stated in the ISOR, in fiscal year 2021/22, roughly 89 percent of NOIs were submitted electronically via CalAgPermits.</i>	
7A	<p>I ask that DPR's regulation include sufficient detail, including ALL additional information on pesticides AND community health be made available to all citizens, and sent out 30 days prior to all spraying.</p> <p><i>See response to comment no. 4 regarding information about all pesticides and response to comment no. 5A regarding notification more than 48 hours in advance of an intended soil fumigation and more than 24 hours in advance of all other restricted material applications.</i></p> <p><i>The remainder of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. However, the pesticide notification system (SprayDays California) will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	86
8A	<p>The time periods for notification (48 hours for soil-fumigants and 24 hours for non-soil fumigants) are too short.</p> <p><i>See response to comment no. 5A.</i></p>	91
9A	<p>Provide the dates when there will be spraying ahead of time.</p> <p><i>See response to comment no. 21C regarding when a pesticide will be applied. See response to comment no. 5A regarding notification timing.</i></p>	T56, 147
10A	<p>The people who live and work in these areas need the time of application of dangerous pesticides so they can plan ahead for their safety.</p>	144

	<i>As stated in the ISOR, DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity by making select information that is already required to be submitted to the CAC on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. See response to comment no. 21C regarding when a pesticide will be applied. See response to comment no. 5A regarding notification timing.</i>	
11A	<p>At a minimum, the notification system should notify those people who have very severe breathing problems that need to be protected from widespread aerial inhalants who would/could be affected more immediately.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information and already required to be submitted to the local CAC, publicly available in a more equitable, accessible and timely manner. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. While individuals may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from potential pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 5A regarding notification timing.</i></p>	99

Undue Hardship

No.	Comment/Response	Commenter(s)
1B	We appreciate the inclusion of a limited hardship allowance for CACs to respond to time constraints in unique circumstances. Based on the amount of non-digitized NOIs, broadband access, volume of NOIs, substantially changing weather and pest patterns, and other factors, we expect this allowance to be utilized and that it will likely need to be expanded in the future.	1

	<p><i>DPR assumes this comment is referring to the undue hardship exemption in proposed section 6434(e). DPR acknowledges this comment. As stated in the general response above, proposed 3 CCR section 6434(h) provides opportunities for DPR to receive annual feedback on the notification system and on the comprehensive report three years after the system goes into effect. Through this process, DPR may receive feedback on the undue hardship exemption.</i></p>	
2B	<p>CAC offices intend to assist operators in complying with this mandate, however, we ask for an understanding of the burden such an unfunded mandate causes on both operators and CACs and their staff. We have concerns regarding operators, or their designated agents, who are unable to complete a NOI electronically. We support adding a hardship clause for operators. Many areas in California lack high-speed internet availability, may be subject to California power rotating outages, or could be subject to a declared state of emergency that affects internet or electricity access. Similar considerations need to be applied to CAC offices. Otherwise, the additional time necessary for considerate document reviewing, entry, and processing, in order to reach compliance with the proposed strict electronic entry timelines, may cause an undue burden of complication for our CAC offices by increasing the workload on our staff.</p> <p><i>Under proposed section 6434(e), a CAC may allow an NOI to be submitted in a non-electronic format. This is discretionary and does not mandate the CAC to act, although DPR acknowledges CACs' intent to assist operators in complying with this regulatory action and considered the fiscal impact to CACs in granting undue hardship exemptions. (CDPR, 2023.) Additionally, under proposed section 6434(e), when the CAC decides, at their discretion, to find an undue hardship, the CAC shall require the NOI to be submitted earlier than the time requirements outlined in 3 CCR section 6434(c) to enable the CAC adequate time to timely submit the select NOI information to DPR.</i></p>	6
3B	<p>In section 6434(e), the term “undue hardship” is concerning, since it offers an exemption left to the CAC’s discretion, with no reason required. As documentation must be only filed “as soon as practicable”, this could delay access to information needed by community members.</p> <p><i>Proposed section 6434(e) authorizes CACs to grant an undue hardship exemption from the requirement that an NOI be submitted electronically. However, when a CAC exercises their discretion to grant an undue hardship exemption, the CAC is required to electronically submit the select NOI information for the intended application to DPR either 48 hours prior to the intended start of a soil fumigation or 24 hours prior to the intended start of all other applications so that DPR can still make this information publicly available 48 or 24 hours prior to the start of the application. Therefore, a CAC’s discretionary</i></p>	20

	<i>decision to grant an exemption from the electronic submission requirement due to an undue hardship should not impact when information about these intended applications becomes publicly available.</i>	
4B	<p>DPR wants to bring the application process into the computer age for an electronic submission, and although some may opt out from the process, they must show proof of undue hardship. Nowhere in the regulations is it explained what is and what is not an undue hardship.</p> <p><i>Proposed section 6434(e) states that “An undue hardship may be a situation in which compliance with section 6434(b) [the requirement that NOIs be submitted electronically via CalAgPermits] is not possible without significant difficulty or expense.” Examples of possible undue hardships could be situations where an NOI submitter does not have reliable access to high-speed internet, lacks access to electricity, or could be subject to a declared state of emergency that affects internet or electricity access. Ultimately, under proposed section 6434(e), an undue hardship is determined at the discretion of the CAC; “may” is intended to give the CAC discretion. Further, as stated in the comment, section 6434(e)(3) requires the CAC to document that an undue hardship was found. DPR is not imposing any process requirements for how this is documented.</i></p>	T14
5B	<p>The discretionary authority delegated to the CAC is troublesome, since it assumes “good faith” relationships with impacted communities. Even DPR has not always had success in this type of relationship with CACs regarding notification, possibly one of the reasons the electronic interface was required.</p> <p><i>See response to comment no. 3B.</i></p>	20

Information Provided to the Public

No.	Comment/Response	Commenter(s)
1C	<p>This coalition believes the content of the notification should only include absolutely essential information to satisfy a public right to know. We agree that notification to interested parties should include active ingredients, permit and county number, date range for potential application, and a link to relevant label information about RUPs utilized but should not include method of application or acres applied. The method of application (soil, foliar, aerial, etc.) does not trigger additional health protective measures and therefore has no meaningful value for the public. Product registrations and corresponding assessments evaluate potential impacts to bystanders, drift propensity, etc. and labels, application restrictions and mitigations are imposed to mitigate risk. Likewise, information about</p>	1

acreage applied or units to be treated is of no value to the public and if anything, creates more risk of unintended negative impacts on lawful users. For many agricultural areas in the state, parcels are substantially diversified, meaning there may be row crops on a parcel next to an orchard parcel next to a vineyard parcel. Because California's average farm size is relatively small (328 acres or less than ½ square miles), including acreage applied in notifications can easily identify the exact application location and farm operation. One could also use acreage applied (which is often a proxy for parcel size) and a County's APN registry online to identify the exact location. Moreover, because an NOI includes an estimate of acreage that may or may not be treated, it does not always correspond to the actual acreage that was treated. In summary, because this system is not about greater necessary public or environmental health protection, the scale of the treatment is irrelevant to a person's right to know. We request acreage applied/treated or units applied to be omitted from notification.

DPR assumes this comment is referring to restricted material pesticides and not restricted use pesticides (RUPs), which are classified by the U.S. EPA and are not the basis for inclusion in this notification system. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already required to be submitted to the local CAC and already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency. This regulatory action builds upon existing restricted material permitting and NOI requirements. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from potential pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. As stated in the ISOR, "Method of application" will provide information so the public is aware of what type of application is planned. "Approximate acres or other units to be treated" will provide information about the scale of an application to the public. Additionally approximate acres in conjunction with the application method, which both independently provide information of interest, could collectively provide context for the potential duration of the application. SprayDays California will clarify that the approximate acres treated is an "approximation" and that actual treated acres may differ. This proposed regulatory action, which makes already public information available to the public in a more equitable, accessible, and timely manner, is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications.

2C	<p>From the text of the regulation, it is not clear how long the NOI is valid or how the length of time an NOI is valid is going to be communicated to the public. One of the new pieces of information to supply as a part of the NOI is the planned start time of the application. However, DPR has also stated that the NOI would be on the map for 4 days since the application could occur later than the start date, or may occur over multiple days depending on size of area to be treated and/or weather conditions. Since it is nearly impossible to be assured that a pesticide application will start at a certain time, we are not clear how this rule will help to meet the stated goal of letting neighbors know when an application may be occurring so they can take steps to minimize their exposure.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Pursuant to this regulatory action, DPR will make the intended start date and time of applications publicly available for restricted material applications for the production of an agricultural commodity. Under existing 3 CCR section 6000's definition of "time specific," a restricted material application may occur up to four days after the intended start date specified in the NOI. This is to provide flexibility in the event of uncontrollable conditions such as adverse weather or unavailability of equipment. The pesticide notification system (SprayDays California) will state that applications may start up to four days following the intended application date or may not occur at all. While individuals may choose to use this information to take additional precautions that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from potential pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	4
3C	<p>Several commenters expressed concern that the NOI 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.</p> <p><i>See response to comment no. 1C.</i></p>	7

4C	<p>The name of the primary active ingredient must be included.</p> <p><i>DPR amended 3 CCR section 6434(g) to require DPR to provide the public the active ingredient(s) for all intended applications that are reported to DPR under sections 6434(d) and (e)(1).</i></p>	<p>11, 18, 20, 44, 298, 300, 306, 311, 312, 314, 317, 532, T24, T79, T80</p>
5C	<p>The notification must include the pesticide product name(s), especially if multiple products are being applied.</p> <p><i>DPR amended 3 CCR section 6434(g) to require DPR to provide the public with the pesticide product name(s) for all intended applications that are reported to DPR under sections 6434(d) and (e)(1).</i></p>	<p>8, 11, 18, 20, 43, 44, T24, T80</p>
6C	<p>Links to potential health impacts must exist so that families and health providers can lookup possible symptoms of exposures.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	<p>8, 43</p>
7C	<p>The EPA registration number must be included.</p> <p><i>3 CCR section 6434(g) requires DPR to provide the public with the “Pesticide product registration number(s) to be applied” for all intended applications that are reported to DPR under section 6434(d) and (e)(1).</i></p>	<p>11, 44</p>
8C	<p>A link to the product label must be included.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, under 3 CCR section 6434(g), DPR will provide the public the</i></p>	<p>11</p>

	<p><i>pesticide product name(s) and registration number(s) for all intended applications that are reported to DPR under section 6434(d) and (e)(1). The public can use this information to look up the individual product label or other specific information. Further, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
9C	<p>A link to chemical information, such as the Safety Data Sheets (SDS), in plain language, must be included.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, under 3 CCR section 6434(g), DPR will provide the public the active ingredient(s), pesticide product name(s), and registration number(s) for all intended applications that are reported to DPR under section 6434(d) and (e)(1). The public can use this information to look up the individual product’s SDS. Further, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	11, 18, 20, 44, T69, T80
10C	<p>Contact information of the farm owner, pesticide applicator, grower or Agency should be included.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available</i></p>	11, 20, 31, 44

	<p><i>and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications for the production of an agricultural commodity in California. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
11C	<p>A link to the NPIC website may be a useful resource.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. The pesticide notification system (SprayDays California) will include the National Pesticide Information Center’s phone number, email address, and website link. SprayDays California will also directly link to fact sheets about specific pesticides.</i></p>	18, 20, 44
12C	<p>The type of pesticide should be included in the notification system.</p> <p><i>If this comment’s reference to “type of pesticide” is referring to the pesticide’s “active ingredient,” please see response to comment no. 4C.</i></p> <p><i>Otherwise, this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on a NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon existing restricted material permitting and NOI requirements. The “type” of pesticide is not currently required to</i></p>	31, T71

	<i>be submitted on an NOI. Accordingly, as this would require a change to the existing NOI processes, this exceeds the scope of this regulatory action.</i>	
13C	<p>The volume or mass or amount of pesticide to be sprayed should be included.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. The “volume or mass or amount” of pesticide to be applied is not currently required to be submitted on an NOI. Accordingly, as this would require a change to the existing NOI processes, this exceeds the scope of this regulatory action. This regulatory action is proposing to make the “approximate acres treated” publicly available under section 6434(g), which will provide information regarding the intended scale of an intended application.</i></p>	31, T79
14C	<p>The essential information is all included in the standardized form, CalAgPermits, yet much of which is important to both the public and to medical providers is excluded. Locations of application, PCA and grower contact information, product/chemical name, and links to chemical information should be included. Without this information, notification is useless to members of the public concerned about prevention and exposure to pesticide drift. Nor is it helpful to medical providers in the event of reported exposure, whether in immediate reaction or delayed symptoms.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. See responses to comment nos. 1D regarding locations of application and 4C and 5C regarding product name and active ingredient/chemical name.</i></p> <p><i>The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they</i></p>	18, 44

	<i>protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i>	
15C	EPA registration numbers are useless and provide a barrier to accessing vital information. <i>The pesticide product registration number(s) can be used to look up additional information about the particular pesticide product that is intended to be applied. In response to comments, DPR amended proposed 3 CCR section 6434(g) to clarify its intent to additionally provide the active ingredient and the pesticide product name(s) of pesticides intended to be applied.</i>	18, T80
16C	Sources of additional information to be supplied on risks and precautions should also be described in writing. <i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i>	20
17C	We are very concerned that this regulation could create a notification system that has inaccurate information which would mislead the public. It needs to be amended to provide for grower verification of whether the application actually occurred. This could be as simple as the grower making a notification to DPR and then receiving an automatic e-mail from DPR asking YES or NO on whether the application occurred as intended. We believe anyone who received notification from	41

	<p>DPR of the intent to spray would need to be notified again by DPR whenever that intended application did not occur. This would include notification to anyone who received that information via a website search.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The proposed regulation is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Requiring growers to verify whether an application occurred would require a change to the NOI process and exceeds the scope of this regulatory action. However, the pesticide notification system (SprayDays California) will expressly state that the pesticide applications are “intended” or “planned” applications and that they may not occur on the intended date or even at all.</i></p>	
18C	<p>List the health risks that are associated with exposures to the pesticides, based on peer-reviewed science.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. The pesticide notification system (SprayDays California) will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	44
19C	<p>Information should be available immediately upon request from a 24-hour hotline and the local Agriculture Commissioner’s Office.</p> <p><i>DPR assumes this comment is requesting NOI information be immediately available. Proposed 3 CCR section 6434(d) requires select NOI information be submitted to DPR at the same time the NOI is submitted to the local CAC: 48 hours prior to the intended start of a soil fumigation and 24 hours prior to</i></p>	20, 44

	<p><i>the intended start of all other applications. Proposed section 6434(g) requires DPR to make the select NOI information publicly available upon receipt, but at least 48 hours prior to the intended start of a soil fumigation and at least 24 hours prior to the intended start of all other applications. Therefore, the proposed regulation requires DPR to make the information publicly available as soon as it is received. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
20C	<p>It would be great if they can let us know what they're going to spray so that we can be prepared, so that we can put our animals, our livestock away, and also for you to notify those of us who work in the fields that you have sprayed or that you're going to spray.</p> <p><i>This regulatory action requires DPR to make publicly available the pesticide product registration number(s), pesticide product name(s), and active ingredient(s) for intended restricted material applications for the production of an agricultural commodity. While individuals may use the notification information to take additional precautions for themselves or for their animals/livestock that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health or environmental risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	T4
21C	<p>We want to know the time and the date that the pesticides are going to be applied.</p> <p><i>Proposed 3 CCR section 6434(g) requires DPR to make publicly available the date and time of an intended restricted material application that is reported to DPR under sections 6434(d) and (e)(1). Pursuant to the definition of “time specific” in 3 CCR section 6000, applicators have up to four days</i></p>	31, T8, T11, T27

	<i>from the intended start date to commence the intended application. This provides applicators flexibility should there be unexpected weather variability.</i>	
22C	<p>Please notify us of what pesticides are going to be applied.</p> <p><i>Under proposed 3 CCR section 6434(g), DPR is required to provide the public the pesticide product registration number(s) to be applied for intended restricted material applications for the production of an agricultural commodity that are reported to DPR under sections 6434(d) and (e)(1). Based on comments received, DPR modified the originally proposed text to clarify DPR’s intent to additionally provide the public the pesticide product name(s) and the active ingredient(s) of intended applications.</i></p>	T11, T12, T41, T68
23C	<p>We're asking to know when you're going to apply a pesticide, what kind, and where, so that we know if we should work nearby or not. I think both field workers and the growers would agree that we need to know exactly where the pesticide is going to be applied.</p> <p><i>This regulatory action requires DPR to provide the one-square mile Public Land Survey System (PLSS) base, meridian, township, range, and section location of intended restricted material applications that are reported to DPR under sections 6434(d) and (e)(1). The one-square mile section location of an intended restricted material application is the only standardized location information currently required on an NOI. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	T18

	<i>See response to comment no. 4C regarding what pesticide is going to be applied. See response to comment no. 12C regarding what kind of pesticide is going to be applied. See response to comment no. 1D regarding location.</i>	
24C	<p>I ask that you grant what these people are asking, which is notification, the day and the time, because it affects their health and well-being. They need notification not a year from now but right away.</p> <p><i>DPR acknowledges this comment. Also, see response to comment nos. 2C regarding the day and time of an intended application and 3P regarding when notification will begin.</i></p>	T20
25C	<p>Notify us of when the pesticides are going to be put out in the fields.</p> <p><i>See response to comment no. 2C.</i></p>	T26
26C	<p>We and everybody in the Valley needs to know when and where pesticides are applied.</p> <p><i>See response to comment nos. 23C and 1D regarding where pesticides are applied. See response to comment no. 2C regarding when a pesticide will be applied.</i></p>	T30
27C	<p>Notification should include the way in which the chemical will be applied.</p> <p><i>3 CCR section 6434(g) will require DPR to provide the method of application for intended restricted material applications for the production of an agricultural commodity that are reported to DPR under sections 6434(d) and (e)(1).</i></p>	31, T79
28C	<p>There's a lot of pesticides being sprayed regularly by nearby farmers and the public should know when these chemicals are being applied so they can protect themselves, like staying indoors or being away from the area.</p> <p><i>See response to comment no. 2C.</i></p>	T90
29C	<p>This whole process is meaningless if the communities that are affected don't know what is being sprayed where and when. Without that, this really is not a meaningful process. I'm asking that communities have ample notification of exactly where the products are being sprayed.</p> <p><i>See response to comment nos. 4C and 5C regarding what pesticide is going to be applied. See response to comment nos. 23C and 1D regarding where pesticides are applied. See response to comment no. 2C regarding when a pesticide will be applied.</i></p>	T91

30C	<p>It's very important to get notifications specifically at what times. Our campus is open Saturdays, Sundays, and so sometimes we have Saturday school. Right now, they're able to spray after 6:00 p.m. and on weekends. Because we're living right across and working right across at a school, it's important for us to get notification of exactly where pesticides are being used, fumigants are being used because of the drift that happens in the Salinas Valley. If I'm made aware that spraying is going to happen at a certain time and a certain place when I'm driving, it will help me keep my family more protected and secure, knowing that I shouldn't be driving through those areas or I shouldn't go to work on a Saturday or on a Sunday or make my classroom available to students knowing that there's going to be spraying happening across the field.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The proposed regulation is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. However, SprayDays California will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	T92
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	<i>See responses to comment nos. 23C and 1D regarding where pesticides are applied. See response to comment no. 2C regarding when a pesticide will be applied.</i>	
31C	<p>As a resident living within a rural farming community, I and my family need to know what pesticides are applied on the fields immediately adjacent to our home. We are awakened some mornings by the sound of the tractors driving through the windows of orchard trees being sprayed less than 50 yards from our bedroom window. We have a right to know what they're spraying and to know that our grandchildren needn't worry about eating the blackberries next to the house, separating our home from the orchards literally a stone's throw away. Please support the new rule--DPR Reg. No. 23-003 for our sake and our children's sake.</p> <p><i>DPR acknowledges this comment. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. See response to comment nos. 4C and 5C regarding what pesticide is going to be applied. See responses to comment nos. 23C and 1D regarding where pesticides are applied. Additionally, the pesticide notification system (SprayDays California) will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	79
32C	<p>As long as dosing us with poisons is allowed, at least let us know when and where — and by whom — it is done.</p> <p><i>See response to comment no. 2C regarding when a pesticide will be applied. See responses to comment nos. 23C and 1D regarding where pesticides are applied.</i></p> <p><i>The remaining part of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public</i></p>	82

	<p><i>health and the environment while providing for safe, legal pesticide applications. Prior to issuing a restricted material permit or approving an NOI, CACs review the proposed application to ensure the proposed pesticide use complies with the pesticide’s registered label and applicable laws and regulations, including that it will be applied by, or under the direction supervision of, a certified applicator. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
33C	<p>All potentially affected people should be informed of when and where pesticides are to be applied, which pesticide will be used and what the potential health risks are. This would not only better protect public health, but also build public opposition to pesticides having a permanent role in agriculture.</p> <p><i>See response to comment no. 2C regarding when a pesticide will be applied. See responses to comment nos. 23C and 1D regarding where pesticides are applied. See response to comment nos. 4C and 5C regarding what pesticide is going to be applied.</i></p> <p><i>The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. However, SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will</i></p>	83

	<i>also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i>	
34C	<p>I ask that DPR's regulation include the chemical and product names associated with pesticide applications covered by the regulation, along with links to potential health impacts from exposure to those pesticides.</p> <p><i>See responses to comment nos. 4C and 5C regarding the chemical and product names. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	A2091-A3091, 13, 84, 85, 86
35C	<p>I call on DPR to include the necessary level of detail in the regulation to ensure that those components that are critical to a robust notification system, as modeled in the Spray Days pilot, are incorporated into the statewide system.</p> <p><i>DPR acknowledges this comment. The regulation text currently specifies what information is to be provided and how it will be provided through the pesticide notification system (SprayDays California). If additional changes are necessary, DPR will adopt the changes pursuant to the Administrative Procedure Act (APA).</i></p>	A2091-A3091, 84, 85, 86
36C	As DPR has heard repeatedly from residents of OUR 4 communities that have hosted notification pilots in 2022 - the proposed notice is INSUFFICIENT. It does NOT provide ENOUGH INFORMATION that would enable our community residents to take the steps to protect themselves	86

	<p>and their families, as well as their own crops, pets, livestock, wells, groundwater, and so many more affected things by spraying.</p> <p><i>DPR appreciates the engagement of stakeholders on this system and considered all comments and input received. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. However, SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
37C	<p>The notice should include information about proven toxicity to humans, pets, and wildlife.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, in response to comments, DPR amended 3 CCR section 6434(g) to clarify its intent to provide the active ingredient(s) and the pesticide product name(s) of pesticides intended to be applied. This information, in addition to the pesticide product registration number(s), can be used to look up additional information about the particular pesticide product intended to be applied. Additionally, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a</i></p>	120

	<p><i>“Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
38C	<p>Each pesticide should be named and the duration of toxic effects in the environment should be specified.</p> <p><i>See response to comment no. 5C regarding the pesticide product name. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	120
39C	<p>Field workers and those in rural or agricultural towns should be given the basic courtesy of knowing exactly when and where pesticides or fertilizers are going to be used in their area. That way, they have some modicum of control and can avoid the outdoors are key times, thereby minimizing the negative health effects of breathing in these noxious chemicals.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 2C regarding when a pesticide will be applied. See responses to</i></p>	140

	<i>comment nos. 23C and 1D regarding where pesticides are applied. Fertilizers are not within DPR's jurisdiction and therefore outside the scope of this regulatory action.</i>	
40C	<p>This proposed regulation as currently drafted would result in large amounts of inaccurate information being shared globally. We are concerned that this regulation could put vineyard employees at risk if members of the public try to stop applications of crop protection materials. It is essential that this regulation include some basic disclaimers within the notification system. We recommend the following:</p> <p>"(h) Information provided to the public under subsection (g) would include the following disclaimers:</p> <p>(1) Application of these products when applied according to the approved label is legal and approved by the Department. When used per manufacturer instructions, the products are deemed to be safe for their intended use.</p> <p>(2) This notification system is solely for the purpose of sharing information with those near an application. This reporting system can in no way be construed to demonstrate exposure to an application or as a reliable database of applications.</p> <p>(3) Trespassers at sites of applications may be subject to arrest and criminal prosecution...."</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The regulatory action is intended to increase the transparency of intended restricted material applications in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. Making already public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect vineyard employee's safety or property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications.</i></p> <p><i>The "disclaimers" exceed the scope of this regulatory action, which is to make specific NOI information for restricted material applications for the production of an agricultural commodity available in a more timely, accessible and equitable manner. However, the pesticide notification system (SprayDays California) will expressly state that the pesticide applications are "intended" or "planned" applications and that they may not occur on the intended date or even at all. It will also include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI</i></p>	41

	<p><i>information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
41C	<p>Winegrape growers are extremely cautious in how they apply pesticides, taking every step available to protect against drift and other potential problems. This means that real-time conditions often necessitate the delay of an application. When weather conditions and circumstances change on a daily basis, a grower may need to report daily for a few days on the intent to apply a pesticide until the day the pesticide is actually applied. To the public, this could be reasonably misunderstood to infer that the pesticide was applied on each of those days.</p> <p>We ask that the regulation be amended as follows:</p> <p><u>(e) To confirm whether an application occurred, for any report received under subsection (d), the Department shall send an e-mail to the reporting party asking YES or NO on whether the application reported under subsection (d) occurred.</u></p> <p><u>(g) By [DATE], the Department shall provide to the public the information outlined in subsection (d) for intended applications of restricted materials that are reported to the Department under subsection (d). The Department shall provide this information to the public upon receipt, but at least 24 hours prior to the date and time an application of a non-soil fumigant is intended to commence and at least 48 hours prior to the date and time a soil fumigation is intended to commence, or as soon as practicable. For any application that is not confirmed under subsection (e), the Department shall update the information previously provided to the public in whatever form the public received that information to assure the accuracy of the information the public is receiving.</u></p> <p><i>See response to comment no. 17C.</i></p>	41
42C	<p>The notification process should include analysis of wind direction at time or proposed time of application to ensure communities downwind from application site are informed ahead of application of pesticide so they can properly plan to protect themselves.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to</i></p>	100

	<p><i>increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. The “analysis of wind direction at time or proposed time of application” of pesticide to be applied is not currently required to be submitted on an NOI. Accordingly, this exceeds the scope of this regulatory action.</i></p> <p><i>However, CACs analyze environmental conditions, including wind direction at the proposed time of the application, when determining whether to approve or deny an NOI. Additionally, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
43C	<p>DPR wants to be more transparent in their handling of the application process, but these new regulations say otherwise. To submit the application, the applicant must provide 10 or 15 items of information.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner.</i></p>	T14
44C	<p>The system needs to provide information that is specific as to the application size. This information cannot be confidential.</p>	T60

	<p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements. The “application size” is not currently required to be submitted on an NOI. Accordingly, this exceeds the scope of this regulatory action. However, under proposed 3 CCR section 6434(g), DPR is required to provide the “approximate acres or other units to be treated” for intended applications that are reported to DPR under subsections 6434(d) and (e)(1). This information, in conjunction with the application method, which independently provides information of interest, could provide context for the potential duration and scale of the application.</i></p>	
45C	<p>We support a thorough notification system that’s time specific.</p> <p><i>DPR acknowledges this comment.</i></p> <p><i>See responses to comment nos. 2C, 21C, and 2D regarding timing specificity.</i></p>	T39
46C	<p>When we talk about “We don’t know what was sprayed on the field,” there is something called ‘application-specific information display’ which should be available to farmworkers on request, on a board, or in a binder. When doing a spray application, the label should be available at-site from what I understand.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking.</i></p>	T31
47C	<p>I heard the NOI doesn’t require a site ID and I’m pretty sure it does.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking.</i></p> <p><i>See response to comment no. 1D regarding specific field location of pesticide applications.</i></p>	T31

Providing Information to the Public

No.	Comment/Response	Commenter(s)
1K	<p>We request the proposed regulation be amended to limit access to notification to individuals within a 1-mile vicinity of the application. This can be achieved through address verification, single address submission by users, or other electronic means. We disagree that there is a public benefit to advance notice of pesticide applications for residents or individuals outside of the 1-mile radius of an application. Based on usage statistics provided for the DPR-initiated Riverside County pilot, only one community resident visited the notification website, whereas 1,777 visits came from outside the community area. The Monterey County pilot initiated in 2016 had similar outcomes. In this case, a majority of the users in this system (56%) were located outside of California. The remaining 2,100 users had I.P. addresses originating from the following top four counties: San Francisco, Monterey, Sacramento, and Santa Cruz. These pilots substantiate that notification to relevant residents best facilitates the Department’s intent to create a public right to know system, rather than irrelevant information sharing amongst unimpacted parties that may have other agendas.</p> <p><i>This regulatory action is intended to make select NOI information that is already public information and already required to be submitted to the local CAC, publicly available in a more equitable, accessible and more timely manner. As stated in the ISOR, currently, the public lacks regular, readily available, and ongoing information about upcoming restricted material applications before they occur, in part because, government agencies have ten days to respond to Public Records Act requests for information. Limiting access to the select NOI information this regulatory action will require DPR to provide to the public to individuals within a one-square mile vicinity of the intended application does not meet the intent of the regulation, which is to provide equitable, accessible and timely public access to information about intended restricted material applications for the production of an agricultural commodity. Moreover, DPR understands that there is public interest in receiving information about intended pesticide applications from individuals who do not live within one-square mile of an intended application (e.g. individuals have expressed a desire to know about intended applications near their school and/or work, which may be more than one-square mile from where they live).</i></p>	1
2K	<p>We generally support the use of CalAgPermits.org for the submission of NOI information to the appropriate CAC and to DPR as an efficient way to provide the information to the community.</p> <p><i>DPR acknowledges this comment.</i></p>	9

3K	<p>The notification needs to be public, not requiring personal contact information so that it is accessible to all community members including undocumented people.</p> <p><i>Proposed 3 CCR section 6434(g) requires DPR to provide the select NOI information it receives pursuant to section 6434(d) and (e)(1) to the public. The word “public” has the legal definition of “public” from Black’s Law Dictionary, and is defined as “the people of a country or a community as a whole” and/or as “open or available for all to use.” The pesticide notification system (SprayDays California) is the web-based statewide electronic notification system that will make select information about restricted material applications for the production of an agricultural commodity publicly available. SprayDays California will include a web-based map that will allow the public to anonymously search and zoom in on locations of interest throughout California, without providing any personal contact information, to see information about intended restricted material applications for the production of an agricultural commodity.</i></p>	34, 161, 194, 207, 213, 269, 315, 322, 325, 359, 393, 403, 454, 480, 503
4K	<p>Public notification must be guaranteed to be only available for those potentially impacted by the application. During the pilot program a high percentage of those allowed to sign up were not in the applicable areas, with many in other regions of the state or not even located in California. It is critically important that DPR screen all addresses and validate who can access and use the information.</p> <p><i>See response to comment no. 1K.</i></p>	36, T13
5K	<p>We are very concerned that the regulation could create a notification system that goes beyond notifying neighbors of our vineyards or those who may pass through the vineyard area and instead provides a notice globally. There is a much easier way of achieving the purpose of the regulation.</p> <p><i>See response to comment no. 1K.</i></p>	41
6K	<p>Every year my city’s parks department sprays roundup weed killer around our community park and lake. Because the chemical cannot be seen, just minutes after application children and dogs are playing or walking through these treated areas. The cancers caused by such chemicals may not appear for years. But science tells us that exposure to these chemicals does cause cancers. Yes! It must be posted at the locations where chemicals are sprayed.</p>	81

	<p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. DPR has a robust pesticide regulatory program that is designed to protect public health and the environment while providing for safe, legal pesticide applications. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for applications for the production of an agricultural commodity that is already public information and already required to be submitted to the local CAC, publicly available in a more equitable, accessible and timely manner. This regulatory action builds upon the existing restricted material permitting and NOI requirements.</i></p>	
7K	<p>Page 5 of the Notice of Proposed Regulatory Action states that the proposed regulations will benefit the public by providing equitable and routine access to information about intended agricultural commodity restricted material applications around homes, places of work, schools, and other areas of interest. It also states that certain stakeholder groups and members of the public have stated that advance information about intended agricultural commodity restricted material applications will afford them an opportunity to voluntarily take additional precautions to avoid potential exposure, such as closing windows and bringing in or cleaning children’s outdoor toys, if they desire, which could indirectly lead to human health benefits.</p> <p>Unfortunately, this proposed regulation goes far beyond DPR's stated intent. For example, the public notification provided by this regulation is not limited to those in or at "homes, places of work, schools, and other areas of interest." We ask that the proposed regulation be amended as follows:</p> <p><u>(h) Information provided to the public under subsection (g) would be provided directly to those near the site of the application in their vicinity. This notification could be through e-mail, text, or both. The information could also be provided on a website to third parties who certify that they are inquiring on behalf of someone at the address they provided on the website and a person at that address has authorized a third person to make an inquiry on their behalf.</u></p> <p>(i) The Department shall evaluate its system and process of providing...</p> <p>Under the proposed regulation, anyone can access this information for an unlimited number of locations and for any purposes whatsoever. That information (which would be inaccurate if not discussed above) could be mischaracterize to overstate the use of pesticides.</p>	41

	<p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. The proposed regulation is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI to the local CAC and that is already public information, publicly available in a more timely, accessible and equitable manner. Currently, the public lacks regular, readily available, and ongoing information about upcoming restricted material applications before they occur. Limiting access to the select NOI information to individuals "near the site" of the intended application does not meet the intent of the regulation, which is to provide equitable, accessible and timely public access to information about intended restricted material applications for the production of an agricultural commodity.</i></p>	
8K	<p>We have rural communities like Parlier, Raisin City, that are in the center of fields. Are those school districts being notified?</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. DPR regulates pesticide use near schools (3 CCR sections 6690-6692), including requiring that property operators provide annual notice of any pesticide expected to be applied during the upcoming year (July 1 to June 30) to any schoolsite within ¼ mile of the application site. The pesticide notification system (SprayDays California) will allow the public, including school district representatives or others, to sign up to receive an email or text message notification of any intended restricted material application for the production of an agricultural commodity that is occurring within the one-square mile section and adjacent sections of a designated address, such as the address of a school. SprayDays California will also include a web-based map that will allow the public, including any school district, to anonymously search and zoom in on locations of interest throughout California to see information about intended restricted material applications for the production of an agricultural commodity in particular one-square mile sections of interest. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	T21
9K	<p>Notify everybody that will be affected. Not only the workers, the farmers, the growers, but also the surrounding community where there is a school district or where there are residents living in the area.</p>	T21

	<i>DPR acknowledges this comment. Proposed 3 CCR section 6434(g) requires the Department to provide the select NOI information it receives to the public. Also, see response to comment no. 8K.</i>	
10K	<p>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.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. Also, see response to comment no. 1K.</i></p> <p><i>The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i></p>	7

Location

No.	Comment/Response	Commenter(s)
1D	CACs already know the exact locations of restricted material pesticide applications in advance; this information should not be withheld from the public. We know of no other public health alert system that deliberately excludes known location information. DPR has stated that the exact location cannot be provided because this information is not standardized in the NOI, the forms that growers are required to submit to the CAC prior to use of a Restricted Material pesticide. DPR has the authority to standardize this information during the rulemaking. Indeed, DPR will be adding the new requirement that growers submit their NOIs online. This is the time to amend those online NOIs to include the same location information as is already included in the permits to which the NOIs refer. If DPR will not standardize location information, they should commit to publishing the location	8, 13, 43, 141, 249, 283, 293, 355, 384, 420, 461, 472, 489, T61, T75, T76, T83

	<p>information in whatever nonstandardized format is provided, or to publishing the permits along with the NOIs.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, The pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. This regulatory action is building upon the existing restricted material permitting and NOI requirements. The specific field location is currently not submitted in a standardized format on NOIs. Rather, the specific field location is identified usually in the Site ID and/or the Location fields on an NOI and is identified using unique grower-specific and grower-determined nomenclature that may refer to a separate map submitted with the restricted material permit application in a non-standardized and not readily electronically publishable format. Standardizing the format for identifying specific field location on an NOI would go beyond the scope of this regulatory action, which is to increase the transparency of restricted material applications in California building off the existing restricted material permit process, as it would require substantial revisions to the existing restricted material permitting and NOI processes to incorporate Geographic Information System (GIS) mapping or some other standardized location identification system. Additionally, providing the non-standardized location information currently submitted on an NOI would be of limited value as it would not identify the location in a discernable manner.</i></p>	
2D	<p>It must inform communities of the specific field location of pesticide applications, including the street address, as well the specific day and time of application, so that proper precautions can be taken to prevent exposure. That includes helping farmworkers know when and where to wear protective gear, and informing schools so they can change school routines such as outdoor recesses and let families know of students' risk of exposure on any particular day.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process</i></p>	2, 3, 40

	<p><i>and is intended to make select NOI information about restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. Under existing regulations, DPR regulates pesticide use near schools and worker protection (see 3 CCR sections 6690-6692 and 6700-6795). See response to comment no. 1D regarding specific field location of pesticide applications and response to comment no. 2C regarding application timing.</i></p>	
3D	<p>We shared our concerns regarding the possibility of a notification leading to an unintended identification of the site-specific location of an application. Such site-specific information may lead to the potential harm of an operator and/or their employees, violation of their privacy, or trespass upon their private property or businesses. Therefore, it is our sincere hope that the one-square mile area where the application is intended is maintained so as to protect the safety of operators, their employees, and even concerned citizens who may feel motivated to inspect applications firsthand.</p> <p><i>DPR acknowledges this comment. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. Making public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect property operators' safety or ability to make, or the timing of, lawful pesticide applications. The regulation does not require the grower's name, contact information, or other identifying information to be made publicly available. Moreover, the pesticide notification system (SprayDays California) will inform the public to avoid approaching any pesticide application or other agricultural operations for their safety and the safety of others.</i></p>	6
4D	<p>One key component that will be shared with the Commissioner's office is the location of an application. It is extremely important that when this information is released to the public that it is shared as an approximate location. We have documented situations in neighboring states where applications have been disrupted by protestors or others with the intent to prevent the pesticide application from taking place. This creates safety concerns for both the applicator, who may feel</p>	10

	<p>threatened, and any protesters who are intentionally in a place where they could be inadvertently exposed to pesticides during an application. A general area description that does not identify a specific farmer or field could provide the necessary information while protecting the specific location from potential interference.</p> <p><i>See response to comment no. 3D.</i></p>	
5D	<p>Notifications must include the exact location of the pesticide applications. The proposed notification of one-square mile sections is inadequate. It must be by the field location. DPR has stated that the exact location cannot be provided because this information is not standardized in the NOI submitted by farmers to county agricultural commissioners. DPR must standardize this information, requiring the same location information already included in the permits referenced by the NOI. As DPR will be requiring NOIs to be submitted online, the exact location information will be readily accessible by the notification system. The primary goal of the notification system is to allow community members to protect their health and that cannot be done without the exact location of the pesticide application. Requiring users to enter an address to view upcoming applications within a one-square mile section is unacceptable. It is restrictive and is not transparent.</p> <p><i>See response to comment no. 1D.</i></p>	11
6D	<p>We are united in call for the proposal to be amended to include the exact location of applications of restricted material pesticides. Despite extensive feedback from environmental justice stakeholders, this draft does not provide the exact location of planned pesticide applications, only the Public Land Survey (PLS) one-square mile section. As DPR has heard repeatedly from residents of four communities that hosted notification pilots in 2022, this type of notice is insufficient. It does not provide the information that would enable community residents to take steps to protect themselves and their families. Residents of the pilot communities reported receiving so many notices that they either ignored the notifications or became too afraid to leave the house. People understand that the closer they are to a pesticide application, the higher the risk of harm. They are justifiably even more concerned about pesticide drift from the field next door than from a field a mile across town. Residents of agricultural communities, especially pregnant women, also want to know the exact location in order to avoid application sites. The applications may be many miles away, but could be near or on the route to work or school or a favorite family park. If all the public knows is the PLS section, they simply do not have enough information to take appropriate safety precautions.</p>	13, A2091- A3091, 84, 85

	<i>See response to comment no. 1D.</i>	
7D	<p>We want the exact location (e.g., field location, precise location, accurate location, detailed application location, where exactly pesticide applications will occur, specific location) of the pesticide application.</p> <p><i>See response to comment no. 1D.</i></p>	A2091-A9001, 5, 15, 20, 26, 32, 38, 61, 84- 92, 94, 98-127, 129-131, 133- 136, 138-140, 142-149, 157, 160-162, 164, 168, 170, 175, 177, 179, 180, 185, 191-194, 196, 199, 200, 204, 207, 209, 210, 213, 215, 220, 224, 225, 227, 231, 235, 237, 240, 241, 244, 245, 248, 250, 252, 257, 261, 262, 263, 265, 267, 269, 270, 272, 274, 275, 278, 280- 282, 284, 289, 295, 300, 309, 310, 314-316, 318, 320, 322, 323, 325, 327, 330, 335, 338, 340, 347, 349, 353, 354, 356, 357, 359, 362,

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8D	The notification does not include the exact or field location of the application. By far the biggest issue in the farmworker communities where we work is the lack of specificity about just where the pesticides will be applied. We know you have received more comments about “exact location” than any other topic during the planning process. People know, backed by scientific research, that the closer one is to a pesticide application, the higher the risk of harm. There are exceptions, of course, but most of the time an application across the street is more of a concern than one a mile away. The proposed notification system does not differentiate such distances, given its most granular level is the	14

	<p>one-mile square Public Land Survey Section. Up to this point, the only explanation we’ve received from DPR as to why the system will not be set up for exact location is that location is not “standardized” in the State. Yet, DPR is standardizing, indeed, the electronic submission of Notices of Intent (NOI) through this regulation. We ask you to take the next step and standardize the exact location in the digital NOI form. If that can’t be done immediately, then we ask that you include the “unstandardized” language in the “location” box of the NOI form, which includes “the site ID number, the address of the site, or some other location description.”</p> <p><i>See response to comment no. 1D.</i></p>	
9D	<p>DPR should give the public the exact location (accurate location, specific location, precise location, specific information on application sites) of planned pesticide applications, so communities (people, we, my family, teachers, children, friends, acquaintances, colleagues, residents, Californians) can protect themselves (protect ourselves, protect my family, protect communities, protect friends, protect asthmatic children, protect children, protect young children, farmworkers, protect loved ones, protect children sick with illnesses,) from pesticide exposure (take precautions, avoid areas and take sensible steps to avoid exposure, take protective measures, be more cautious if spraying is close nearby, to mitigate potential health effects from pesticides, exercise caution, to prevent exposure and take effective safety measures, be more cautious if fumigation is nearby, teachers can decide whether they let the children go out to play, take actions such as closing windows, and bringing in clothes drying outside, make informed decisions about spending time outdoors, routes to take to work or school, keep kids indoors, etc., avoid sites, take proactive measures) .</p> <p><i>See response to comment no. 1D.</i></p>	<p>A1-A2090, 16, 23, 28, 34, 37, 46-57, 59, 62-66, 68-76, 78, 80-84, 86, 92, 93, 97, 112, 138, 144, 153, 154-156, 158, 159, 163, 165, 167, 169, 171, 173, 176, 178, 182, 183, 186, 188, 190, 195, 198, 201, 203, 206, 211, 216, 218, 221, 223, 226, 228-230, 234, 238, 247, 251, 254-256, 258, 260, 268, 271, 276, 277, 285, 287, 290, 291, 292, 296-298, 301, 304-</p>

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		T81-T85, T87-T89, T93
10D	<p>Locations of application must be explicit and easy to interpret. This is best done by maps or aerial photos, which are recommended in method of site description, but not mandated.</p> <p><i>Under existing 3 CCR section 6432, an aerial photo or map identifying the application site may be submitted as part of the restricted material permit. However, aerial photos or maps are not submitted with the NOI. When an aerial photo or map is submitted with a restricted material permit application, they are not submitted in a standardized format throughout California. The intent of this regulatory action is to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. This regulatory action builds upon the existing restricted material permitting and NOI requirements. Since an aerial photo or map is not currently required to be submitted with an NOI, requiring an aerial photo to be submitted with an NOI is outside the scope of this proposed rulemaking action.</i></p> <p><i>However, the pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section.</i></p>	18
11D	<p>The current area planned notification of one-square mile is not so large that anyone could observe and locate spray activity. The unintended consequences of interference are great and real for rural areas. Whether theft of chemicals being applied, or supervisor and applicators being harmed during night shift applications. Exact locations will require additional personal protection night safety measures for hired applicators, farmers, and farm workers, as well as their respective families living on the farm.</p> <p><i>See response to comment no. 3D.</i></p>	21
12D	<p>We, the undersigned California residents, call on you to create a fully transparent pesticide notification system where upcoming pesticide application information is available to all, including the exact location of the application site.</p> <p><i>See response to comment no. 1D regarding including the exact location of the application site. See responses to comment nos. 1K and 3K regarding making information available to all.</i></p>	27, 189, 294, 531

13D	<p>It's only common sense and in fairness to the population to let us know where and when we need to avoid the areas that are being sprayed with pesticides. We all know, and it has been proven for years, that these sprays are carcinogenic and unsafe to animals and humans. Not only do we need to know where it is being done around schools and neighborhoods, we need to know anytime and anyplace because we take walks and we spent time in other areas and we need to know specifically where and when it is occurring. Then we can take our own measures to avoid them. To not allow this notice to be mandatory is only to give into big business and big money. Please do the right thing and let the people know so we can take our own precautions.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location. See response to comment no. 9K regarding schools. See response to comment no. 2C regarding timing.</i></p>	42
14D	<p>It is essential that the EXACT location of the applications of restricted pesticides be available on a public and fully transparent website using visual representations on maps of the state with the ability to zoom. As you know pesticides (and fumigants) drift hence the proposed size of notification is inadequate– the notifications are not only for agricultural workers but also for communities, families, health care providers and schools so steps can be taken to avoid exposures. CACs already know the exact locations of restricted material pesticide applications in advance and this information must be made public to be useful to protect the public's health.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the</i></p>	43

	<p><i>restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location.</i></p> <p><i>The remainder of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. However, SprayDays California will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i></p>	
15D	<p>Location of application, ahead of time (using addresses, maps, aerial photos and other formats that will help to easily pinpoint the application location).</p> <p><i>The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. See response to comment no. 1D regarding exact location of the application and response to comment no. 10D regarding maps and aerial photos. See response to comment no. 2C regarding timing.</i></p>	31, 44, T27, T41
16D	<p>It is essential that the exact location of pesticide applications be available online. The current plan lacks this detail, and we propose incorporating technologies such as ArcGIS, GPS, and geolocation to pinpoint the precise location (e.g., explore the capabilities of Google Maps, including features like latitude and longitude) within a one-mile square. This information is vital for our communities to take necessary precautions and avoid areas with pesticide applications.</p>	45

	<p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location.</i></p> <p><i>The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i></p>	
17D	<p>A notification system of restricted materials should include at least a two-mile radius of our community: the school, church, businesses.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest, such as a school, church or business, throughout California to see information about any intended applications to the level of a one-square mile section. This will include allowing the public to view applications occurring within two-square miles of a location of interest. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest, such as a school, church or business, so a person could receive notifications for intended applications occurring in the</i></p>	T29

	<i>one-square mile section the address is located and all adjacent one-square mile sections. See response to comment no. 1D regarding exact location of the application.</i>	
18D	<p>The state has suggested that they want to protect the privacy of the farmer, and so they don't want to give exact location. Privacy is nice. But then if that farmer is doing something, putting a toxin out into the community's airspace and polluting the environment, we're all downwind, downstream, downgrade from some other people. And so those pesticides will have a dramatic local effect, but they'll move off-site, either through the soil, water, or the air. And so these farmers that are using these highly hazardous materials, are contaminating their neighbor's airspace, their water, their soil. And so we need to have specific information, if only hold these people accountable for being too lazy to look at the natural methods of controlling the pests. So I encourage the state to have specific location for NOIs, for the Notice of Intent.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking.</i></p>	T40
19D	<p>There is no acceptable reason to hide this critical information (exact location) and it should be shared in a timely manner, to accomplish the goal of informing the public in time to react.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI publicly available in a more equitable, accessible and timely manner. While individuals may use the notification information to decide whether to take additional precautions that</i></p>	145

	<p><i>they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p> <p><i>See response to comment no. 1D regarding exact location and response to comment no. 5A regarding notification timing.</i></p>	
20D	<p>This coalition does not support the actual site of the application, applicator, and grower information in a notification, and rather, supports the draft regulation’s proposal to only include information that an application is occurring within a 1-mile radius. Farmers and applicators who would be subject to notification are reasonably concerned that farm-specific or applicator-specific information will be utilized by activists to motivate protest events, on-farm trespass, provide personally identifying information to the public or encourage significant appeals of NOIs. If DPR cannot scientifically validate what health protective behavior should result following notification, and if there is no difference in health impacts between an immediate neighbor and an individual one mile away, then the risk to the aforementioned parties from identifying the site of application is too great. Therefore, we encourage the regulations to specify that notification shall not include site or farm/applicator specific information.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. This regulatory action builds upon the existing restricted material permitting and NOI requirements. The regulation does not require making the grower, farm or applicator’s contact information public. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	1
21D	<p>I am concerned about the privacy implications of publicly disclosing the locations and timings of pesticide applications. It may lead to unwarranted scrutiny of agricultural practices and could compromise the privacy of individuals and businesses. Many farmers and farm workers live and work on these farms and sharing their home locations with the public infringes on their privacy rights. Providing specific locations would encourage abuses of the notification system, such as targeting of individual growers by anti-pesticide organizations, trespassing on grower property, protests and other means of delaying or preventing legal pesticide applications. Robust privacy</p>	29, T31

	<p>safeguards must be implemented to protect the interests of all stakeholders involved. There are people who could take advantage of the information that I'm going to be along in the middle of field spraying at 3 a.m. If something does happen to someone, who's going to be the one that's liable?</p> <p><i>This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. Making public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. The pesticide notification system (SprayDays California) will inform the public to avoid approaching any pesticide application or other agricultural operations for their safety and the safety of others. See response to comment no. 2C regarding the timing of pesticide applications and response to comment no. 3D regarding the location of pesticide applications.</i></p>	
22D	<p>The progress is meaningless if we don't know exactly where the chemicals are going to be applied. I want to urge that exact address be included and that the area be larger than one mile. Many people travel more than one mile through these areas, whether they're workers, teachers, health professionals, people in clinics need to know where things are being applied.</p> <p><i>See response to comment no. 1D regarding exact location and response to comment no. 17D regarding a larger area than one-square mile.</i></p>	T72
23D	<p>It should be that it's a wider area that information is given, not just to a mile, because we have to consider what happens downwind and people traveling.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. This will allow the public to view applications occurring within an area wider than one-square mile. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different</i></p>	T74

	<i>addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i>	
24D	<p>I'm glad that the plan you have shown us in the past years to include a zoom-in California map, accessible to anybody who can get on the internet, where people can check on pesticide application in any part of the state. It is crushing and deflating that the plan is only to zoom into a one-mile square level. We won't be able to tell if the pesticide application is planned across the street or a mile away across town.</p> <p><i>DPR acknowledges this comment. See response to comment no. 1D.</i></p>	T75
25D	<p>I have some concerns about community safety with the proposed regulation that's currently written. I think this essential information is all included in the standardized Cal Ag Permits form, but most of that information that's important both to public and to medical providers is excluded. The locations of pesticides must be explicit. They must be really easy to interpret, so using maps, using aerial photos.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. See response to comment no. 1D regarding location of the application and response to comment no. 10D regarding maps and aerial photos.</i></p>	T80
26D	<p>It is essential that the EXACT location of the applications of restricted pesticides be available on a public and fully transparent website using visual representations on maps of the state with the ability to zoom. As you know pesticides (and fumigants) drift hence the proposed size of notification is inadequate– the notifications are not only for agricultural workers but also for communities, families, health care providers and schools so steps can be taken to avoid exposures.</p>	8

	<i>See response to comment no. 1D.</i>	
27D	<p>The current draft won't provide the exact locations of any pesticide applications, instead offering only a square-mile range (an area of 640 acres). Californians want to know what's planned for the field across the street and at least for at least 2 miles around.</p> <p><i>See responses to comment nos. 17D and 23D regarding information about applications at least two miles around. See response to comment no. 1D regarding exact location.</i></p>	60
28D	<p>I also urge DPR to disclose the exact locations where pesticides will be applied so Californians can better avoid those areas and take sensible steps to avoid exposure. This should be easier than ever with GPS in ag equipment and phones. The current draft won't provide the exact locations of any pesticide applications, instead offering only a square-mile range (an area of 640 acres). Californians want to know what's planned for the field across the street — not a mile across town. And please make sure that the information is constantly available on an app. Just as Proposition 65 labeling is right on the product.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. These proposed regulations build upon the existing restricted material permit and NOI processes. Currently, there isn't a process for requiring a GPS on application equipment. Accordingly, this portion of the comment is outside the scope of this regulatory action.</i></p> <p><i>The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California will have a mobile format so that the information will be accessible on a smartphone. See response to comment no. 1D regarding exact location.</i></p>	69
29D	DPR's proposal will not provide the exact location of planned pesticide applications, instead giving only the 1x1 square mile "section"—even though the exact field location is known to county officials in advance.	A3092-A4691, 87-91, 94

	<p>This has been shown to be inadequate in four small pilot notification projects last year. In those pilots, DPR received unanimous feedback: Without exact location, these notifications do not provide the information people need to protect themselves.</p> <p><i>See response to comment no. 1D.</i></p>	
30D	<p>Without exact location, these notifications do not provide the information people need to protect themselves. In my personal experience dealing with the regulation of landscape pesticides within large metropolitan areas, research has shown</p> <ol style="list-style-type: none"> 1) Many residents have been physiologically harmed from drift originating only 3 or 4 houses away (these smaller distances illustrate how truly inadequate the 1 mile dimensions are (and are even more inadequate if measurements are made on the diagonal) 2) The location of drinking water wells is also often unknown, and/or even mapped with GPS coordinates and therefore this shockingly vague approach of "somewhere in this square mile a pesticide application will take place" - guess where!! utterly fails to provide anything like protection 3) Pesticide residues frequently adhere to soil particles and are often documented to be moved far offsite by wind and surface water movements (distances that are in some cases many miles). 4) Pesticide residues that get into groundwater often last for years due to the fact they receive no exposure to sun and other weathering agents, and so last a great deal longer than expected and are then able to travel long distances underground via rock fissures in a cumulative fashion, each year a little farther, resulting in additive exposures (such as drinking water, direct skin contact, inhalation, etc., to people, livestock, conventional crops AND organic crops -- all receiving multiple pesticide exposures via these different routes, at different times of year, sometimes even in concentrated pulses. <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate</i></p>	89

	<i>potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. Also, see response to comment no. 1D.</i>	
31D	<p>A 1 mi. sq. area is too big. The area should be smaller, so people can reasonably pay attention to the danger represented by high concentrations of pesticides. Please help protect the next generation of Californians. You should want to do this because less birth defects and learning disabilities in the population are a goal you should focus on. The regulation should be made stronger and more actionable.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. See response to comment no. 1D.</i></p>	133
32D	<p>A series of pilot notification projects in 2022 confirmed that it is difficult for citizens to take steps to prevent exposure to pesticides without an exact location for planned applications. Your Department received extensive feedback from the pilots calling for detailed location information, but has refused to standardize this information so that it can be provided to the public. The regulatory process is the perfect opportunity to standardize detailed pesticide application information. There is no sound justification for designing a public health notification system that deliberately fails to disclose appropriate details. I ask you to revise the regulation to include the exact location of all pesticide applications included in the system.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D.</i></p>	A5081-A9001, 84, 104-115, 117, 119-136, 137, 139, 140, 142-149

33D	<p>For four years, community members have been asking for a system that includes accurate field location information. I am dismayed that after so many years of collecting public comments, with almost everyone requesting this information, the CDPR still does not include accurate field information, even though the county agricultural commissioners have it, and even though we can obtain this information after the fact through public records law requests.</p> <p>I'm surprised DPR is even thinking about hiding information about the exact location. What type of warning system does not give precise details? Any other environmental alert (fire, smoke, etc.) indicates the exact place of danger! You don't know what it's like to live near fields where you know very dangerous pesticides are being applied nearby, but you don't know what or when they are applied. The system proposed by CDPR could be very positive for community health, but as we saw with the pilot projects, receiving countless messages covering an entire square mile area can be overwhelming and disempowers communities. We need exact locations so we can take appropriate measures to keep ourselves safe.</p> <p><i>DPR appreciates the feedback and engagement in developing this proposed regulatory action. DPR incorporated numerous suggestions from the public in developing this regulatory action and the pesticide notification system (SprayDays California), such as creating a web-based map that will allow for anonymous searches, in addition to text message and email notification; providing general information about how pesticides are regulated and evaluated and, specifically, how restricted materials are regulated; making information available in English and Spanish; and including the pesticide product name(s), chemical name(s), and application method.</i></p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, SprayDays California is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location.</i></p>	299, 513, 525
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34D	<p>General location information can be confusing or of little use making it difficult to take precautions. We need exact locations.</p> <p><i>See response to comment no. 1D.</i></p>	166, 172, 208, 214, 242, 266, 341, 368, 407, 433, 440, 456
35D	<p>General location information can overwhelm us with too many notifications, making it difficult to know which warnings to respond to. Make sure the system identifies the exact locations of the field, so we know when it will help our family take safety measures.</p> <p><i>See response to comment no. 1D.</i></p>	181, 212, 217, 264, 313, 329, 343, 372, 406, 431, 455, 458, 520, 524
36D	<p>I also recognize that without location a notification system is of little help. I want to express my concern about this issue and request that you include it, or at least commit to including it, after implementing the system.</p> <p><i>Please see response to comment no. 1D regarding exact location. As stated in the General Response above, under proposed section 6434(h), DPR is annually required to obtain feedback on its system and process for making information about intended restricted material applications publicly available from the DPR's EJAC and the State Board of Food and Agriculture, and through a public comment period. DPR also is required to issue a report, following public comment, on its system and process for making select NOI information publicly available three years after the pesticide notification system (SprayDays California) goes into effect. Through this requirement, DPR is committed to continuing to review and improve its system and process as appropriate to address public feedback on the system.</i></p>	232, 239, 243, 253, 333, 336, 374, 409
37D	<p>I am concerned that it will not provide the exact location of applications. There are pesticides that drift over great distances and having the location will help in case someone is affected.</p> <p><i>See response to comment no. 1D.</i></p>	236, 259, 273, 361, 369, 399, 416, 476
38D	<p>I want to take the time and comment that you are doing something that can benefit the community. But I still don't understand how \$10 million dollars to develop a system is not enough to include the place where they are going to apply a dangerous pesticide. I've heard a rumor that if they give the location, people will interrupt the applications and I thought it was a bad joke but I realized it wasn't. It is not a joke. You seriously used that pretext to not give or include locations in your notification system. Well, look how unfortunate it is that you think that. Our community does not have time to go interrupt</p>	151

	<p>applications... our interest is to take care of the health of our family. For this reason, I join the other voices that ask for exact location in the notification system. You can do this. You should.</p> <p><i>See response to comment no. 1D.</i></p>	
39D	<p>I was crushed to see that your plan does not tell us where the pesticide application will actually happen. The whole point, I thought, was to make it possible for the public to be aware of application sites, so we could avoid them to protect our health. Your current plan only gives us 1-mile regions. In the Salinas Valley, where I lived for 30 years, I can imagine there will be many days when dozens of 1-mile squares are "lit up" with applications. What are we to do? Just leave the whole region? The closer we are pesticides, the more dangerous it usually is. Please let us know how close we are by listing the exact location of pesticide applications.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D.</i></p>	303
40D	<p>Include the exact location of pesticide applications to know their proximity to our homes and schools.</p> <p><i>The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest, such as a home or school, throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest, such as a home or school, so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. See response to comment no. 1D regarding exact location.</i></p>	487

41D	<p>The lack of exact locations of pesticide applications is alarming. Last year's pilot projects in different counties revealed that without locations, there is little point in receiving a notification. We want an effective system. I urge that the exact location of pesticide applications be included in the regulation.</p> <p><i>See response to comment no. 1D.</i></p>	174, 184, 187, 197, 202, 205, 219, 222, 233, 246, 279, 286, 288, 321, 324, 328, 352, 375, 382, 388, 389, 423, 436
42D	<p>The pilot projects told us that communities want the exact location of pesticide applications in a notification system. Thousands of public comments, and more than 99% of them, I believe called for the exact location of pesticide applications in a notification system. The only reason you appear to give as to why your plan does NOT include the exact location of pesticide applications in a notification system, is that the location is not standardized out of the NOIs. So, standardize it! You are standardizing the submission of NOIs by requiring they be made online. Add a space for field address on the online submission form. C'mon \$10 million for this program and you're going to waste it by not providing information to which you have access and which the public wants more than anything else? All evidence tells us this system will fail without exact location.</p> <p><i>Throughout the development of this regulatory action and in response to comments on the proposed regulatory text, DPR received input from various stakeholders. As outlined in the UC Davis Workshop Summary Report, while DPR received many comments requesting exact location of an intended pesticide application, DPR also received comments expressing concerns regarding making the exact location of a pesticide application public. (UC Davis, June 2022.) DPR considered all comments and input received. Standardizing the format for identifying specific field location on an NOI would go beyond the scope of this regulatory action as it would require substantial revisions to the existing restricted material permitting and NOI processes to incorporate GIS mapping or some other standardized location identification system. See also response to comment no. 1D.</i></p>	302, T61
43D	<p>The proposed regulations would provide base, meridian, township, range and sections of the area to be treated. Some commenters have requested a precise location. DPR's proposal provides for a standardized location description throughout the state. Moreover, as the UC Davis Center for Regional Change noted in its analysis of the pilot projects for notification system, growers were concerned about their privacy and also about safety impacts if protesters showed up at the field. In addition, protesters could disturb and delay the application. While residents stated that they would</p>	9

	<p>not protest, since the information is public, others may use the information for that purpose. Indeed, protestors caused some delay during one of the pilot programs.</p> <p><i>DPR acknowledges this comment. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. DPR is not aware of any delays to pesticide applications resulting from the 2022 notification pilot projects or the 2023-24 notification beta test.</i></p>	
44D	<p>Transparency in the location of pesticide applications is crucial to protecting the health and well-being of those of us who live in these communities.</p> <p><i>DPR acknowledges this comment. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D.</i></p>	510
45D	<p>Whenever wildfire smoke is a problem in my neighborhood, I often look at airnow.gov to get updates about the air I am breathing. It is a really useful system - I am able to look at air monitors right in my neighborhood and see where they are located and what their current readings are. I think the pesticide notification should be just as detailed. We need to know where pesticide applications are taking place.</p>	308

	<p><i>The pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest, such as a home, throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. See response to comment no. 1D regarding exact location.</i></p>	
46D	<p>I would like to be notified of the address where pesticide spraying will be taking place here in my home of Ojai. I need to be aware when and where this is happening so that I can take precautionary measures to protect my health.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action builds off the existing restricted material permitting process and is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1D regarding exact location and response to comment no. 25D regarding SprayDays California email and text message notification.</i></p>	12
47D	<p>In 6434, exact location and information on grower and applicator information is deleted in the gap between sections (b) and (d) (including the map or aerial photo recommendation).</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. This regulatory action is building upon the existing restricted material permitting and NOI requirements. Existing 3 CCR section 6434(b) requires permittees</i></p>	20

	<i>to provide the “location of areas to be treated” and “Location and identity of areas specified in section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such location.” However, this information is not submitted in a standardized format on NOIs statewide. The “location of areas to be treated” is identified using unique grower-specific and grower-determined nomenclature that often refers to a separate map submitted with the restricted material permit application in a non-standardized and not readily electronically publishable format. Providing the non-standardized location information currently submitted on an NOI would be of limited value as it would not identify the location in a discernable manner.</i>	
48D	<p>TriCal recognizes the political challenges of regulating chemicals in California and genuinely appreciates DPR’s efforts to minimize impacts to agriculture. If DPR is to move forward with a pesticide notification system, we agree that DPR should limit the location of applications to a one square mile area as it aligns with the existing Public Land Survey System and will reduce challenges to pesticide applications and disruption to agricultural businesses.</p> <p><i>DPR acknowledges this comment.</i></p>	39
49D	<p>We appreciate that the State has chosen to provide the location information as within a 1 mile block and provide only the basic information relevant to the planned pesticide application. However, please note, that in some locations that whole 1 mile block may have one landowner, and combined with the size of the acreage to be treated it can be an identifier of location or owner.</p> <p><i>DPR acknowledges this comment. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California.</i></p>	4
50D	<p>We are very concerned regarding the potential of a notification regarding pinpointing an ongoing pesticide application that could cause harm to one of our members, their employees, along with a violation of their privacy regarding their business. We would like to maintain the 1-mile radius of applications to protect the safety of our members and their employees.</p> <p><i>See response to comment no. 3D.</i></p>	35
51D	Without exact location, these notifications do not provide the information people need to	90

	<p>protect themselves. Beekeepers won't have a chance to keep their bees from foraging on flowers with these dangerous chemicals thereby impairing the bees and contaminating honey.</p> <p><i>See response to comment no. 1D regarding exact location. Additionally, under existing 3 CCR section 6983, applicators must provide advanced notice to apiary operators who request notice and who have apiaries within one-square mile of the application site prior to applying a pesticide labeled toxic to bees to a blossoming plant.</i></p>	
52D	<p>To ensure the public has the information it needs, we believe DPR must make available the pesticide permits, including maps, along with the NOIs.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. Including restricted material permits, along with their associated maps, goes beyond the scope of this regulatory action. Additionally, see response to comment no. 10D regarding maps.</i></p>	14
53D	<p>Standardizing location information is paramount for an effective public health notification system.</p> <p><i>See response to comment no. 1D.</i></p>	529
54D	<p>Notifications must include the field location (using addresses) along with a link to a map.</p> <p><i>See response to comment no. 1D regarding field location and response to comment no. 10D regarding maps and aerial photos.</i></p> <p><i>Additionally, the pesticide notification system (SprayDays California) will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i></p>	11

Evaluation of System and Process of Providing Information to the Public

No.	Comment/Response	Commenter(s)
1E	<p>There needs to be an annual review committee (advisory panel, community advisory panel, panel, committee, community committee, community panel) to make improvements to this new system.</p> <p><i>As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive feedback from and present on each annual status update to DPR’s EJAC and the State Board of Food and Agriculture and to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR is required to receive feedback from and present the draft report to DPR’s EJAC and the State Board of Food and Agriculture, and to receive public comment on the draft report for a minimum of 45 days. DPR is proposing to require that DPR specifically receive feedback from and present the status update to DPR’s EJAC and the State Board of Food and Agriculture to provide different public forums for multiple stakeholder groups to provide feedback and participate in the system review. It would be duplicative to establish an annual review committee separate from DPR’s EJAC, as that committee will provide a forum for environmental justice organizations, community members, and community groups to provide feedback, raise issues and offer suggested improvements on the pesticide notification system (SprayDays California). Moreover, under the modified text, community members will also be able to provide feedback to DPR during the public comment period on the annual status update and on the draft three-year report.</i></p>	<p>A2091-A3091, A4692-A9001, 3, 5, 15, 23, 26, 27, 28, 32, 34, 37, 38, 40, 46-54, 84-86, 98, 100, 101, 104-115, 117-122, 124, 125, 127-150, 158, 165, 167, 171, 174, 182, 184, 189, 191, 195, 197, 198, 199, 202, 206, 216, 219, 225, 251, 258, 268, 276, 279, 288, 291, 292, 294, 297-300, 302, 304, 306, 307, 311, 312, 314, 315, 317-320, 322, 328, 331, 338, 339, 342, 352, 360, 371, 379, 380, 388, 394, 405, 413, 414, 421, 423, 430, 436, 444, 450, 459, 462, 463,</p>

		470, 471, 481, 484, 489-491, 493, 495, 496, 499, 500, 501, 504, 505, 507-509, 511-518, 521-523, 525, 526, 529, 531, T9, T37, T39, T42, T44, T50, T51, T53, T55, T58, T61, T64-T67, T70, T72-T76, T79, T81, T84, T86-T89, T91
2E	<p>The recommendations the annual advisory panel gives for improving the system must be implemented rather than ignored. There must be an identified process for ensuring that the regulation will be revised in response to community feedback (commit to making needed changes based on the panel’s feedback, commit to adopting advice of the panel, adopt recommendation made by a community panel, include an enforceable revision process to make changes as needed).</p> <p><i>DPR is committed to continuing to receive feedback on its system and process for making select NOI information publicly available and to modifying and improving the system as appropriate. While DPR appreciates the continued engagement of stakeholders on this system and will consider all comments and feedback received, DPR will also need to consider technological feasibility, resource needs and availability, economic and fiscal impacts, as well as other considerations when considering and evaluating feedback received and potential implementation.</i></p> <p><i>See response to comment 1E regarding an advisory panel.</i></p>	A2091-A9001, 3, 18, 40, 44, 84-91, 94, 98-101, 103-150, 161, 194, 207, 213, 269, 297, 299, 304, 316, 317, 323, 325, 359, 393, 403, 454, 480, 484, 490, 496, 500, 503-505, 510, 513-518, 521-523, 525-530
3E	The review committee should be composed of: impacted community members, residents from farmworker communities, people who are Spanish-speaking, people from indigenous communities, people who actually use the system, people most affected, community members, residents of pesticide-	A2091-A3091, A4692-A5080, 3, 4, 5, 9, 15,

	<p>impacted communities, agricultural communities, residents of communities affected by pesticides, beneficiaries, farmworkers, representatives of those who work or live near farms, people from the community that includes BIPOC, Black, indigenous, people of color and white allies, impacted farmworkers, health care providers, affected growers, pest control advisers, CACs, representatives of farmworkers and residents, property owners, applicators, DPR scientists, community-based leaders, individuals from agricultural industries, Mixtecos.</p> <p><i>As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive feedback from and present each annual status update to DPR’s EJAC and the State Board of Food and Agriculture and to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR will be required to receive feedback from and present the draft report to DPR’s EJAC and the State Board of Food and Agriculture, and to receive public comment on the draft report for a minimum of 45 days. Providing a public comment period on each annual status update and on the draft report will allow all interested persons a structured opportunity to provide DPR feedback and suggestions on how to improve the system. Requiring DPR to specifically receive feedback from and present each status update to DPR’s EJAC and the State Board of Food and Agriculture will provide additional public forums for stakeholders to provide feedback and participate in the system review.</i></p>	<p>18, 23, 26-28, 32, 34, 37, 38, 40, 45-54, 84-86, 98, 100, 101, 109, 129, 161, 165, 169, 182, 189, 191, 194, 199, 207, 213, 216, 225, 269, 276, 294-298, 300, 302, 308, 310-312, 314-316, 319, 320, 322, 325, 331, 338, 342, 359, 371, 379, 393, 403, 405, 413, 430, 444, 454, 459, 463, 470, 480, 489, 491, 495, 503, 505, 509, 512, 523, 531, T9, T37, T41-T44, T46, T48, T50-T53, T55, T57, T58, T61, T64, T67, T68, T70, T72-T76, T78, T79, T82, T84, T86, T88, T91</p>
4E	<p>DPR proposes to revisit the program after 3 years. In the public hearings, there were a lot of voices asking for annual review and with a group comprised of farm workers/others living adjacent to</p>	<p>4</p>

	<p>farmlands. Our sense is that it may be wise after a year or so to have a check on whether the system as currently planned is working – are there some tweaks needed. But it will take several years to fully assess if a new system is working and if more fundamental changes are needed. Thus, we support DPR’s proposal to review the system more fully after 3 years.</p> <p><i>DPR acknowledges this comment. As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive feedback from and present each annual status update to DPR’s EJAC and the State Board of Food and Agriculture and to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR will be required to receive feedback from and present the draft report to DPR’s EJAC and the State Board of Food and Agriculture, and to receive public comment on the draft report for a minimum of 45 days.</i></p>	
5E	<p>To monitor progress and identify opportunities for improvement, an annual and enforceable public health experts and community review must be required demonstrating a commitment to Environmental Justice.</p> <p><i>See response to comment no. 2E regarding the enforcing feedback received. See response to comment nos. 1E and 3E regarding public health expert and community review.</i></p>	8, 43
6E	<p>CleanEarth4Kids.org asks DPR to establish groups as part of the notification system. These groups must be focused on the public right to know and health, not the convenience of industry.</p> <ul style="list-style-type: none"> -Permanent Community Advisory Panel composed of impacted community residents to oversee the program -Health Advisory Panel of medical professionals to review the health risk information that is provided during the notification process. <p><i>As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly</i></p>	11, 44

	<p><i>available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR will be required to receive public comment on the draft report for a minimum of 45 days. It would be duplicative to establish a separate Health Advisory Panel as these stakeholders can provide feedback during the public comment periods. Moreover, this regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. "Health risk information" is not currently required to be submitted on an NOI and therefore will not be provided during the notification process. Nonetheless, the pesticide notification system (SprayDays California) will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. See response to comment no. 1E regarding community advisory panel.</i></p>	
7E	<p>We are united in calling for the proposal to be amended to include an annual and enforceable community review and revision process to make changes as needed. This proposal is, as your Department has noted in meetings with environmental justice stakeholders, just a first step. Much more needs to be done to ensure that Californians are aware of nearby hazardous chemical use. In meetings with CalEPA and DPR, environmental justice groups have been told that the regulation will include an iterative review and revision process based on community feedback. However, this draft includes no such commitment to review and revise, only a report by DPR staff after three years. This is not good enough. It is vital that DPR keeps the promise it made to communities that this small step toward transparency will be accompanied by an enforceable commitment to make improvements in the future. The lack of an iterative review and revision process in the regulation is particularly concerning given the lack of exact location information, and the likelihood that this deficit will harm the program's effectiveness.</p>	13

	<p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. See response to comment nos. 1E regarding annual community review and 2E regarding enforceable feedback.</i></p>	
8E	<p>There is no community-based process for evaluating and improving the notification system. DPR spent a great deal of time and effort on providing spaces for farmworker community voices to be heard about the notification system during the previous two years of planning. We believe that work has improved the plans, as only input from those most in need and most likely to use the system could. It is concerning that the regulation shuts down that democratic review process in favor of a three-year staff paper. Our hope and our understanding was that DPR was committed to a process for improving this first-of-its-kind system, as we would expect with any such unique government program. In your July 24, 2023 letter to CPR, you wrote: “We are committed to evaluating and improving the system once it is launched and will include that commitment in the notification regulations.” But DPR didn’t include such a commitment in the regulation. Instead, the current proposed language reads: “The Department shall evaluate its system and process of providing the information ... to the public and three years after the effective date ... or as soon as practicable, shall issue a report.” A staff report after three years (if “practicable”) is a weak requirement– far from the commitment to “evaluating and improving the system” this new program will need to be successful. As we stated to you last summer, “we remain concerned about the proposed review and amendment process after implementation of the notification system ... [W]e want to be sure the voices of farmworker communities are central to [the] review-and-improve process, and that enforceable deadlines are included both for review and for resulting remedial actions as necessary. A stakeholder review committee, like the former Chlorpyrifos Alternatives Work Group, would be a possible model. However, it must be a permanent review committee, if on a smaller scale, and its recommendations must be more than advisory.” The review panel should be made up of community members and should include a public health professional with expertise in pesticide exposures. We would add that this community review committee should meet at least once a year.</p> <p><i>See responses to comment nos. 1E regarding a community review committee and receiving annual feedback on the system and 6E regarding feedback regarding public/human health. See response to comment no. 2E regarding enforceable feedback.</i></p>	<p>A3092-A4691, A5081-A9001, 14, 87-91, 93, 94, 104-115, 117-120, 122, 126-128, 130-134, 136, 137, 139, 140, 142-149, 156, 157, 168, 169, 176, 180, 187, 188, 192, 200, 205, 209, 211, 215, 222-224, 228-230, 233, 234, 236, 246, 248, 255, 259, 260, 261, 265, 270, 271, 273, 278,280, 284, 286, 290, 321, 324, 327, 340, 344, 348, 349, 358, 361, 363-367, 369, 375, 377, 382, 385, 389, 392, 399, 401, 402, 411,</p>

		416, 424, 426, 427, 432, 435, 437, 443, 447, 451, 453, 457, 465, 468, 476, 478, 479, 483, 528, 533, 534, T22, T33, T77
9E	<p>We want a committed process for improvement of the system.</p> <p><i>See response to comment no. 1E regarding modifications to the process to improve the system and response to comment no. 2E regarding enforceable feedback.</i></p>	15, 178, 193, 241, 245, 256, 257, 267, 345, 353, 395, 404, 412, 434, 445, 446, 464, 469, 488, 498
10E	<p>TriCal also agrees that DPR should look back and evaluate the program. However, as mentioned previously, since DPR cannot quantify human health or environmental impacts of the regulation, DPR should consider metrics that are quantifiable to evaluate the program and costs. We respectfully request evaluation of impacts to agricultural businesses and changes to reduce impacts.</p> <p><i>As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive feedback from and present each annual status update to DPR’s EJAC and the State Board of Food and Agriculture and to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR will be required to receive feedback from and present the draft report to DPR’s EJAC and the State Board of Food and Agriculture, and to receive public comment on the draft report for a minimum of 45 days. DPR is proposing to require that DPR specifically receive feedback from and present the status update to DPR’s EJAC and the State Board of Food and Agriculture to provide additional forums for stakeholders</i></p>	39

	<i>to provide feedback and participate in the system review. The modified text will provide structured opportunities for agricultural businesses and other stakeholders to provide feedback on the impacts to agricultural businesses for DPR's consideration.</i>	
11E	<p>We need a committee (review panel, community committee, local committee, group of community members, community) to review the program/regulations, to make sure that it is doable, that it's working, and that the people is happy and the people of California, so that we can all be aware of what's going on (to help improve the system, to give feedback, to assess whether everything is working).</p> <p><i>See response to comment no. 1E regarding a review committee. See response to comment no. 2E regarding enforceable feedback.</i></p>	152, 155-157, 166, 168-170, 172, 173, 175, 178, 183, 185- 187, 190, 192, 196, 201, 203, 204, 205, 208, 214, 218, 220, 221, 222, 227- 229, 232, 233, 236, 239, 240, 242-244, 246, 247, 252-256, 259-261, 266, 270, 271, 273, 277, 281, 282, 285-287, 303, 321, 324, 326, 330, 332-337, 341, 344, 345, 350, 351, 354, 356, 361, 363- 366, 368, 369, 373-376, 378, 382, 383, 386, 387, 389, 390, 396, 399, 401, 402, 407-412, 416, 419, 422, 425, 426, 428,

		429, 433-435, 438-440, 445-448, 451, 453, 456, 460, 464-469, 473, 476, 478, 479, T45, T47, T52, T62, T69, T71, T81, T83
12E	<p>We want to have a community committee with different languages for everyone so that it can all be transparent to everyone. We also support the creation of this committee, that there be language justice with this committee to provide oversight for this process to make sure it is done in a good way. The committee that will provide oversight with language justice, not only with Spanish, but also with indigenous languages, not dialects, indigenous languages.</p> <p><i>DPR assumes this comment is requesting a diverse review committee so that persons with limited English proficiency may participate in the review process. DPR is committed to engaging with stakeholders that speak different languages. As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective. Modified section 6434(h) also requires DPR to receive feedback from and present on each annual status update to DPR’s EJAC and the State Board of Food and Agriculture and to receive public comment on each annual status update for a minimum of 30 days. Three years after the regulation becomes effective, DPR will be required to issue a comprehensive report on the notification system and process. Under the modified regulation text, before issuing the final report, DPR will be required to receive feedback from and present the draft report to DPR’s EJAC and the State Board of Food and Agriculture, and to receive public comment on the draft report for a minimum of 45 days. DPR is proposing to require that DPR specifically receive feedback from and present the status update to DPR’s EJAC and the State Board of Food and Agriculture to provide public forums for multiple stakeholder groups to provide feedback and participate in the system review. DPR will accept written comments during the public comment periods in the commenter’s preferred language. Additionally, through the EJAC, DPR may be able to accept oral comments in indigenous spoken</i></p>	T49, T59

	<i>languages, in addition to written feedback. DPR is committed to providing fair language access to persons with limited English proficiency at DPR meetings. It would be duplicative to establish a separate community committee with different languages as the EJAC will provide a forum for environmental justice organizations, community members, and community groups to provide feedback, raise issues and offer suggested improvements on the pesticide notification system (SprayDays California) and language justice.</i>	
13E	Please add to your proposal a concrete way for the system to be evaluated after it has started working. <i>See response to comment no. 1E.</i>	296, 310
14E	The system talks about a three-year review period. So please add a detailed notification. <i>As stated in the general response above, based on comments received, DPR amended proposed 3 CCR section 6434(h) to require DPR to annually issue a status update on its system and process for making restricted material applications publicly available until DPR issues a comprehensive report on the system and process three years after this regulatory action goes into effect. In addition to receiving public comment on each annual status update for a minimum of 30 days, amended subsection (h) requires DPR to receive feedback from and present its annual status update to DPR's EJAC and the State Board of Food and Agriculture. Amended 3 CCR section 6434(h) also requires DPR to issue a report on the system three years after this regulatory action has been in effect and to receive comments from the EJAC and Board, as well as from the public, on the draft report before it is finalized. This evaluation process will allow DPR to get stakeholder and public input and evaluate and improve the operation and effectiveness of the statewide system overtime.</i>	T87
15E	Hold annual meetings to hear from the community about how to improve the system. <i>As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually publicly issue and accept public comment on a status update on its system and process for making information about intended restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation becomes effective and to publicly issue and accept public comment on its draft three year comprehensive report. Modified section 6434(h) also requires DPR to receive feedback from and present its annual status update and its comprehensive three-year report to DPR's EJAC and the State Board of Food and Agriculture. Through the public comment period, as well</i>	177, 210, 231, 235, 263, 289, 357, 381, 391, 449, 482, 497, 502, 506, 519

	<i>as the feedback from DPR's EJAC and the State Board of Food and Agriculture, DPR will be able to hear from public about how to improve the system.</i>	
16E	<p>Give the community the opportunity to establish a community committee that will improve the system each year.</p> <p><i>See response to comment no. 1E regarding a community committee. See response to comment no. 2E regarding enforceable feedback.</i></p>	181, 212, 217, 264, 329, 343, 372, 406, 431, 455, 458
17E	<p>Please protect the \$10 million investment from the Legislature by letting agricultural farmworker community residents review and make improvements each year.</p> <p><i>See response to comment no. 1E regarding a community review committee and receiving feedback on the system. See response to comment no. 2E regarding enforceable feedback.</i></p>	301, 485
18E	<p>The notification system can get better and better if it is annually/frequently reviewed by people who live near farms/fields and in affected communities or nearby communities as well as those who use the system, and changes, including annual changes, are made to improve it.</p> <p><i>See response to comment no. 1E receiving feedback on the system. See response to comment no. 2E regarding enforceable feedback.</i></p>	305, 309, 313, 486, 487, 520, 524, T60, T83
19E	<p>The regulation lacks an established mechanism to periodically evaluate and improve the notification system once implemented. A participatory process that allows agricultural communities to provide feedback is essential to guarantee its effectiveness and adaptation.</p> <p><i>See response to comment no. 1E receiving feedback on the system. See response to comment no. 2E regarding enforceable feedback.</i></p>	492, 494
20E	<p>If you listen and change things based on what we say, it would help us feel safer.</p> <p><i>DPR acknowledges this comment. See response to comment no. 1E regarding a community review committee and receiving feedback on the system. See response to comment no. 2E regarding enforceable feedback.</i></p>	497, 502, 506
21E	<p>A genuine commitment to evaluate and modify the regulation based on real impacts is essential to ensure its effectiveness and relevance.</p>	510

	<i>See response to comment no. 1E regarding commitment to evaluate the regulation. See response to comment no. 2E regarding commitment to modify the regulation.</i>	
22E	<p>DPR has repeatedly promised the proposed notification program is just a starting point and that the regulation will be revised in the future. But the proposed notification doesn't provide any opportunity for communities to weigh in - just a report by DPR staff after three years with zero commitment to make any changes. Three years of exposure to harmful toxins is unacceptable. People need to be able to immediately (or as immediately as possible) protect themselves!</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. See response to comment nos. 1E regarding committee review and 2E regarding commitment to modify the regulation. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	92
23E	<p>The current draft includes only a report on the regulation by DPR staff after three years - why so long?</p> <p><i>See response to comment no. 1E.</i></p>	94, 135
24E	<p>It is vital that DPR keeps the promise it made to communities that this small step toward transparency will be accompanied by an enforceable commitment to make improvements in the future.</p> <p><i>See response to comment no. 1E regarding annual review of the system. See response to comment no. 2E regarding enforceability of feedback.</i></p>	A2091-A3091, 84-86
25E	The system's success should be measured by its ability to provide actionable information that contributes to improved community well-being. Precision in notifications ensures that the system	T83

	<p>delivers on its promise to keep the public informed and unsafe [sic]. Your dedication to continuous improvement must be reflected in the actual policy for implementation and must not be left out.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information about restricted material applications that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. While the public may choose to use this information to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public health alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. See response to comment no. 1E regarding annual review of the system and process. See response to comment no. 2E regarding committing to implementing feedback.</i></p>	
26E	<p>Untold errors and damages could be corrected if there is a one-year report. With our environmental safety concerns now, that is important.</p> <p><i>See response to comment no. 1E.</i></p>	134
27E	<p>That squishy term “as soon as practicable” reappears in 6432's last subsection, (g), which vaguely describes evaluation of the program. The UCD group recommended a “clear process for potential modifications” and “need for a steering committee to guide development and implementation.” DPR only proposes to evaluate subsection (d), in the next three years, or, as above, when they get around to it.</p> <p><i>DPR assumes the commenter is referring to 3 CCR section 6434(h), the last subsection and the subsection describing evaluation of the program.</i></p> <p><i>“As soon thereafter as reasonably practicable” is included in modified 3 CCR section 6434(h) to account for instances where DPR is delayed in receiving the feedback, usage data, or other information and metrics necessary to draft and issue a meaningful and useful status update or comprehensive three-year report on the system. See response to comment no. 1E regarding evaluating the system prior to three years.</i></p>	20
28E	<p>DPR should provide opportunities for the public to comment and provide feedback.</p>	16, T69

	<i>See response to comment no. 1E.</i>	
29E	<p>Give impacted residents your commitment to make timely, real change if it is found regulation is not working.</p> <p><i>See response to comment no. 1E regarding review of the system. See response to comment no. 2E regarding enforceability of feedback.</i></p>	92
30E	<p>Include a process that allows for immediate community feedback and improvement.</p> <p><i>See response to comment no. 1E regarding review of the system. See response to comment no. 2E regarding enforceability of feedback. DPR is also open to receiving general feedback or suggestions at any time on how to improve the system outside of the structured processes established in modified 3 CCR section 6434(h).</i></p>	138
31E	<p>Commit to ongoing revisions and adjustments based on community feedback. This demonstrates a genuine commitment to creating a regulation that effectively protects both public health and the environment.</p> <p><i>See response to comment no. 1E regarding review of the system. See response to comment no. 2E regarding enforceability of feedback.</i></p>	88

Economic/Fiscal Impact

No.	Comment/Response	Commenter(s)
1F	<p>This coalition would like to express concerns regarding the ongoing cost and resources that this notification system will require. Based on the County pilot projects that DPR initiated, this coalition has been made aware of the substantial financial and human resource requirements that were necessary to respond to public correspondence and concerns, broader community education campaigns and meetings to provide context for a notification, and additional requests for label interpretations and unsubstantiated appeals of NOIs. We would like to be clear: any resources repurposed to do this work means less resources available for use enforcement, the most prominent and important function of the CACs. It has not been made clear if DPR has plans to expand their capacity to manage these issues and if Departmental resources, likewise, will be repurposed at the expense of core regulatory functions. Because the notification system was facilitated through a one-</p>	1

	<p>time appropriation of General Fund revenue, DPR should actively seek additional General Funds to cover website maintenance and other anticipated and likely increasing costs.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase the transparency of the restricted material applications in California. DPR will continue its outreach to inform the public about California’s pesticide regulatory requirements to provide context for the notification system. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p> <p><i>DPR considered the fiscal costs to CACs and to DPR to support this proposed regulatory action. (CDPR, 2023.) DPR recognizes that CACs may need to respond to community questions and conduct outreach activities in their counties related to the system and/or conduct investigations or inspections following public inquiries. These activities are covered under current funding mechanisms. Additionally, as noted in DPR’s Economic and Fiscal Analysis memo, DPR anticipates the ongoing support of SprayDays California will require a Budget Change Proposal. (CDPR, 2023.) Finally, under modified 3 CCR section 6434(h), DPR is committed to continuing to review its system and process to address concerns, including those regarding CACs’ capacity to perform NOI reviews, to conduct field inspections and/or to generally ensure pesticides are used properly and in a manner that mitigates any adverse impacts to the environment and communities that they serve.</i></p>	
2F	<p>We anticipate a potential increase in restricted material permit challenges and other pesticide use enforcement program activities, which we believe is not the intent of this new program. We anticipate the public inquiring about pesticide safety and risk analysis, which is the responsibility of DPR, not the local CAC. Such inquiries, although important, are concerning. They have the potential to</p>	6

	<p>increase staff workload and diminish the time spent in pesticide use enforcement program activities. These activities include time performing notice of intent reviews and field inspections to ensure pesticide use compliance for the safety, health and welfare of the environment and communities we serve.</p> <p><i>See response to comment no. 1F.</i></p>	
3F	<p>Several comments focused on the implementation cost of the proposed regulation, specifically on the workload impacts to CACs. 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.</p> <p><i>See response to comment no. 1F.</i></p>	7
4F	<p>The CAC offices throughout the state already have access to all pesticide applications. Both counties we farm in have CACs who work diligently to ensure the safety of applications for growers/operators, the community, and the public who buy and consume our products daily. Their job is not easy, but they are stalwarts. This regulation will add undue burden on their offices to respond to appeals from the public, who will often not even be a part of our community. In a time after a pandemic, which we are still recovering from, we should not be adding more stress and nonscientific burden to these offices. DPR will also have an added burden. If this regulation is passed, there should be a guarantee that DPR will expedite appeals to ensure applications are made in a timely manner. If this is not possible, budget and staffing increases should be established before the regulation goes into effect. Farmers are part of a dying profession. At one point in the near past almost everyone either was or closely knew a local farmer. This is not the case anymore as less than 1% of our population are farmers. This regulation will continue to shrink that number and place more of our production into the large companies who can afford to survive missed applications. We should be supporting farmers and ensuring food security in our state and this regulation will do the opposite.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The intent of this regulatory action is to increase the transparency of intended restricted material applications in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory</i></p>	30

	<p><i>action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. DPR considered the economic impact of the requirement that NOIs be submitted electronically via CalAgPermits to the agricultural industry in its Economic and Fiscal Analysis memo. (CDPR, 2023.) DPR also considered the fiscal impacts to CACs, including the potential for an increased number of investigations or inspections, as well as the fiscal impacts to DPR associated with ongoing legal support of the system in its Economic and Fiscal Analysis memo. (CDPR, 2023.)</i></p>	
5F	<p>All costs for implementation of the program or investigations that result must be shouldered by DPR. Significant additional monetary and non-monetary resources will be required that cannot come from the farming community.</p> <p><i>DPR does not anticipate raising regulatory fees to fund the pesticide notification system (SprayDays California) at this time. See responses to comment nos. 1F and 4F.</i></p>	36
6F	<p>Funding cannot come from the current enforcement programs, because that would only weaken the protections already in place.</p> <p><i>See response to comment no. 1F.</i></p>	36
7F	<p>As mentioned in DPR's ISOR, the CAC's permitting process of restricted material pesticides is a CEQA certified regulatory program, recognizing that agriculture is a major and essential component of California's economy and permits must often be issued on short notice. The proposed regulation has the risk of hindering the state's goals of a strong agricultural economy, growing food and fiber which necessitates protecting resources from pests in a timely manner. TriCal respectfully requests DPR consider and include the adverse economic impacts of expected protests to pesticide applications and account for the CAC and DPR resources needed to resolve associated situations on a regular basis, within DPR's fiscal impacts.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The intent of this regulatory action is to increase the transparency of intended restricted material applications in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide</i></p>	39

	<i>applications or to affect the timing of pesticide applications. However, DPR considered the economic impact of this proposed regulatory action to the agricultural industry in its Economic and Fiscal Analysis memo. (CDPR, 2023.) DPR also evaluated the fiscal impact to CACs from increased responses to community questions and inquiries and to DPR from ongoing legal support, outreach to the public, industry and CACs, and other potential activities to support the program in developing this regulatory action. (CDPR, 2023.)</i>	
8F	<p>TriCal is concerned with the ongoing costs associated with DPR’s notification system. DPR’s economic impact statement acknowledges that future funding will be needed to support the system. Given the state’s current economic situation and DPR’s fund condition, TriCal recommends that DPR exercise fiscal restraint and find ways to reduce costs to avoid raising regulatory fees, which are funded in large part by agricultural businesses.</p> <p><i>DPR acknowledges this comment. As stated in the Economic and Fiscal Analysis memo, DPR anticipates these costs requiring a Budget Change Proposal. (CDPR, 2023.) DPR does not anticipate raising regulatory fees to fund the pesticide notification system (SprayDays California) at this time.</i></p>	39

Rulemaking Process

No.	Comment/Response	Commenter(s)
1G	<p>This coalition would like to express disappointment about the public comment collection process on this draft regulation. At both public hearings in Clovis and Ventura on December 13th and 14th, respectively, the Department did not provide any issue framing for the draft regulation, describing its intent, its scope or preview the virtual system. We believe that preparatory information is critical to result in relevant and solutions-oriented public comment. We would also implore DPR to ensure that forums for public comment are accessible and safe for all stakeholders to engage. At these hearings (and several prior on other rulemaking proposals) tactics were undertaken by advocacy groups to intimidate agricultural commenters. In accordance with DPR’s draft strategic plan, failure to enable a safe and accessible site for public comment is an abdication of its commitment to diversity, equity and inclusion. To supplement these hearings, the State Board of Food and Agriculture held a virtual listening session, in concert with DPR, on January 3rd. Following a presentation by DPR (which we value), Departmental leadership and staff left while the State Board heard valuable public comments from growers, applicators and interested parties. It is disheartening that this Board meeting was not utilized as an opportunity to obtain valuable insight from the most strongly impacted stakeholder</p>	1

group by this regulation. This coalition is committed to working with the Department to improve the inclusivity of public forums in future rulemaking activities for all stakeholders.

The first public comment period DPR held for this regulatory action was 70 days long. During this public comment period, DPR held two in-person regulatory hearings and one virtual regulatory hearing to allow the public to submit oral or written comments. DPR also accepted written comments by mail, email, or facsimile. The format of submitting a public comment – orally or in writing – does not impact DPR’s consideration of, or weight given to, the comment. DPR published the Notice of Proposed Regulatory Action and the draft regulatory text on November 3, 2023. The three regulatory hearings were held over one month later on December 13, 2023, December 14, 2023, and December 19, 2023. While DPR did provide a brief summary of the proposed regulatory action at the start of each regulatory hearing, DPR did not provide background on or preview the pesticide notification system (SprayDays California) at the regulatory hearings as the intent of the hearings was to collect public comments on this proposed regulatory action. Nonetheless, DPR had copies of the Notice of Proposed Regulatory Action, Initial Statement of Reasons, and draft regulatory text available upon request and had QR codes linking to electronic copies of these documents posted throughout the hearing rooms. Finally, information about SprayDays California and its development, including a virtual demonstration of the system, can be found on DPR’s website. DPR also previewed the SprayDays California system prior to commencing its regulatory hearings during the 30-day comment period.

DPR presented on SprayDays California at a State Board of Food and Agricultural meeting during the 70-day public comment period to provide background on the notification system. However, DPR expressly stated prior to its presentation that it was not presenting on this regulatory action or collecting public comment on this regulatory action since the State Board meeting was not a regulatory hearing. During the meeting, DPR provided information about how to submit a written comment to DPR on this regulatory action. Following DPR’s presentation on SprayDays California, the public provided feedback on SprayDays California and the regulatory action to the State Board and the State Board submitted a written comment letter on this regulatory action to DPR that summarized the key themes of the public comments from that meeting.

As stated in the general response above, based on comments received during the 70-day comment period, DPR modified proposed 3 CCR section 6434(h) to require DPR to annually publicly issue and accept public comment on a status update on its system and process for making information about intended

	<p><i>restricted material applications publicly available until DPR issues a draft report on the system and process three years after the regulation goes into effect and to publicly issue and accept public comment on its draft three-year comprehensive report. Modified section 6434(h) also requires DPR to receive feedback from and present its annual status update and its comprehensive three-year report to DPR's EJAC and the State Board of Food and Agriculture. Through the public comment periods, as well as the feedback from DPR's EJAC and the State Board of Food and Agriculture, DPR will be able to hear from the public about how to improve the system. DPR is committed to holding forums for public comment that are safe and accessible for all stakeholders to engage. DPR's proposed 3 CCR section 6434(h) establishes multiple avenues for stakeholder engagement and feedback.</i></p>	
2G	<p>The public hearing forum that we attended did not explain the program. Making public comments required extensive review and prior preparation, that the paid organized pro-regulation groups were prepared to do.</p> <p><i>See response to comment no. 1G.</i></p>	21
3G	<p>Unlike previous DPR regulations, the proposed regulation lacks scientific justification. DPR has not scientifically identified a human health or environmental impact that this regulation is solving, nor shown that the regulation will improve human health or protect the environment. Unfortunately, this regulation is based on unvalidated reasoning, acknowledging in the ISOR "(t)here is no information available to quantify these potential human health and environmental impacts." We respectfully request DPR continue its long and successful history of making regulatory improvements to human health and the environment through quantifiable scientific justification and measurable improvements.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to address this issue by increasing the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	39

4G	<p>DPR cites incorporating input from the public process conducted in crafting this regulation. I read the summary by the third-party, UC Davis (UCD) Center for Regional Change, which conducted much of the process. Multiple recommendations made by that group went unheeded. Public engagement was heavily weighted on the side of impacted communities and groups (recently characterized by the ag industry as mettlesome activists, and “bad actors“). DPR made some technical concessions on notification access derived from community input, yet avoided substantive change in the content of information provided. Instead, DPR largely came down on the side of the growers, pesticide companies, and ag industry.</p> <p><i>As described in the ISOR, since 2021, DPR has received substantial public input to inform the development of this regulatory action and the associated electronic system, the pesticide notification system (SprayDays California). In 2021, DPR held four focus group sessions to hear stakeholders’ thoughts and concerns about the potential benefits and challenges of a statewide pesticide notification system and potential system design parameters. (Focus Groups Summary, 2022.) In November 2021, DPR hosted two virtual webinars and received public comments regarding the guiding principles and practical considerations to inform the design of the system. (Webinar Summary, 2022.) In 2022, DPR contracted with the UC Davis Center for Regional Change (UC Davis) to facilitate three virtual workshops and a public comment period to further inform the design of SprayDays California. UC Davis also facilitated three workshops and a public comment period to receive feedback regarding four county-led pilot projects. UC Davis summarized the feedback received from stakeholders in two Summary Reports. (UC Davis, June 2022; UC Davis, November 2022.) DPR incorporated many suggestions received from a variety of stakeholders into the proposed regulatory text and into the design of its overall notification system. DPR is proposing to include in this regulatory action, the date and time the application will occur, as well as the approximate acres to be treated to indicate the scale of the application, which were both suggested by UC Davis following feedback from various stakeholders. DPR will also incorporate a web-based map that will allow for anonymous searches, in addition to text message and email notification into the pesticide notification system (SprayDays California), which was also suggested by UC Davis following public feedback. SprayDays California will also provide general information about how pesticides, including restricted materials, are evaluated and regulated and will make information available in English and Spanish, which were also suggested by UC Davis following public feedback.</i></p>	20
5G	<p>We would like to request that DPR start taking into consideration cultural practices that are allowing everybody to be heard. Hosting this community meeting, the only one in the Central Valley, in Clovis – it’s completely inadmissible. Why here? Why we had to drive even farther than – you heard from</p>	T30

	<p>these people in Cantua Creek. We were late because it takes an hour and a half to get here, not to mention the people that drove from Bakersfield and many other corners where this pesticide notification is greatly needed. If you don't know where is a good venue to have this type of public workshops, to really allow for public participation, consult with us. We have been meeting quarterly with DPR and some of their leadership and we were never even asked. That is an easy ask and we will be able to recommend you how to make things and processes more accessible to the communities that you are supposed to be serving.</p> <p><i>The first public comment period DPR hosted on this regulatory action was 70 days long. During this public comment period, DPR held two in-person regulatory hearings and one virtual regulatory hearing to allow the public to submit oral or written comments. DPR also accepted written comment by mail, email, or facsimile. The format of submitting a public comment – orally or in writing – does not impact DPR's consideration of, or weight given to, the comment. The two in-person regulatory hearings were held in Fresno County and Ventura County. DPR held the two in-person hearings in two different counties/regions of California to allow individuals throughout California the opportunity to attend given that this proposed regulatory action will apply statewide. To support participation by individuals that could not attend one of the in-person hearings, DPR offered a virtual hearing that did not require travel as well as accepted written comments.</i></p>	
6G	<p>The UC Davis Center for Regional Change summary cited the veiled threat, presumably from growers or ag industry reps, of “unintended consequences” in the form of “decreased compliance.” It was noted that CACs worked to limit impacts of the pilot projects to growers, who claimed unspecified “risks to landowners and workers.” Apparently, those speculative risks were deemed less acceptable than the more concrete risks to workers and community residents being impacted by pesticide drift.</p> <p><i>DPR considered all feedback and suggestions summarized in the UC Davis Center for Regional Change summary reports. (UC Davis, June 2022; UC Davis, November 2022.) As noted in the ISOR, DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate any potential human health risks from pesticide drift and this regulatory action does not require the public to take any particular action upon receipt of notification. DPR incorporated many suggestions from workers and community residents that were</i></p>	20

	<i>summarized by UC Davis. Please see response to comment no. 4G regarding UC Davis suggestions that will be or were incorporated in SprayDays California and this regulatory action.</i>	
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Effective Date

No.	Comment/Response	Commenter(s)
1P	<p>While we appreciate that DPR is eager to get regulations in place for a pesticide notification program early in 2024, we are concerned that these draft regulations are premature. There is currently a pesticide notification pilot program in place in Tulare County, and it would be prudent to allow that pilot to operate for a period of time before promulgating rules for a statewide program. The Tulare pilot is an opportunity to learn what works and what doesn't in a notification program. This could help ensure that amendments to the program are not needed relatively soon. We would encourage DPR to put a pause on rulemaking until later in 2024 when more data will be available from the Tulare County pilot.</p> <p><i>DPR conducted a small group beta test in Tulare County from October 2023 through February 2024. The purpose of this beta test was to collect feedback on the functionality, user navigation, and design of the pesticide notification system (SprayDays California), including the website. When DPR received feedback on the proposed regulation while it was collecting feedback on the beta test, DPR advised those commenters to submit their comments on the proposed regulations as outlined in the Notice of Proposed Regulatory Action.</i></p>	10
2P	<p>Any regulation this momentous needs more careful consideration. The process must be slowed or postponed to a later date until all concerns can be considered and an optimum system developed that allows the safe, legal and effective use of pesticides.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. Making public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. DPR has been working on the development of the pesticide notification system (SprayDays California) and this proposed regulatory</i></p>	36

	<p><i>action since 2021. Between 2021-2023, DPR held a series of focus group meetings, public webinars, and public workshops to collect feedback to inform the design and development of the system. In 2022, CACs in four counties volunteered to partner with DPR to conduct local pilot projects to further inform the development of the statewide pesticide application notification system. Additionally, between October 2023 and February 2024, DPR conducted a small group beta test of the proposed statewide notification system in Tulare County. Feedback and input received across all public input opportunities since 2021 informed many elements of this regulatory action and will inform many elements of the SprayDays California system design. Further, DPR provided a 70-day initial comment period on the initial proposed regulatory text; and, after modifying the regulatory text, DPR provided a 30-day comment period on the modified regulation text. See response to comment no. 4G regarding public feedback opportunities and how that public feedback will be or was incorporated in SprayDays California and this regulatory action.</i></p>	
3P	<p>Please implement the notifications as soon as possible because we live in cities that are totally surrounded by fields, and day after day, we're all exposed to pesticides.</p> <p><i>DPR acknowledges this comment. DPR requested an early effective date of February 24, 2025 for this regulatory action. 3 CCR section 6434(g) will become effective 30 days after the effective date of this regulatory action.</i></p>	T1, T3
4P	<p>Please implement the notifications as soon as possible, so that you can notify us and let us know what kind of pesticides are being applied in the fields.</p> <p><i>DPR acknowledges this comment. See response to comment no. 3P.</i></p>	T5
5P	<p>The planned implementation timeline of 2024 is not acceptable. DPR can require CACs to publicly post NOIs to use Restricted Material pesticides now, with no need for regulation. We urge DPR to take this interim step now, while they continue to develop a regulation that goes further than this baseline.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	11

General

No.	Comment/Response	Commenter(s)
1J	<p>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.</p> <p><i>As noted in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. DPR has been working on the development of the pesticide notification system (SprayDays California) and this proposed regulatory action, including obtaining public feedback and input from agricultural community, since 2021. DPR intends to continue its outreach to the agricultural community and others on the SprayDays California system and this regulatory action.</i></p> <p><i>DPR also will continue its public outreach to inform the public about existing pesticide regulatory requirements, including requirements regarding restricted material sales, possession, and use. Additionally, the pesticide notification system (SprayDays California) will include information about how DPR regulates the possession and use of restricted materials in California and the role of the CAC in reviewing and approving or denying restricted material permits and NOIs. See response to comment no. 1K regarding making information available to non-regional individuals or organizations.</i></p>	7
2J	<p>The data that DPR collects should be used to evaluate the risks and successes of interventions for the development of best practices – both agricultural practices and protection of human and environmental health.</p> <p><i>As stated in the ISOR, in addition to providing the public information about intended restricted material applications for the production of an agricultural commodity in a more timely, accessible and equitable manner, this regulatory action will allow DPR to obtain real-time data about intended agricultural</i></p>	18, 44

	<i>commodity restricted material applications throughout California. This information can enhance DPR's understanding of restricted material use trends and supports its statewide regulation of restricted materials in support of its mission.</i>	
3J	<p>While perhaps not within the parameters of this regulation, a very large potential loophole is enforcement. What are consequences for violations or omissions? If fines are levied, will they be large enough to leverage strict compliance? Again, this falls within the CACs' discretionary authority.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. Violations of this regulatory action may be subject to civil or administrative penalties pursuant to FAC section 12998, 12999, or 12999.5 subject to the DPR enforcement response regulations at 3 CCR section 6128, et seq.</i></p>	20
4J	<p>No more pesticides.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	52, 56, 57, 62, 66, 68, 71, 74, 75, 85, 87, 95, 96, 98, 101, 105, 107, 108, 113, 131, 136, 142, 143, 148, T32
5J	<p>I feel strongly that both the Sustainable Pest Management Priority Advisory Committee would benefit from having the knowledge and outlook of a licensed health care professional, and also endorse the idea of a community advisory panel. I want that to be composed of community members, specifically those that are impacted and people of color. I think a health care voice would be beneficial on this committee as well.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	T80
6J	<p>There is a "transition to organics' movement but we need a top down law in place that would, hopefully, ban the use of pesticides, herbicides and rodenticides once and for all. At the very least, we need to be informed as to when they are being used.</p> <p><i>DPR acknowledges the comment regarding the need for the public to be informed. See response to comment no. 21C regarding when pesticides are being applied. The comment regarding a top-down law</i></p>	40, 63

	<i>to ban the use of pesticides is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i>	
7J	<p>DPR allows an excessive amount of pesticides to be applied, and the reduction of pesticide use should be a primary focus. Families who live in the areas where pesticides are applied should be protected.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	73, 75, T25
8J	<p>There also needs to be blood tests put into law about chemicals for every use. We need base line information for everyone having concern of pesticide pollution.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	74
9J	<p>Pesticides are making people sick. We need to reduce their use and know where they are being used.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. See response to comment no. 15D regarding the need to know where pesticides are being used. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	77
10J	<p>The department should define restricted and probable carcinogens.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	78
11J	<p>Please consider requiring the addition of a blueing agent. This is simply a biodegradable dye that is added to such chemicals so that the places that have been sprayed are clearly marked and can be avoided.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	81
12J	We need to JUST SAY NO to all pesticide use near our properties!	86

	<i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i>	
13J	<p>Please limit the use of mild pesticides and get rid of the toxic ones. Have farms use regenerative strategies to grow organic food for the health of all from farmers to families.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	106
14J	<p>Stop using hazardous pesticides in agriculture as it accumulates in the human body and eventually kills.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	111
15J	<p>Toxic pesticides should be banned, and anyone exposed to them should have been notified so they could seek medical assistance for the health damage caused. Since that hasn't yet been done, current use of pesticides should be minimized, regulated, and monitored, and anyone in the vicinity should be notified before deployment and assisted with any toxic repercussions.</p> <p><i>DPR acknowledges the comment regarding notification. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action is intended to make select NOI information for applications for the production of an agricultural commodity that is already public information and already required to be submitted to the local CAC, publicly available in a more equitable, accessible and timely manner. The rest of this comment is outside the scope of the proposed rulemaking action.</i></p>	130, T10
16J	<p>I think the use of pesticides should not be allowed near schools at all and should be much more regulated than it is. We are killing of insect populations and diversity and in the process destroying the food web which sustains us.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	146
17J	Transparency is necessary, but eliminating dangerous pesticides should be the aim.	55, 149, T37

	<i>DPR acknowledges the comment regarding transparency. The rest of this comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i>	
18J	<p>Tell us how to protect ourselves. Provide us protective gear in advance.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this regulatory action. However, DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	110
19J	<p>For them to let us form workers' committees.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	T18
20J	<p>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.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	7
21J	<p>We support immediate resolutions for the township of Ojai:</p> <p>i. A moratorium on the use of all insecticides and herbicides on all land and facilities owned by the City of Ojai including: the parks, playgrounds, city buildings, roads, right of ways, and all other city-owned infrastructure. (This moratorium shall include a voluntary 1,000 foot “no spray buffer zone” on all sides of these public spaces).</p>	24

	<p>ii. A mandatory 72-hour public notice system whereby growers within the City of Ojai are required to provide public notice via electronic means (technology TBA) 72 hours prior to spraying of location of spraying, what will be sprayed and in what quantity.</p> <p>iii. A committee will be established to determine locations for no less than 5 public air monitoring stations around the township of Ojai.</p> <p>iv. A Healthy Soils Working Group shall be established with a significant farmer representation to create guidelines and establish funding resources for growers who wish to transition to self-health.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	
22J	<p>We support an exception to the preemptive clause in California Food and Agriculture Code Section 11501.1 which excludes California cities from authority to regulate pesticides due to Ojai's "unique mix of unusual topographical features, altitude, inversion layer and air quality conditions"</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	24
23J	<p>Current similar programs within DPR, e.g. BeeWhere, are problematic and dysfunctional.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	36
24J	<p>Recently a company in my neighborhood sprayed a poisonous chemical in our watershed because it was legal. A day later we had pouring rains washing this into our streams. How come they can do this and hide it so we only find out afterwards they are spraying?</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	76
25J	<p>In medical practice, we often use therapeutic interventions which expose patients to risk of an adverse outcome. The benefit to the patient must greatly exceed the risk. All interventions are evidence-based and require informed consent by the patient. This is the basis of ethical practice. The progress of Medicine is due to improving the safety and effectiveness of treatments and prevention of illness, as well as monitoring the health of patients and communities. We abandon obsolete and dangerous therapies. Your department must use similar precautions in the use of agricultural chemicals, until</p>	115

	<p>these toxic and indiscriminate chemicals can be phased out and replaced by safer and effective agricultural methods.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	
26J	<p>Let's set a good example for the world by improving the current model and including the things that need to be included, including science from the Office of Environmental Health Hazard Assessment, because they do a lot of work that should be listened to, not just the Dow Chemical Company.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	T70
27J	<p>TriCal recommends DPR, as the state's lead agency regulating pesticides, work with OEHHA to ensure this proposed regulation satisfies the notification requirements for pesticides containing the active ingredient 1,3-D under Proposition 65. Designing DPR's notification system for agricultural businesses that apply 1,3-D to comply with Proposition 65 will create efficiencies and lessen duplicative public warnings that will lead to over notification and confusion. We encourage DPR and OEHHA to collaborate on a streamlined notification solution for 1,3-D, based on DPR's science-based exposure thresholds, to avoid redundant or conflicting notifications. This was previously accomplished as occupational exposure warnings for pesticides are satisfied under Proposition 65 through DPR's Pesticides and Worker Safety requirements (27 CCR § 25606).</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. As stated in the ISOR, this regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner.</i></p>	39
28J	<p>I ask that you increase the air monitoring systems.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	T70
29J	<p>There is concern regarding the discretion of CACs. They are inconsistent and need more direction.</p>	T70, T72, T74, T85

	<i>Under FAC section 2281, CACs are responsible for the local administration of the pesticide use enforcement program subject to DPR statewide oversight.</i>	
30J	<p>Our CAC is willing to work with us to implement the notification program sooner than the mandate of 2025, and this is where we want DPR to be transparent and give us any necessary information on their test pilot in Tulare to make the modifications for our own county.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. See response to comment no. 1P regarding information about the Tulare test pilot.</i></p>	T2

General – Impacts

No.	Comment/Response	Commenter(s)
1L	<p>Reports from the pilot project farms and applicators did not bode well for a successful program; delayed timing of sprays caused by out of area activist groups -- only serve to cause more damage to crops by pests and possibly depending on length of delays -- create a need for stronger chemical mixture as the pests continue to thrive through their lifecycle. This is not in the best interest of anyone involved, nor should be a goal of the new program.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Making public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. DPR is not aware of any delays to pesticide applications resulting from the 2022 notification pilot projects or the 2023-24 notification beta test.</i></p>	21
2L	<p>Nowhere is there discussion about protecting our ability to apply pesticides. Once this notice is made public, what is stopping people from coming and parking next to the field we need to spray. This may not have happened during the two-year pilot program. But once this becomes law, what mechanisms are in place to protect us and our right to produce the safest food in the world?</p>	25

	<p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. The pesticide notification system (SprayDays California) will inform the public to avoid approaching any pesticide application or other agricultural operations for their safety and the safety of others.</i></p>	
3L	<p>There is a risk that the information provided to the public may be misinterpreted, leading to unnecessary panic or concern. It is reasonable to expect that many people who participate in a future notification system will be unfamiliar with CDPR's regulatory programs and the extent to which they already protect public health from pesticide applications. Notifications will spotlight potential exposures to pesticides below levels the state has already determined do not pose a significant health risk. Thus, notification recipients will need additional background to put notifications into a context that can properly inform individual decision making and reduce fear and mistrust.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding restricted material applications in California. DPR will continue its outreach to inform the public about California's robust pesticide regulatory program, which regulates pesticides to protect public health and the environment. Additionally, the pesticide notification system (SprayDays California) will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide,</i></p>	29, 30, T54

	<i>how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i>	
4L	<p>The proposed communications system may inadvertently impact agricultural practices by creating a climate of distrust or hostility towards pesticide use. It is important to strike a balance between public awareness and the need for effective pest management in agriculture, which is crucial for ensuring food security. I have concerns about who bears the responsibility if a grower loses a crop due to a delay or cancellation of an approved pesticide application based on an action stemming from a notification.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications.</i></p>	29, T15, T19
5L	<p>Integrated Pest Management (IPM) has been developed to lower the impacts of high intensity agriculture. We use beneficial insects, economic thresholds, and different chemistry groups to reduce pesticide usage, increase crop profitability, and decrease target pest resistance. This is the most progressive and sustainable agricultural method regarding pesticide usage. Continuing forward with the Statewide Notification System will deter this method of farming by allowing any member of the public to appeal time sensitive applications. Since there is no license needed by the public to deem an application unsafe or unnecessary, appeals will be put above the legal and licensed pest control advisor's recommendation. By allowing fear of products deemed safe by the Environmental Protection Agency (EPA), California Environmental Protection Agency (CalEPA), and DPR to dictate farmers and advisor's decisions will have severe foreseen and unforeseen impacts. When we decide to make an application, we are looking at real factors in the field. Some of these thresholds are on a strict timeline. For example, if a field has <i>Macrophomina</i>, a common soil borne disease that</p>	30

	<p>affects strawberries, the grower must apply a restricted fumigant. These fumigants are strictly regulated, and when applied correctly are safe. Failure to apply will result in crop loss and significant financial loss to the grower and their employees. If these applications are delayed it will result in late planting dates that also have detrimental effects to crop health and production. This is one example of many.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Existing FAC section 14009 authorizes interested persons to request CAC review of a restricted material permits, including NOIs. However, this regulatory action is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. Moreover, the pesticide notification system (SprayDays California) will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. DPR will also continue its public outreach to inform the public about existing pesticide regulatory requirements.</i></p>	
6L	<p>Opening these processes up to public review will be used to halt production. Whether this is used by the baseball team's Team Mom my nephew's team defeats in Tee Ball or an Environmental group who opposes agriculture to hinder our business, it will have negative impacts. It is my understanding during the pilot process a group appealed every NOI in Monterey County. On a whim with no scientific basis this group decided to singlehandedly stop the normal functions of agriculture. This had detrimental effects on our food system, added significant stress to operators who already work in a high stress environment, and when rolled out to the whole state will have significant costs and</p>	30

	<p>supply disruptions to consumers throughout the country and world. It is my belief these groups showed their hand in the Pilot and should be weighed heavily while deciding on this regulation. It will affect access to healthy foods and be a mental health burden on growers and agricultural workers throughout the state. Science should be our basis on all chemical applications and the state of California has a world-renowned system for monitoring and determining product usage that is already in place.</p> <p><i>See response to comment no. 1L. The pesticide notification system (SprayDays California) and this proposed regulatory action are not modeled off of Monterey County's 2018 Notification Pilot Project. DPR is not aware of any delays to pesticide applications resulting from the 2022 notification pilot projects or the 2023-24 notification beta test. DPR also is not aware and has no information indicating that a group appealed every NOI involved in Monterey County's 2018 Notification Pilot Project.</i></p>	
7L	<p>TriCal agrees with the goals of public participation, sharing of information, and providing transparency regarding pesticide applications, which should be focused on protection of residents and applicators. DPR should exercise caution, however, to avoid over-notification when notifying the public of approved, safe pesticide applications and consider the unintended consequences of over-notifying, which leads to the desensitization of public notifications about potential environmental concerns. Notifying the public of chemicals near them should be reserved for circumstances of appreciable health concern. DPR's existing laws and regulations, which govern the application of restricted material pesticides, mitigate harms to people near treated fields. DPR has a robust PUR database that allows the public to learn about local pesticide applications. We request DPR consider alternatives that would improve public understanding of pesticide applications, the regulatory processes, and protections provided to the public when pesticides are applied.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. While individuals may use the notification information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human</i></p>	39

	<p><i>health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p> <p><i>As discussed in the ISOR, DPR considered three alternatives to this proposed regulatory action, but determined that they were not feasible because they would either have a significant economic impact or would not meet the purpose of this regulatory action. However, SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
8L	<p>Privacy and confidentiality of the farms involved is crucial. Farms must not be identified specifically, nor the specific material being used.</p> <ul style="list-style-type: none"> • All communications from the public should be directly with the Ag Commissioner’s office or DPR. • Farmers in more urban and suburban areas like San Diego could easily be identified given the nature of farm distribution and subject to loss of privacy even under the best intended systems. • An activist group could plant pesticide residues on adjacent properties claiming drift, if they know the active ingredients. <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators’ ability to make lawful</i></p>	36

	<p><i>pesticide applications or to affect the timing of pesticide applications. The regulation does not require making the grower’s name, contact information, or other identifying information publicly available. Moreover, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
9L	<p>Farmers must be protected from all negative impacts (economic, defamation of character, risks to the safety of farmers, PCAs and fieldworkers, etc.) from activists and protestors.</p> <ul style="list-style-type: none"> • There are no provisions made in the policy to counteract protests or neutralize any confrontation between activists and farmers. • To date the process of engagement with farmers has been poor resulting in confusion and high-level concerns. • Activists have regularly overwhelmed and talked over farmers during public comment periods. • There was a near violent eruption involving anti-pesticide activists at the Ventura County DPR stakeholder meeting that validated these fears. <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. The intent of this regulatory action is to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely and equitable manner. This regulatory action builds on the existing restricted material permitting process that provides for the legal application of pesticides. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators’ ability to make lawful pesticide applications or to affect the timing of pesticide applications. See response to comment no. 1G regarding engaging and receiving public comment from farmers and other agricultural stakeholders.</i></p>	36

10L	<p>There should be penalties to the public and their legal representatives for any frivolous challenges.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking.</i></p>	36
11L	<p>There is a very real risk that ostensibly well-intended public notifications will be abused to disrupt agricultural operations and hinder production of healthful California fresh foods. Notifications of fully compliant, safe applications can be used by protestors to appeal the restricted material permit, physically disrupt intended field treatments, and harass agricultural workers and growers to halt applications. These risks were showcased during DPR’s funded Monterey County’s 2018 Notification Pilot, and led to days of delay, significant inefficiencies, and no appreciable benefits. Associated disruptions in agriculture treatments caused major delays as agricultural crews and equipment had to be moved and rescheduled. When it comes to pests or putting in a new orchard or a new vineyard, we have a very narrow window to do that, and we can't miss it based on some of these concerns that aren't really founded.</p> <p><i>See response to comment nos. 1L and 6L.</i></p>	39, T13
12L	<p>When we’re talking about empty lands, empty lands are just going to keep on increasing due to regulations. There’s no money in this right now.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. However, DPR assessed and considered the fiscal and economic impacts of this proposed regulatory action in its Economic and Fiscal Analysis memo. (See C DPR, 2023.)</i></p>	T31
13L	<p>The State has not built in any mechanisms to minimize frivolous or intentional interference with legitimate and legal pesticide applications. This will not only affect growers, but also the CAC offices workload.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of this rulemaking. However, as stated in the ISOR, this regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators’ ability to make lawful</i></p>	4

	<i>and timely pesticide applications and DPR evaluated and considered the economic impact to growers and fiscal impacts to CAC offices during the development of this regulatory action. (CDPR, 2023.)</i>	
14L	<p>I think it's hurting a smaller grower to be able to do all the electronic stuff and whatever all these new regulations are. Why can't we use the intent that's been required for years and years? Let's implement whatever we're supposed to implement to make it safe. I mean, growers have been doing it for a reason all these years. Is it doing any good? Maybe it can do some good.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. This regulatory action builds on the existing restricted material permitting and NOI processes by requiring select NOI information that is already required to be submitted to CACs to be additionally submitted to DPR. The primary economic impact to small businesses as well as other agricultural businesses is from the proposed requirement to submit an agricultural use NOI electronically via CalAgPermits. In FY 2020-21, the vast majority, 89 percent, of NOIs were submitted electronically. Therefore, only 11 percent of NOIs need to convert to electronic submission. DPR considered the economic impact to agricultural businesses, which will mostly be small businesses, from the requirement to submit NOIs electronically via CalAgPermits when developing this regulatory action. (CDPR, 2023.) Additionally, to account for situations where submitting an NOI electronically would cause an undue hardship, under proposed 3 CCR section 6434(e), upon a finding of undue hardship, the CAC may allow an NOI to be submitted to the CAC in a non-electronic format.</i></p>	T34
15L	<p>Currently anybody can request notification for up to 10 addresses/pins on map and/or can look at the publicly available map. Thus, anybody can call in concerns to the CAC. There is no ability to ascertain whether someone submitting a complaint is local and actually might be impacted by an application not being applied as it should be. It is not clear if the users of the prior notification understand that the application may occur within in a window of time, not at the time notified. Will there be complaints if the application occurs 2 days after the date and time of the NOI or if an application takes several days to complete? The draft regulatory language for prior notification does not clearly spell out the time frames that the NOIs are valid for and how the time frames will be notified to the public. Will someone who sees a pesticide application going on but doesn't see a NOI for that block call in a complaint, because they do not understand that if it is not an RUP or if it is a</p>	4

<p>foliar fertilizer application, and NOI is not needed? The other concern is that there is no mechanism to correct when a pesticide application under an NOI was not applied, such as when weather/ equipment/ staff/ supplies did not cooperate. When a new NOI is submitted, it will look like there have been multiple RUP applications to a 1-mile block, leading to false information about the potential for exposures. The system may imply a block or blocks close together are getting more RUPs applied when the blocks have a lot of smaller acreage.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner to increase transparency regarding the use of restricted materials in California. Non-restricted materials or fertilizers are not subject to this regulatory action. The pesticide notification system (SprayDays California) will explicitly state that it applies to restricted material pesticides and will explain what a restricted material pesticide is. DPR evaluated and considered the fiscal impacts to CACs and DPR of additional public outreach and public engagement that could result from questions and inquiries about applications that are not subject to notification when developing this regulation. (CDPR, 2023.)</i></p> <p><i>See response to comment no. 2C regarding how long an application may occur pursuant to an NOI. Also, see response to comment no. 17C regarding when an application does not occur.</i></p>	
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General – Necessity

No.	Comment/Response	Commenter(s)
1M	<p>Where is the failure of the current system? Doesn't the rigorous registration process of DPR and Federal EPA put every chemical through, provide proper protection? California has the best pesticide regulatory program in the US and as good as any in the World. DPR processes and science-based decisions are sound and designed to protect the public already. This process is duplicative and there is no need for an additional regulatory component.</p> <p><i>As outlined in the ISOR, DPR has a robust pesticide regulatory program that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This includes</i></p>	21, 36

	<p><i>DPR’s scientific review of pesticides to determine whether a significant adverse human health or environmental effect can reasonably be expected to occur before registering a pesticide for sale and use in California. This also includes DPR’s continuous evaluation of registered pesticides and DPR’s restricted material permitting program, both of which are intended to mitigate potential human health and/or environmental impacts from pesticide use. DPR’s restricted material permitting program requires a restricted material permit to possess or use a restricted material and requires a CAC-approved NOI prior to applying a restricted material for the production of an agricultural commodity. Nonetheless, as stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner.</i></p>	
2M	<p>I’m writing to oppose the statewide notification system. As a licensed PCA, I believe these regulations are unnecessary. There are already regulations in place to protect the public and more regulations will only raise the cost of food.</p> <p><i>See response to comment no. 1M.</i></p>	22
3M	<p>This new regulation does not help sustain agriculture and is contradictory to sustainable integrated pest management, nonscientific regarding state and federal registration processes, rife with opportunities for anti-agricultural groups to disrupt our food supply, and will add unnecessary burdens to CACs, DPR, state courts, and farmers throughout the state.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators’ ability to make lawful pesticide applications or to affect the timing of pesticide applications. Further, DPR evaluated and considered the fiscal and economic impacts to CACs, the State, and the agricultural industry in developing this regulatory action. (See CDPR, 2023.)</i></p>	30

4M	<p>We fully support the concerns highlighted by Commenter 1 and are adamantly opposed to implementation of the Statewide Notification of Agriculture Use of Restricted Materials: DPR No. 23-003. Specifically, we feel it is not justified scientifically, does not enhance safety and will have the unintended consequence of promoting risks such as vandalism, protests, crop losses and the targeting of farmers and field workers.</p> <p><i>See responses to comment nos. 1M regarding necessity and 3M regarding unintended consequences.</i></p>	36
5M	<p>Specifically what case information is there, of illness, injury, property damage, environment damage, violations, etc. that suggests this is needed?</p> <p><i>See response to comment no. 1M.</i></p>	36
6M	<p>DPR has already created a wide margin of safety for the public, schools, the environment, farmers, and fieldworkers. As the most regulated state in the country, another level of notification is unnecessary information and unfounded. We question how this information will be used and are concerned that this well-intended information program will have the opposite effect. It will raise unwarranted fears and promote opposition to any pesticide use.</p> <p><i>See response to comment no. 1M regarding existing pesticide regulations to protect human health and the environment. See response to comment no. 3M regarding any impact to agriculture. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. DPR also will continue its public outreach to inform the public about existing pesticide regulatory requirements, including requirements regarding restricted material sales, possession, and use.</i></p>	36
7M	<p>Under the Freedom of Information Act (FOIA), this information is already subject to mandatory disclosure by the state.</p>	T14

	<p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. While the specific NOI information is a public record subject to the Public Records Act (PRA), Government Code section 7920 et seq., that information is not readily available on an ongoing basis to the public in advance of the subject pesticide applications commencing. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner.</i></p>	
8M	<p>A lot of us growers live on our fields and know what we or our neighbors spray. We have helicopters and crop dusters pass by our houses, too, so it's not that we are completely disconnected from it. When we're talking about communities where we have cancer, asthma, sicknesses that might be pesticide-related but might not, where is the proof that it is exactly pesticide-related? We could implement this regulation, but what if it doesn't really help the problem? There might be other underlying causes that could be causing it, so it's important to really look into it before we go ahead and do this.</p> <p><i>See response to comment no. 1M.</i></p>	T31
9M	<p>With no mechanism for appeal and insufficient time to protest, notification is useless to neighbors of agricultural operations.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. It is not intended nor expected to affect property operators' ability to make lawful pesticide applications or to affect the timing of pesticide applications. FAC section 14009 authorizes interested persons to request CAC review of restricted material permits, including NOIs.</i></p>	91

General – Purpose

No.	Comment/Response	Commenter(s)
1N	<p>Based on the draft regulation, we are not clear what goals are to be achieved. Our understanding is that there has been a desire by some to know in advance when pesticides may be applied near them so that they can take measures to reduce their own and their family’s exposure. If that is the goal, then this regulation does not meet that goal. If the goal is to make it easier for people, often not within the community itself, to interfere with pesticide applications, then this rule will succeed.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. While individuals may use the NOI information to decide whether to take additional precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from potential pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. Making select NOI information that is already public information available to the public in a timelier manner pursuant to this regulatory action is not intended nor expected to affect property operators’ ability to make lawful pesticide applications or to affect the timing of pesticide applications.</i></p>	4
2N	<p>Children and pregnant women are at very high risk from harm caused by pesticide exposures. Children, because of their size, absorb greater amounts of toxins than adults and prenatal exposure during exposure is linked to miscarriage, birth defects, and risk of transmission to the fetus. Peer reviewed research documents these dangers and harms and must not be ignored. The notification system that is proposed must be designed to protect farmworkers, communities and especially women and children.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI</i></p>	8

	<p><i>information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p> <p><i>As stated in the ISOR, this regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. While individuals near the intended application site may use the NOI information to decide whether to take additional precautions that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	
3N	<p>The system is flawed and the interface is built to fail in its expressed intent. As proposed, NOI notification lacks useful information and teeth, and does not address the concerns of workers and residence in agricultural communities held hostage by the perceived needs of growers, pest control advisors (PCAs), large ag organizations, and the pesticide industry.</p> <p>DPR promises “transparency and equitable access”. However, the proposed plan's offered “access to information on pesticide use” is very narrow. Limited to NOIs, it applies to restricted chemicals only, excluding many hazardous pesticides that worry members of ag communities. It lacks key indicators of location. There is no guarantee that the information provided will be complete and understandable enough to help users of the system take precautions, or to recognize symptoms of exposure.</p> <p><i>See response to comment no. 2N regarding the intent of the regulatory action. See response to comment no. 3. regarding providing notice of non-restricted material pesticides. See response to comment no. 1D regarding location. Moreover, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a</i></p>	20

	<p><i>“Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. It also will expressly explain and give context to the specific NOI information – including explaining what restricted materials are, what active ingredients are, what “treated amount” and “application method” mean, and what the “intended” application date and time notes.</i></p>	
4N	<p>While growers and pesticide vendors may want “privacy” from public surveillance, it is an established fact that pesticides often drift beyond the borders of fields in which they are applied. Expanded notification should hold growers accountable for their “right to farm”. This system, as currently set up, promises they will need to change nothing in their pesticide use. Transparency and strict accountability should, instead, be rigorous enough to provide a disincentive for use of the most toxic chemicals.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. As stated in the ISOR, this regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. See also response to comment no. 2N regarding the intent of this regulatory action.</i></p>	20
5N	<p>In providing the authority for the proposed regulation, it cites FAC section 11501. We believe the amendments suggested in comment nos. 17C, 44C, 8K, and 43C are essential to meeting the public policy purpose laid out in Section 11501. Absent these amendments, this regulation could result in misleading information being provided to the public and creating an alarmist public reaction based on DPR's inaccurate public notice. The regulation as currently drafted would be akin to creating a reverse 911 system that has no follow up to residents as more information becomes available. That is the very opposite of the protection of public health and safety.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an</i></p>	41

	<p><i>agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. It also will expressly explain and give context to the specific NOI information – including explaining what restricted materials are, what active ingredients are, what “treated amount” and “application method” mean, and what the “intended” application date and time notes.</i></p>	
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General – Notification

No.	Comment/Response	Commenter(s)
10	<p>The residents of Ojai have been asking for notification prior to the application of pesticides.</p> <p><i>DPR acknowledges this comment. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner to all Californians.</i></p>	24
20	<p>I have the right to know what dangerous pesticides are being sprayed around me and on the food I eat!!</p> <p><i>DPR acknowledges this comment. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. See response to comment no. 4C regarding what pesticide is going to be applied</i></p>	58

30	<p>As a transplant from the bay area who recently started working in agriculture in the San Joaquin Valley, the use of pesticides is the long-term health risk I most fear. I hope you feel, as I do, that we all have a right to know when these potentially dangerous and deadly chemicals are applied or mishandled in our communities. I work on an organic farm, but our neighbors multi-thousand acre almond growing operation has no such limitations. I have been working in the fields with no PPE (personal protective equipment) just a few hundred feet from tractors spraying chemicals into the orchard next door, while their sprayer operators enjoy the safety of a pressurized, filtered tractor cab. If I have the potential to breathe it in, I have a right to know what it is. This regulation is essential to the safety of myself and of my coworkers.</p> <p><i>DPR acknowledges this comment.</i></p>	67
40	<p>Please provide notification. It is important.</p> <p><i>DPR acknowledges this comment.</i></p>	109, T6, T21, T28, T35, T36, T43, T53
50	<p>I support using pesticides with notification.</p> <p><i>DPR acknowledges this comment.</i></p>	139, T9, T38, T39

General - Notification System Design

No.	Comment/Response	Commenter(s)
1H	<p>This system must be web-based, easy-to-use and accurate with a map showing all planned applications of agricultural pesticides in the state, without the need to register, sign up, enter an address, or share personal information. Notifications cannot be limited to people living in certain geographic boundaries. Families may want to monitor pesticide applications near relatives and children may attend school a long distance from where they live. There cannot be any restrictions on alerting. Existing notification systems for wildfires, air pollution, tsunamis, etc. include interactive maps that allow anyone to zoom in to areas of interest and sign up for alerts in any area. The use of pesticides must be seen as no different than any other threat to human health and safety. There is no legitimate reason why this information should be limited or restricted in any way.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, as stated in the ISOR, currently the public lacks regular,</i></p>	A2091-A3091, 11, 13, 84-86

	<p><i>readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. The pesticide notification system (SprayDays California) is how DPR intends to make the specific NOI information that is submitted to DPR publicly available.</i></p> <p><i>SprayDays California will not require users to register, sign up or provide a personal address or other identifying information to view intended restricted material pesticide applications in California. It will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. Also, see response to comment no. 3K.</i></p> <p><i>While individuals may use the NOI information to decide whether to take additional precautions that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. However, SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
2H	The website must not require registration of any kind to access to avoid fear regarding immigration status. Visitors should have the option to sign up to receive alerts by text or email.	A2091-A3091, 8, 13, 43, 84-86

	<i>See response to comment no. 1H.</i>	
3H	<p>Additional information on pesticide safety, protection and community health should also be made available on the website.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	A2091-A3091, 8, 13, 43, 84, 85
4H	<p>Having a website that everyone can use is a huge advantage and I support the previous DPR draft that had that.</p> <p><i>See response to comment no. 1H.</i></p>	504, 522
5H	<p>Concerns were expressed on how notifications could be misinterpreted and/or misused when accessed through the public website. Because a NOI 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.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, as stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system</i></p>	7

	<i>(SprayDays California) will expressly state that the pesticide applications are “intended” or “planned” applications and that they may not occur on the intended date or even at all.</i>	
6H	<p>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.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. See response to comment no. 1K.</i></p>	7
7H	<p>CACs 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.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about how DPR and CACs regulate and enforce pesticide use in California and are supporting the use of safer, more sustainable pest management.</i></p>	7
8H	<p>Exposure to pesticides is a public health threat and alerting is vital to protect human health. Alerts must be provided by email and/or text at least 72 hours in advance of the planned application, in English and the languages most commonly spoken in California’s farmworker communities.</p> <p><i>DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. While individuals near the intended application site may use the NOI information to decide whether to take additional</i></p>	11

	<p><i>precautions that they deem appropriate, the pesticide notification system (SprayDays California) is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification. NOI information will initially be available in English and Spanish.</i></p> <p><i>See response to comment no. 5A regarding receiving notice of intended applications more in advance of the intended start of the application.</i></p>	
9H	<p>Contact information for PCAs and growers should be accessible, if not on a public website, then immediately upon request to a 24-hour hotline to DPR and/or the CAC.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, as stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already required to be submitted to the local CAC and already public information, publicly available in a more equitable, accessible and timely manner. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	18, T80
10H	<p>We know that DPR has committed to a notification program which gives public notice for planned applications of restricted materials. While we do not agree that this level of notification is necessary, we want to see a program that is successful in informing the public adjacent to pesticide applications in a manner that does not lead to undue confusion or concern. It is not outlined in the proposed regulations, but we expect DPR to provide information to the public about pesticide use and the robust regulatory framework already in place to protect people and the environment in</p>	10

	<p>California. If accurate information is not prominently shared, notifications could lead to misinformation and fear about pesticide applications.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. It also will explain and give context to the specific NOI information – including explaining what restricted materials are, what active ingredients are, what “treated amount” and “application method” mean, and what the “intended” application date and time notes.</i></p>	
11H	<p>Individuals who are not reasonably proximate to a restricted material application will not benefit from a notification and individuals or groups outside of potentially impacted areas can already obtain reported information from DPR’s comprehensive Pesticide Use Reporting System. To eliminate potential conflict, DPR should collect user location data and limit the total number of addresses a single user can register based on reasonable assumptions about potential impacts to themselves and family members at various locations that may be frequented by those individuals.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. Consistent with the intent of this regulatory action, the pesticide notification system (SprayDays California) will not require users to register, sign up or provide a personal address or other identifying information to view intended</i></p>	29

	<p><i>restricted material pesticide applications in California. It will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. Also, see response to comment no. 1K.</i></p>	
12H	<p>All information must also be in multiple languages, including English, Spanish, Mixteco, Zapotec, and other indigenous languages. Indigenous people and other non-English speaking members of the community must be consulted on what format the notification is disseminated. It must also have the ability to add additional languages as the need arises.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. The pesticide notification system (SprayDays California) will include information explaining what the specific NOI information means and how it can be used by the public. Information will initially be available in English and Spanish. DPR is committed to engaging with stakeholders on ways to improve the system, including additional languages and formats in which to disseminate notification information. Based on comments received, DPR modified 3 CCR section 6434(h) to provide for an annual public comment period following DPR's issuance of an annual status update until DPR issues a draft report three years after the regulation goes into effect. DPR will accept written comments during the public comment period in the commenter's preferred language. The modified regulatory text also requires DPR to present its annual report to and receive feedback from DPR's EJAC. Through the EJAC, DPR may be able to accept oral comments in indigenous spoken languages on the system and process, in addition to written comments.</i></p>	A2091-A3091, 8, 13, 34, 40, 43, 84-86, T12, T79
13H	<p>It needs to be in the format that the workers understand as well and verified that it was received and the proper procedures to protect them are enacted. That means providing warnings and instructions to avoid exposure is in multiple formats including written and verbal.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. DPR has a robust pesticide regulatory program, which includes its</i></p>	40

	<p><i>restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. The pesticide notification system (SprayDays California) will make the specific NOI information that is submitted to DPR publicly available. It will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. It will also include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. It also will expressly explain and give context to the specific NOI information – including explaining what restricted materials are, what active ingredients are, what “treated amount” and “application method” mean, and what the “intended” application date and time notes.</i></p>	
14H	<p>Many people voiced that a voice message system would be preferable.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, this regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will make</i></p>	34

	<p><i>the specific NOI information that is submitted to DPR publicly available. It will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California will also allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. While individuals near the intended application site may use the NOI information to decide whether to take additional precautions for themselves that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p> <p><i>As stated in the General Response above, under proposed section 6434(h), DPR is annually required to issue a status update and obtain feedback on its system and process for making information about intended restricted material applications publicly available from the DPR's EJAC and the State Board of Food and Agriculture, and through a public comment period. DPR also is required to issue a report, following public comment and feedback from DPR's EJAC and the State Board of Food and Agriculture, on its system three years after this regulatory action goes into effect. Through this requirement, DPR will continue to review and improve its system and process as appropriate.</i></p>	
15H	<p>The public-facing website we previewed was great: in multiple languages, with the option to receive text or email notifications with the active ingredient, product name, and health information all included. We trust that these elements will be in the final program, and we urge you to include sufficient details in the regulation to guarantee that these elements are incorporated.</p> <p><i>DPR acknowledges this comment.</i></p>	T22
16H	<p>A group message with a distinct sound preceding it would be helpful to alert the community. We can make the effort of submitting our information so we are on the notified list.</p> <p><i>See response to comment no. 14H.</i></p>	T29
17H	<p>The program should be to notify residences of individuals in communities surrounding where an application is going to take place, so it should be a community-by-community response and not a one-size-fits-all state notification.</p>	T54

	<p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, this regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will make the specific NOI information that is submitted to DPR publicly available. SprayDays California will include a web-based visual map that will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections.</i></p>	
18H	<p>We feel that it is important that the information that DPR provides in their notification has context for those who are going to receive that notification. A notification without context could have unintended consequences that result in a fear-based reaction as opposed to a fact-based decision. We really believe that if a notification is going to be issued, that those who receive it are able to make a fact-based decision as to what they feel they need to do protect themselves or their family members.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information publicly available in a more equitable, accessible and timely manner. However, the pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients</i></p>	T54

	<p><i>through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. While individuals near the intended application site may use the NOI information to decide whether to take additional precautions that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	
19H	<p>We need a way for rural communities that don't have a zip code to receive this notification because they sometimes don't ever get the information because there's no zip code.</p> <p><i>Proposed 3 CCR section 6434(g) requires DPR to make select NOI information publicly available in a more equitable, accessible and timely manner. DPR intends to do this by both providing email and text message notice of applications that are in the one-square mile section of an address of interest or by creating a web-based map that will allow the public to anonymously search for a one square-mile section of interest. While a zip code is required to receive email and/or text message notice, the zip code provided can be for any address of interest. A zip code is not required to search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section.</i></p>	T56
20H	<p>If they had some sort of website that we can go to, like how they have a public emergency, they can send some sort of notification through a phone app that people can subscribe to, and then we would be all protected from dangerous pesticide use.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. DPR has a robust pesticide regulatory program, which includes its restricted material permitting program, that is designed to protect public health and the environment while providing for safe, legal pesticide applications. However, as stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will make the specific NOI information that is submitted to DPR publicly available. SprayDays California will include a web-based visual map that</i></p>	T90

	<p><i>will allow the public to anonymously search and zoom in on locations of interest throughout California to see information about any intended applications to the level of a one-square mile section. SprayDays California also will allow an individual to sign-up to receive email and/or text message notifications of intended restricted material applications for up to ten different addresses of interest so a person could receive notifications for intended applications occurring in the one-square mile section the address is located and all adjacent one-square mile sections. SprayDays California will have a mobile format so that the information will be accessible a smartphone.</i></p> <p><i>SprayDays California will include information about California’s pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR. While individuals may use the NOI information to decide whether to take additional precautions for themselves that they deem appropriate, SprayDays California is not a public alert system or otherwise intended to mitigate potential human health risks from pesticide exposure and this regulatory action does not require the public to take any particular action upon receipt of notification.</i></p>	
21H	<p>Notification should be sent to all homes, businesses and public areas within 25 miles of the outside perimeter of the application.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will make the specific NOI information that is submitted to DPR publicly available. SprayDays California will allow individuals, including individuals located within “homes,</i></p>	104

	<i>businesses and public areas within 25 miles” or others, to sign up to receive an email or text message notification of any intended restricted material application for the production of an agricultural commodity that is occurring within the one-square mile section and adjacent sections of a designated address or to anonymously search for a one squaremile section on a web-based map.</i>	
22H	<p>DPR should think about how the prior notification requirements for RUPs can be dovetailed with existing voluntary technologies such as BeeWare and SpraySafe. Why should similar information need to be inputted into two or three different systems. Streamlining and keeping reporting as simple as possible is critical.</p> <p><i>DPR assumes this comment is referring to restricted material pesticides and not restricted use pesticides (RUPs), which are classified by the U.S. EPA and are not the basis for inclusion in the notification system. This regulatory action requires agricultural use NOIs and select information from NOIs for the production of an agricultural commodity to be submitted electronically via CalAgPermits to the CAC and DPR, respectively. DPR is requiring NOIs and select NOI information to be submitted via CalAgPermits because CalAgPermits is the electronic permitting system currently utilized by CACs. In FY 2020-21, the vast majority, 89 percent, of NOIs were submitted electronically. CalAgPermits will automatically electronically transmit the NOI to the appropriate CAC and the specific NOI information outlined in proposed subsection (d) to DPR. This will allow property operators, authorized representatives, and pest control businesses to simultaneously submit an NOI to the CAC and specific NOI information to DPR. This capitalizes on technological advancements that allow for a more efficient flow of information between CACs and DPR and streamlines the NOI submission process.</i></p>	4
23H	<p>DPR should mandate education for those that enroll for notification. They must watch a video to be educated about what current regulations already protect neighbors, workers, and the environment.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to increase the transparency of intended restricted material applications made for the production of an agricultural commodity in California by making select information that is already required to be submitted on an NOI and that is already public information, publicly available in a more timely, accessible and equitable manner. The pesticide notification system (SprayDays California) will include information about California’s pesticide regulatory system and</i></p>	36

	<p><i>requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a “Community Health Tips” page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
24H	<p>We encourage DPR to consider, in the future, providing additional information to notified parties should an application not occur. When an application is planned, per an NOI, but is subsequently cancelled (which is not uncommon, due to weather conditions, etc.), originally notified parties would be unaware that the application did not occur. Without correct information, notified parties could take additional unnecessary or counterproductive actions, protest applications, or appeal NOIs due to misleading information about the number and scale of applications occurring within the state. In short, a right to know system’s success can only be measured by the accuracy of the information it provides.</p> <p><i>See response to comment no. 17C.</i></p>	1
25H	<p>We request DPR include either in notification directly or on the landing page of “Spray Days” where user sign up occurs, language to strongly discourage the public from entering fields undergoing an application and refer all questions or concerns to DPR. Notification should include language that the receipt of notification is for information only and does not indicate that an application or exposure may occur or that it presents a health risk to nearby receptors. This information should be required to be verified by system users prior to viewing a notification. DPR’s website should include links on where to report a verified pesticide illness, include information about DPR’s approval and monitoring procedures, role of the CACs, and troubleshooting or Q&As for the notification system.</p> <p><i>This comment is not specifically directed at the proposed regulations, and therefore is outside the scope of the proposed rulemaking. As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available</i></p>	1

	<p><i>in a more equitable, accessible and timely manner. Making this already public information available to the public in a timelier manner pursuant to this proposed regulatory action is not intended nor expected to affect property operators' ability to make pesticide applications or affect the timing of lawful pesticide application. The pesticide notification system (SprayDays California) will expressly inform the public to avoid approaching any pesticide application or other agricultural operations for their safety and the safety of others. It will also include information explaining what the specific NOI information means and how it can be used by the public. SprayDays California additionally will include information about California's pesticide regulatory system and requirements and how they protect people and the environment from potential pesticide exposure. This information will provide context to the specific NOI information that DPR will make publicly available. SprayDays California will also include a "Community Health Tips" page, which is intended to be a resource for people to learn about what to do if they are exposed to a pesticide, how to report pesticide incidents, and where to find health and safety information on specific active ingredients through the National Pesticide Information Center and best practices for farmworkers and others living or working near pesticide applications. It will also include contact information for the National Pesticide Information Center, and how to get in touch with the local CAC Office and DPR.</i></p>	
26H	<p>There should be additional background information for all notifications and the information should include that:</p> <ul style="list-style-type: none"> • All applications must be approved by the County Agricultural Commissioner (CAC). • Applications may occur within four days of the filing of a Notice of Intent (NOI) with the CAC. • Applications may also be postponed or cancelled due to weather conditions or other factors determined by the grower. • All users of restricted materials are licensed, and those materials are subject to more intensive regulatory reviews, approvals, and conditions of use than other materials. • Restricted materials have been evaluated for potential human health and environmental risks and have been determined by CDPR to be safe for use, subject to applicable use restrictions. • There are penalties for trespassing on private property. <p><i>See response to comment no. 25H.</i></p>	29
27H	<p>As this regulation would provide the statutory basis for the creation of a notification system that provides information being sought by the public, it is important that this regulation be amended to provide the necessary framework for how that system would operate. Currently, the regulation</p>	41

	<p>lacks the structure needed to assure that the public is getting clear, reliable, accurate and valuable information and that the information would accomplish its intended purpose.</p> <p><i>As stated in the ISOR, currently the public lacks regular, readily available and ongoing information about upcoming restricted material applications before they occur. This regulatory action is intended to make select NOI information for restricted material applications for the production of an agricultural commodity that is already public information, publicly available in a more equitable, accessible and timely manner. DPR created a pesticide notification system (SprayDays California). SprayDays California is in the process of being implemented and the information being provided to the public is being specified in the regulations. Through SprayDays California, DPR intends to make the specific NOI information that is submitted to DPR publicly available. If any changes are needed to specify how the regulations work, DPR will conduct a rulemaking in accordance with the APA.</i></p>	
28H	<p>The new system is still a mystery in the regulation. I've liked previous web-based demonstrations of it in the past, but there's nothing in the regulation that describes what I'll be looking at or even how I'll access the notification.</p> <p><i>See response to comment no. 27H.</i></p>	303, 312, 318, T14, T22