

March 1, 2016

To: Brian Leahy, Director, California Department of Pesticide Regulation

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African American Farmers of California	Western Growers Association
Agricultural Council of California	Western Plant Health Association
Almond Hullers & Processors Association	Butte County Farm Bureau
California Association of Nurseries and Garden Centers	Colusa County Farm Bureau
California Cherry Growers and Industries Foundation	Del Norte County Farm Bureau
California Citrus Quality Council	Fresno County Farm Bureau
California Cotton Ginners Association	Imperial County Farm Bureau
California Cotton Growers Association	Kern County Farm Bureau
California Farm Bureau Federation	Madera County Farm Bureau
California Fresh Fruit Association	Merced County Farm Bureau
California Pear Growers	Monterey County Farm Bureau
California State Floral Association	Napa County Farm Bureau
California Strawberry Commission	Riverside County Farm Bureau
California Walnut Commission	San Diego County Farm Bureau
California Women for Agriculture	San Joaquin County Farm Bureau
Central California Almond Growers Association	San Luis Obispo County Farm Bureau
Far West Equipment Dealers Association	San Mateo County Farm Bureau
Nisei Farmers League	Santa Barbara County Farm Bureau
Sacramento Valley Landowners Association	Santa Cruz County Farm Bureau
Sweet Potato Council of California	Solano County Farm Bureau
UnitedAg	Stanislaus County Farm Bureau
Ventura County Agriculture Association	Tehama County Farm Bureau
Western Agricultural Processors Association	Tulare County Farm Bureau
	Farm Bureau of Ventura County
	Yolo County Farm Bureau
	Yuba Sutter Farm Bureau

RE: DPR's Risk Characterization Document and the 1,3-D Management Plan

Overview

Updates to DPR's California Management Plan for 1,3-D, when complete, could revise use restrictions and the number of acres that can be fumigated with 1,3-D each year. 1,3-D is a critical crop protection tool for which no viable alternatives exist to combat nematodes.

The organizations listed above represent hundreds of family farmers in California who employ or create jobs for many thousands of workers in this state as our products move from the farm to the fork.

We recommend that DPR continue to allow growers to use up to 180,000 lbs per township per year where necessary (even though this limited amount is enough to fumigate only about 2% of the total acres in a township). Use of up to 180,000 lbs is supported by options available in DPR's Risk Characterization Document (RCD).

DPR's exhaustive scientific review of 1,3-D has taken many years. The process culminated in the RCD, which outlines options for assessing risks associated with use of 1,3-D. The RCD was peer-reviewed by the Office of Environmental Health Hazard Assessment (OEHHA) and the U.S. EPA.

The RCD gives the Department sound options, based on the most up-to-date science, to adopt flexible policies governing 1,3-D use, including continued use of up to 180,000 pounds and more, where necessary. We urge you to use reasonable, science-based approaches in updating the Management Plan, and not to accede to extreme demands from advocacy groups who are arguing for restrictions so severe as to effectively ban the use of 1,3-D altogether.

Unreasonable Recommendations from Advocacy Groups

In a letter to DPR dated January 28, 2016, advocacy groups that oppose the use of fumigants have urged DPR to adopt extreme risk assumptions that, in practice, would severely limit the availability of 1,3-D to growers in California. The scientific evidence generated and analyzed by DPR in the RCD make clear that more restrictive risk assumptions are not needed to protect the public health.

Responsible Recommendations from the Agricultural Community

In contrast to recommendations from anti-fumigant advocates, we recommend the following:

1. DPR should continue its long-standing program of managing the risk associated with 1,3-D use at the one-in-one-hundred-thousand level (1×10^{-5}) as a regulatory target. This risk target is conservative, and is based on state policy and precedent as well as the extensive scientific data specific to 1,3-D.
2. DPR should not use artificial assumptions of 70-year or lifetime residency in calculating risks. Actual data from studies conducted recently and specifically to identify actual residency and mobility patterns in high use areas show that typical residency patterns are nowhere near 70 years. Instead, DPR should use the 30 year assumption identified in the RCD. This figure is consistent with the average value from local survey data and with established policies at U.S. EPA and OEHHA.

3. DPR should maintain the “portal of entry” method for extrapolating cancer estimates from animals to humans, as suggested in the RCD. This method is consistent with the U.S. EPA method.

As a general matter, the Department should consider that growers of more than 50 crops—including almonds, carrots, sweet potatoes, citrus, strawberries, grapes and many other vegetable, tree and vine crops depend on pre-plant soil fumigation. In many situations, growers have no viable alternatives for controlling devastating soil pests, particularly nematodes.

Without fumigation, these pests can cause inefficient use of water and other crop inputs, stunt crop growth, reduce yield, or eliminate a crop altogether.

For decades, growers throughout California have used 1,3-D without threat to public health. We encourage you to adopt reasonable measures as you refine the allowable use conditions in the State and maintain farming practices for growers that are science-based and protective of public health.

cc: The Honorable Cathleen Galgiani, Chair, Senate Committee on Agriculture
The Honorable Anthony Cannella, Vice Chair, Senate Committee on Agriculture
The Honorable Luis Alejo, Chair, Assembly Environmental Safety and Toxic
Materials Committee
The Honorable Brian Dahle, Vice Chair, Assembly Environmental Safety and Toxic
Materials Committee
Karen Ross, California Department of Food and Agriculture
Matt Rodriguez, California Environmental Protection Agency
Gina Solomon, California Environmental Protection Agency
Arsenio Mataka, California Environmental Protection Agency
Martha Guzman-Aceves, Office of Governor Jerry Brown
Cliff Rechtschaffen, Office of Governor Jerry Brown
Marylou Verder-Carlos, California Department of Pesticide Regulation