

From: [Baker, Lynn@ARB](mailto:Baker.Lynn@ARB)
To: CDPR_dpr22005
Cc: [Singhasemanon, Nan@CDPR](mailto:Singhasemanon.Nan@CDPR); [Pham, Minh@CDPR](mailto:Pham.Minh@CDPR); [Krieger, Robert@ARB](mailto:Krieger.Robert@ARB); [Armstrong, Stanley@ARB](mailto:Armstrong.Stanley@ARB); [Harris, Greg@ARB](mailto:Harris.Greg@ARB)
Subject: Comment on proposed 1,3-D regulation
Date: Thursday, January 12, 2023 3:42:01 PM

EXTERNAL:

DPR staff:

The purpose of this comment is to suggest that the Department of Pesticide Regulation (DPR) clarify the basis and intent of the target concentration being used by DPR to develop enhanced mitigation as part of the proposed regulation for the soil fumigant 1,3-dichloropropene (1,3-D). DPR's request for public comments states that the proposed action will restrict the use of 1,3-D to mitigate the potential 72-hour acute risk and 70-year lifetime cancer risk to non-occupational bystanders.

At DPR's Pesticide Registration & Evaluation Committee (PREC) meeting on November 18, 2022, a member of the public commented that DPR had ignored a new safe harbor level for 1,3-D developed by the Office of Environmental Health Hazard Assessment (OEHHA) under the Proposition 65 program. At the PREC meeting, I requested clarification to ensure that DPR was aware of OEHHA's new safe harbor level. Having been CARB's representative to DPR's 1,3-D workgroup and the PREC, I was unaware of any discussions of the new Prop. 65 safe harbor level. Since the PREC meeting, I have spoken with staff from both DPR and OEHHA, and I now understand that DPR and OEHHA staff had ongoing consultation regarding DPR's target concentration. CARB's role in DPR's toxic air contaminant (TAC) program is to review the exposure assessment portions of DPR's TAC work (e.g., related to air monitoring, emission estimation, and air dispersion modeling). CARB leaves it up to OEHHA to review and comment on acute and chronic reference exposure levels, and cancer potencies related to DPR's TAC work. We believe that the proposed regulation will reduce emissions and health risk. However, we suggest that DPR clarify the basis of the target concentration and whether there is any need for modification of the proposed regulation in light of OEHHA's Prop. 65 safe harbor level.

Thank you for the opportunity to comment on the proposed regulation. Please contact me with any questions.

Lynn

Lynton Baker
Staff Air Pollution Specialist
Risk Reduction Branch
Transportation & Toxics Division

California Air Resources Board
Email: lynn.baker@arb.ca.gov