

BEFORE THE
CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION

In the matter of:)
)
Public Hearing)
_____)

PUBLIC HEARING ON A PROPOSED REGULATORY ACTION CONCERNING
HEALTH RISK MITIGATION AND VOLATILE ORGANIC COMPOUND
EMISSION REDUCTION FOR 1,3-DICHLOROPROPENE AND A PROPOSED
OZONE STATE IMPLEMENTATION

CalEPA HEADQUARTERS BUILDING
BYRON SHER AUDITORIUM
1001 I STREET, 2ND FLOOR
SACRAMENTO, CALIFORNIA 95814

HYBRID VIA IN-PERSON AND REMOTE

WEDNESDAY, JANUARY 18, 2023

9:30 A.M.

Reported by:
Martha Nelson

APPEARANCES

HEARING OFFICER

Minh Pham

DPR STAFF

Aniela Burant

PUBLIC COMMENTERS

Teresa Gomez

Mercela Sanchez

Victoria Gabriel

Guadalupe S.

Karin Urso

Asha Sharma, Pesticide Action Network

Karen Cameron, Safe Schools Monterey County

Catherine Dodd

Joshua Ezekiel

Flor Jasmine Alvarado

Grecia Orozco

Ann Katten, California Rural Legal Assistance Foundation

Petra Flores

Irene Gomez

Rebecca Baskins, Kahn, Soares & Conway, LLP

Pedro Ramirez

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PUBLIC COMMENTERS

Jacob

Vanessa Forsythe, California Nurses for Environmental
Health and Justice, and California Pesticide Reform

Odette Moran

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Ms. Mendoza

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Horacio Amzquita

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Michael Gasser, Science for the People

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Luz Ramirez

Yanelly

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Jose Chavez

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Tim Prado

Mark Weller, Safe Ag Safe Schools, and Californians for
Pesticide Reform

Angelica Lopez

Diana Mireles

Joshua Rahm, California Walnut Commission

Angel Garcia, Californians for Pesticide Reform

Lupita Sanchez

Chris Reardon, California Farm Bureau

Kathleen Kilpatrick

Woody Rehanek, Safe Ag Safe Schools

Renee Pinel, Western Plant Health Association

Ana Rosa Rizzo-Sentino

Olga Reyna, United Farm Workers Union

Cesar Lara, Monterey Bay Central Labor Council

Rosio Madrigal

Juan Vivian, Environmental Commission

Maria Sorozano

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APPEARANCES

PUBLIC COMMENTERS

Fernando Elias

Susie Elias

Maria Navarro

Isabel Ramirez

Ilana Miranda

Juan Manuel Moran

P R O C E E D I N G S

9:33 A.M.

WEDNESDAY, JANUARY 18, 2023

HEARING OFFICER PHAM: So this hearing will officially come to order. Good morning. My name is Minh Pham. I am the Branch Chief of the Environmental Monitoring Branch here at the Department of Pesticide Regulation, also referred to as DPR throughout this. I also serve as today's Hearing Officer.

So for the record, today is January 18th. It is roughly 9:33 a.m. Pacific Time. We are in the Byron Sher Auditorium in the California Environmental Protection Agency building located at 1001 I street. That is in Sacramento, California.

So DPR is hosting this regulation hearing for 1,3-Dichloropropene, which I will refer to as 1,3-D, in a hybrid format with options for in person participation here at this physical meeting location, as well as remote participation through our Zoom. We have this room until 1:00 p.m. today, and we will work to get everyone's access to the room.

This hearing is being transcribed by Martha Nelson from California Reporting. The transcripts of this hearing will be made part of the rulemaking records.

This hearing is also accessible via public

1 webcast for persons who would like to watch this hearing
2 without participating. The public webcast can be
3 accessed through the California Environmental Protection
4 Agency's website and is available now for visiting the
5 CalEPA website. I'll also have our staff place the link
6 into the Zoom for any participants that want to jump out
7 of the Zoom.

8 So this hearing is being interpreted from
9 English to Spanish and from Spanish to English by Carlos
10 Diaz and Ruth Monroy of Trans-Lang. If any in-person
11 attendees would like Spanish language assistance, there
12 is a limited supply of headsets available towards the
13 side of the room.

14 If remote attendees participating through Zoom
15 would like Spanish language assistance, click
16 "interpretations" in the bottom toolbar and click the
17 language that you would like to hear, then mute the
18 original language -- I'm sorry, mute the original
19 language. This feature is not available through phone
20 audio and you must select a language under the
21 interpretation tab to hear any translations.

22 At this point, I will let our staff interpreter
23 give you a Spanish translation of that.

24 (Whereupon instructions are given in Spanish.)

25 HEARING OFFICER PHAM: Alright. Thank you.

1 To start off, I want to emphasize that DPR
2 welcomes participation from all members of the public.
3 If you know anyone who is not able to attend today,
4 please remind them that if they wish to comment, DPR is
5 happy to accept those comments by email sent to
6 dpr22005@cdpr.ca.gov by the end of the day, or by mail
7 that is postmarked no later than today, January 18th.
8 Instructions for submitting written comments are on the
9 next slide, and can also be found in the Notice of
10 Proposed Action for Health Risk Mitigation and Volatile
11 Organic Compound Emissions Reductions for 1,3-
12 Dichloropropene, which was published on November 18th.

13 So general housekeeping. Let's start off with
14 some general announcements. Please bear in mind that we
15 are making housekeeping announcements for those attending
16 the hearing in person, as well as those hearing virtually
17 through Zoom.

18 First of all, for all those that are in
19 attendance today, please check and mute your cell phones.
20 To those attending -- excuse me -- to those attending in
21 person, please look around now and identify two exits
22 closest to you. In some cases, an exit may be behind
23 you.

24 In the event of a fire alarm, we are required
25 to evacuate the room immediately, so please take your

1 valuables with you and do not use the elevator. While
2 staff is here to assist you to the nearest exit, you
3 should also know that you may find an exit by following
4 the ceiling mounted exit signs. Evacuees will exit the
5 stairwell and possible to relocate across the street. If
6 you cannot use the stairs, you will be directed to a
7 protective vestibule inside the stairwell. Should we
8 have to relocate out of the building, please obey all
9 traffic signals and exercise caution crossing the street.

10 There are drinking fountains and restrooms
11 located just outside the back door to the left, just past
12 the glass sculpture hanging in the ceiling.

13 For those attending this hearing in person who
14 wish to make public comments, as soon as you entered the
15 building there, there was attendance registers and you
16 were asked to print your name indicate whether you wish
17 to provide public comment. If you plan to make a
18 comment, please sign in with the staff in the back right
19 now and indicate you wish to make those comments if you
20 have not already done so.

21 For those attending this hearing remotely who
22 wish to make public comments, please raise your hand in
23 the Zoom when we indicate it is appropriate to do so.
24 Attendees that are participating on Zoom will
25 automatically remain on mute. When we reach the public

1 comment portion of the hearing commenters that wish to
2 provide comments will be granted the ability to unmute
3 themselves upon called upon.

4 DPR will be calling on those attendees -- on
5 those attending the hearing in person first in the order
6 of their registration, followed by persons participating
7 from the remote location in the order that they raise
8 their hand. And I will be going back and forth,
9 potentially five by five, just so we can incorporate
10 everybody.

11 If there are any technical difficulties
12 regarding this Zoom meeting, please either emailed
13 dpr22005@cdpr.ca.gov, or you can Lauren Otani (phonetic)
14 at (916) 445-5781.

15 As mentioned, we will have a stoppage at 1:--
16 p.m. for the room, so we will use our discretion when it
17 comes to breaks and lunch, should we need it.

18 So before we take -- before we begin taking
19 comments, I'm going to provide a brief procedural
20 background of the proposed regulations.

21 The Director of DPR has called this hearing to
22 receive public comments on a proposed rulemaking action.
23 DPR proposes to adopt section 6448.3 and 6448.4, amend
24 sections 6448, 6449.1, 6452, 6452.2, 6624, 6626, and
25 6881, and now -- and adopt new sections 6448.1, and

1 renumber and amend previous section 648 -- 6448.1 as
2 section 6448.2 of Title 3, California Code of Regulation.

3 In summary, the proposed actions will restrict
4 the use of 1,3-D to mitigate the potential 72-hour acute
5 risk and 70-year lifetime cancer risk to non occupational
6 bystanders. The proposed mitigation measure will also
7 further reduce the emissions of 1,3-D as a volatile
8 organic compound referred to as VOC.

9 The proposed action will allow the use of 1,3-D
10 only for the production of agricultural commodities,
11 effectively prohibiting other uses that are not currently
12 registered, establish mandatory setbacks which are
13 distances from occupied stuck structures where 1,3-D
14 cannot be applied, set limits on the application rate and
15 acreage treated for an individual soil fumigation, place
16 restrictions on multiple field soil restrictions that do
17 not meet the distance or time separation criteria, limit
18 the allowed method to apply 1,3-D including criteria is
19 for acceptable types of tarpaulin that can be used,
20 require an annual report from DPR that includes
21 evaluation of 1,3-D use and air monitoring results, and
22 requires the inclusion of certain information in existing
23 pesticide use record and pesticide use reports.

24 This public hearing is also for the purpose of
25 accepting comments on amendments that may become part of

1 the Ozone State Implementation Plan, SIP. The federal
2 Clean Air Act requires that each state with nonattainment
3 areas to submit a SIP for achieving and maintaining
4 federal ambient air quality standards for ozone.

5 California's SIP contains an element to reduce
6 pesticide (indiscernible) sources of environment. As a
7 result of the lack of pesticide sources of VOCs. These
8 proposed regulations amend and add to the regulation that
9 were previously submitted to the United States
10 Environmental Protection Agency, or USEPA, to support
11 commitments made in the 2022 state strategy for the SIP.

12 An opportunity to comment and a hearing on the
13 proposed regulation as part of the California
14 Administrative Procedure Act. If adopted, DPR provides
15 these amendments to the California Air Resources Board to
16 submit to the USEPA as revisions to that California SIP.

17 Today's proceeding is an official government
18 proceeding provided for in the rulemaking provisions of
19 the California Administrative Procedure Act beginning at
20 Government Code section 11346. This hearing is intended
21 to allow members of the public an opportunity to
22 participate in the rulemaking process by providing
23 comments and suggestions on how to improve the proposed
24 regulation.

25 As previously mentioned, the proposed

1 rulemaking actions was officially noticed on November
2 18th of 2022. On that date, DPR also opened the public
3 comment period. The public comment period is scheduled
4 to close today, January 18th 2023 at 5:00 p.m. Pacific
5 Time, and until that time, written comments will be
6 accepted. DPR will accept written comments that are
7 submitted vis U.S. Mail and postmarked no later than
8 January 18th, 2023. DPR will also accept comments
9 transmitted via email to dpr22005@cdpr.ca.gov, or by fax
10 at (916) 324-1491 no later than 5:00 p.m. today. DPR's
11 mailing address, email and facsimile numbers are
12 displayed on this page.

13 For the record, the materials that serve as
14 background for this this hearing is in the rulemaking
15 file. The rulemaking file consists of the notice -- I'm
16 sorry, consists of Notice of Proposed Action, the
17 proposed text, the Initial Statement of Reason, the
18 Economic and Fiscal Impact Statement, and a grouping of
19 documents referred to as documents relied upon.

20 After the close of the comment period, DPR will
21 respond in writing to all timely-received comments that
22 were received in a document called the Final Statement of
23 Reason. And that document, along with the transcription
24 of this hearing, will become part of the official
25 rulemaking file.

1 I want to make clear that for today's hearing,
2 DPR is not answering questions and responding to comments
3 because we want to hear as many speakers as possible in
4 that limited times, comments from the Zoom chat or Q&A
5 section will not be accepted. Please make your comments
6 orally or submit them via email. If you have any
7 questions about these regulations, there are copies of
8 the rulemaking documents on the back of the room for
9 those in person and on our website for those attending
10 virtually.

11 It is possible that the proposed regulation
12 will be modified in some way, which may require an
13 additional 15-day public comment period. If you wish to
14 be notified of any changes to the proposed text of the
15 regulation, a box -- I'm sorry -- a box was provided on
16 the attendees' registration sheet for in-person attendees
17 to print their physical address.

18 If you are participating remotely through Zoom,
19 we ask that you provide your email address by emailing
20 dpr22005@cdpr.ca.gov. If DPR modifies the proposed text,
21 DPR will notify in writing the people who submitted a
22 written comment, provided addresses on the attendance
23 registration, or provided their address by email. We
24 will also post the modified text on our website.

25 So with that, we are going to move into our

1 public comments period. We ask for your patience as DPR
2 navigates through the public comments period. Before I
3 call upon our first speaker, I'm going to go over some
4 simple ground rules and talk about the hearing process.

5 This is considered a formal hearing, however,
6 you will not be placed under oath, you will not be
7 subject to examination or cross examination, nor is this
8 an appropriate venue for DPR to answer questions or
9 engage in dialogue in response to oral comments. DPR
10 will respond to all comments after the close of the
11 comment period.

12 So in order to allow adequate app for public
13 comment, each commenter will be allotted one minute --
14 one-and-a-half minutes. We ask that you respect this
15 time limit. If you exceed the time limit, I will
16 encourage you to wrap up your comments. And we will have
17 a clock showing that on our screen here.

18 DPR requests that public commenters do not
19 raise their hand a second time after providing their
20 comments. Although we have a time limit, I want to
21 remind everybody that we will do our best to hear
22 everyone's oral comments today. These oral comments and
23 those submitted by written comments via email, mail and
24 fax are given equal weight by DPR.

25 DPR asks that you direct your comments specific

1 to the content of the proposed regulation focusing on
2 what changes you would like to improve them. In
3 addition, if there are elements of the proposed
4 regulation that are particularly supportive of, please
5 let us know.

6 Finally, please demonstrate mutual respect for
7 each other in this process and this process by providing
8 everyone space to provide their comments. You may not
9 agree with a commenter's point of view, but I ask that
10 you refrain from making personal remarks about other
11 speakers or their comments. It is important that each
12 person be heard in this this hearing be conducted in a
13 courteous manner.

14 Okay, so with that, DPR will be first calling
15 on public commenters who are here in person and
16 registered to speak. When you are called upon, please
17 come forward to the microphone so that your comments are
18 entered on record. Please state and spell your name for
19 the benefit of the transcriber and then proceed -- and
20 then proceed with your public comments. So after that, I
21 will then move to attendees on the virtual hearing or by
22 phone via zoom.

23 So with that, persons who wish to make comments
24 orally during the hearing may raise their hand by using
25 the Zoom feature -- Zoom function, sorry, and make oral

1 comments when called upon. Please keep your hand raised
2 on the zoom until I call on you. Generally, people will
3 be heard in the order that they're signed up for.

4 Persons calling into the Zoom who wish to make
5 an oral comment during the hearing may raise their hand
6 by dialing star nine on their phone dial pads. This will
7 indicate to DPR representatives that the person on the
8 phone has raised their hand. If you are calling into
9 Zoom meeting, please press star six to unmute yourself
10 once DPR representatives grant you the ability to speak.

11 Any other persons who wish to speak during the
12 hearing will be afford the opportunity to do so after
13 persons who have registered at the physical location who
14 have raised their hands have been heard. And as I
15 mentioned, we'll be alternating between in-person and
16 zoom comments, five by five.

17 So at this time for those attending this
18 meeting on Zoom, please raise your hand to indicate that
19 you would like to make a public comment. Please keep
20 your hand raised until you are called upon and granted
21 permission to unmute and provide your comments.

22 So with that, let's begin with the first five
23 public commenters who are attending this hearing in
24 person and who have registered to speak. Okay, to keep
25 things moving along, I'll try to call people in in the

1 order so they can line up as well. And I apologize if I
2 do not get your name correct or pronounce your name
3 incorrectly.

4 Okay, I have Flor (phonetic) Alvarado, Teresa
5 Gomez, Marcela Sanchez, and Ashley Villanova. If you
6 start coming to the front, you may start your comments.

7 Thank you. So please state and spell your name
8 for the record and proceed with your comments. You
9 minute and 30 seconds.

10 MS. T. GOMEZ: (Translated from Spanish to
11 English by Spanish Interpreter.) Good morning. My name
12 is Teresa Gomez. I am from the -- from Ventura County.
13 And are here to offer our comments regarding 1,3-D to
14 DPR.

15 We're here to talk about this chemical
16 substance TELONE, which affects our families as
17 farmworkers, that we have worked in the field for many
18 years. And for many years we've been affected in many
19 ways, our children have, too, many illness that are
20 caused by these chemical substances.

21 On Friday, I saw that they're already spraying
22 it with helicopters. It's frightening to see to see
23 these helicopters so close to our homes. They continue
24 to affect our families, especially our farmworkers that
25 are on the front line.

1 We ask the state to please follow the science,
2 that you not ignore science because the company that
3 produces this chemical substance is affecting our family.
4 And we want for 1,3-D to be withdrawn, all the chemicals
5 that create harm to our families. We want them away from
6 our families. WE don't want them to continue to affect
7 our families. We ask that you do something to protect
8 our communities.

9 We want to ask the state to not ignore what
10 science says and for you to continue to respect our
11 families and our communities.

12 Thank you.

13 HEARING OFFICER PHAM: Thank you. Just give us
14 one second. We're going to try to fix this technical
15 difficulty, so hang tight one second.

16 (Pause)

17 HEARING OFFICER PHAM: okay. So my apologies
18 for that. It looks like we're having some issues with
19 the English translation side of things. So until we can
20 get that handled we will be doing consecutive
21 translations in the room here. And I will be allowing
22 additional time for Spanish speakers.

23 Okay, I have Teresa Gomez, followed by Marcella
24 Sanchez, I believe. Please make your way to the podium.

25 MS. T. GOMEZ: (Translated from Spanish to

1 English by Spanish Interpreter.) Good morning. I am
2 Teresa Gomez from Ventura. I'm here to talk about 1,3-D.

3 We know that it has been withdrawn in 34
4 countries. Why can't it not be banned in the U.S.?

5 HEARING OFFICER PHAM: Can you slow down and
6 have some breaks so that the translator can go through?

7 MS. T. GOMEZ: Oh, okay. Oh.

8 HEARING OFFICER PHAM: Okay. Go ahead.

9 MS. T. GOMEZ: Good morning. My name is Teresa
10 Gomez and I am here to give my comments to the state.
11 I'm here to talk about this chemical, 1,3-D. This is a
12 cancer-causing chemical. It has already been banned in
13 74 countries. I don't know why it hasn't been banned in
14 our state.

15 Right now they are spraying this chemical and
16 our families are being subjected to the spray. We live
17 in Ventura County where this chemical is used quite a bit
18 in strawberry crops.

19 We ask the state to follow the science. We ask
20 the state to follow the science to protect our families.
21 We ask that you follow what OEHHA has stated. They know
22 that this is a very toxic chemical. We ask for
23 protection for our families.

24 As you know, it took us eight hours to drive
25 here. It was a long distance for us to drive, but we

1 came because we care for our families, because we want to
2 protect our children. Our children are being affected by
3 these substances We ask that you protect our communities.

4 As you know, this chemical has already been
5 banned in 34 countries. We want this chemical out of our
6 families, out of our children, out of the agricultural
7 community. We ask that you try to do everything to
8 better protect our families. As I said before, it has
9 been banned in 34 countries already. We want this
10 substance away and out of our families, away from our
11 children, away from our agricultural communities. All of
12 the substances that cause cancer should be taken out of
13 our communities.

14 We came to offer our comments. Please take
15 them into consideration. We came from very, very far
16 away for you to hear us. Thank you.

17 HEARING OFFICER PHAM: Thank you.

18 Moving on to Marcela.

19 What we'll do for Spanish testimonials, we'll
20 pause the timer when the English translation is done, so
21 you'll also have the full 1 minute 30 seconds without the
22 translation time.

23 So I have Maricela Sanchez, followed by Ashley
24 Villanova and Victoria Gabriel.

25 MS. SANCHEZ: (Translated from Spanish to

1 English by Spanish Interpreter.) Good morning everyone.
2 My name is Marcela. I come from the City of Arvin,
3 California just to give my testimonial from the DPR that
4 this chemical is cancerous and it shouldn't be in our
5 lives, in our communities because it affects the health
6 of our children and everyone.

7 Thank you.

8 HEARING OFFICER PHAM: Thank you.

9 Ashley? Is there an Ashley Sanchez? Okay.

10 Victoria Gabriel, and followed by Guadalupe S.

11 Okay, we're going to take a slight break here
12 as our technical team tries to figure out the
13 translation, so if I can have everybody just hang on for
14 one minute?

15 (Pause)

16 HEARING OFFICER PHAM: Okay, just an update. I
17 apologize for the inconvenience. We're having technical
18 difficulties with translation, so what we're going to do
19 is set ourselves up so that we can do consecutive
20 translations live here. And we'll adjust the timing for
21 everybody as needed, so just hold tight for one more
22 second.

23 (Pause)

24 HEARING OFFICER PHAM: Okay. I think we may
25 have fixed it, so I apologize for that break.

1 Is it Victoria, was that -- please come up to
2 the podium.

3 MS. GABRIEL: (Translated from Spanish to
4 English by Spanish Interpreter.) Hello. good morning.
5 My name is Victoria Gabriel. We've come here from
6 Lamont. It took us several hours to drive here but it's
7 okay because we need to be here. Enough. We need to get
8 1,3-D out of our communities.

9 Work is important and we are essential workers,
10 but we don't want to get cancer. Let's stop this,
11 please. I was pregnant and I worked in the fields. And
12 unfortunately, my daughter was born with asthma. It is
13 terrible to live with fear. It's terrible to be in the
14 hospital.

15 I need the work, but I don't need the cancer.
16 Let's get rid of 1,3-D.

17 Thank you.

18 My daughter, she drew up this poster. I love
19 her. I need my daughter. I don't need cancer.

20 Thank you.

21 HEARING OFFICER PHAM: Thank you for your
22 comment.

23 Guadalupe S.

24 MS. GUADALUPE S.: (Translated from Spanish to
25 English by Spanish Interpreter.) Because I've been

1 affected by pesticides, I want all pesticides, harmful
2 pesticides, to be removed that are causing us cancer,
3 because you have no idea how painful it is to have to be
4 treated for cancer.

5 I am fighting against cancer and I continue to
6 fight. And these pesticides are not just harming the
7 person who has cancer, but the whole family, everybody
8 around them, so it's not just the patient who receives
9 the harm.

10 I invite you to take one day to go see these
11 people laying on a bed. Someday I want you to come and
12 see how hundreds of people are losing their lives.

13 My partner passed away a month ago. She was
14 there crying, asking me to help her stop the pain, and I
15 couldn't do it because I was also feeling it. And this
16 will continue unless you put a stop to this. Don't just
17 worry about filling your pockets. There are methods that
18 can be used so that we can do away with the diseases
19 caused by these pesticides.

20 Right now it is me. Tomorrow it could be any
21 of you sitting here today and maybe then you will take
22 measures to put a stop to all of this, when the disease
23 touches your lives. Because unless you see it and live
24 it, you will continue to support everything that actually
25 goes against your best interest. Why? Because you are

1 being a part of this. You don't know how painful it is.

2 HEARING OFFICER PHAM: Thank you.

3 Okay, so at this time we're going to try to
4 move on to the Zoom attendees to get the next five via
5 Zoom. So again, those of you that wish to make a comment
6 via Zoom, please use the raise hand function. If you're
7 called upon, I will state -- I'm sorry. We'll have our
8 staff call upon you in one second.

9 So, Aniela, you can go ahead.

10 MS. BURANT: Good morning. I apologize in
11 advance if I pronounced anyone's name incorrectly.
12 Currently, there are 12 number of attendees with their
13 hands raised. I will call upon each person in the order
14 of raised hands.

15 Our first public commenter with their raised
16 hand is Karin Urso. Please unmute yourself, state and
17 spell your name for the record, and proceed with your
18 public comment. You have 90 seconds.

19 MS. URSO: I am Karin Urso, K-A-R-I-N U-R-S-O.
20 I am a public health nurse and a nurse educator living in
21 Kern County.

22 My nursing and public health aide colleagues
23 and my nursing students tell me their lived experiences
24 working in fields with their families. As children, they
25 were taught to cover their faces with a bandana when

1 chemicals such as 1,3-D were sprayed nearby. This was
2 their only protection.

3 Cancer is now the leading cause of death in
4 Kern County. In most communities, it would be heart
5 disease.

6 When I started public health nursing in 2005,
7 the fire department trained me to respond to pesticide
8 emergencies using a new unit that had indoor showers for
9 decontamination. Previously, they had had to spray
10 people with a fire hose when they were called to a
11 pesticide overspray.

12 These farmworkers being exposed to pesticides
13 are permanent members of my community. I ask Cal DPR to
14 include stringent farmworker protections in the 1,3-D
15 Regulations that would follow OEHHA's safe harbor level,
16 to work to lower our air concentrations of 1,3-D which
17 are far above OEHHA's warning level and which affect our
18 entire community.

19 We're doing our part. Now, please, you do
20 yours.

21 Thank you.

22 MS. BURANT: Our next public commenter is Asha
23 Sharma. I have given you permission to speak. Please
24 unmute yourself, state and spell your name for the record
25 and proceed with your comment.

1 MS. SHARMA: Hi. My name is Asha Sharma,
2 that's spelled A-S-H-A, and then last name S-H-A-R-M-A.
3 I'm the organizing co-director with Pesticide Action
4 Network. I'm here to make comments on behalf of the
5 organization today.

6 The state needs to adopt the lower safe harbor
7 level as supported by OEHHA scientists of 3.7 micrograms
8 per day rather than adopt the industry supported level of
9 50 micrograms per day, a rate that is 14 times higher.

10 1,3-D is a clear carcinogen and is therefore
11 banned in 34 countries. And importantly, cancer risk for
12 1,3-D exposure is just one risk factor that people
13 exposed to other carcinogens in rural areas experience
14 over their lifetime. Residents are facing all other
15 kinds of contaminants that increase their cancer risk,
16 including other fumigants.

17 Lastly, the worker bystander protections and a
18 total application cap must be included in the revision of
19 this rule. In a survey of illnesses due to pesticide
20 drift from 1998 to 2006, the largest proportion of large-
21 scale drift events analyzed in the study were due to
22 fumigant pesticides. Bystander exposure is a serious
23 concern for fumigant pesticides like 1,3-D, especially
24 given the proposed removal of the application cap for
25 this fumigant.

1 In conclusion, we need much stricter
2 regulations of 1,3-D. There are effective alternatives,
3 such as diversifying our agricultural systems so we don't
4 have buildups of soil-borne pests and diseases, and other
5 practices like anaerobic soil disinfestations. We ask
6 that DPR fulfill their mission and work to phase out 1,3-
7 D and other dangerous fumigants to protect public health.

8 Thank you.

9 MS. BURANT: Our next public commenter is Karen
10 Cameron. Please unmute yourself, state and spell your
11 name for the record and proceed with your public comment.

12 MS. CAMERON: Safe AG Safe Schools, Monterey
13 County.

14 When can the public expect to receive data that
15 regards to pesticides use in California from 2019 to
16 2022? We've been kept in the blind. There's
17 insufficient air monitoring. Does CDPR have plans to
18 expand air monitor systems beyond the six currently in
19 California? Will there be an air monitor system
20 reestablished in Salinas, the salad bowl of the world?
21 It was removed in 2016 with high levels.

22 How does CDPR address the high levels of 1,3-D
23 at all six monitoring stations, including the one closest
24 to Salinas near Ohlone Elementary School where kids are
25 at risk?

1 1,3-D has been banned in 34 countries for
2 causing cancer. CDPR now proposes its expanded use,
3 ignoring OEHHA's science in lieu of the chemical company
4 standard, which is 14 times weaker.

5 You need to revise the plan to regulate 1,3-D
6 following the state scientist's safe harbor level. Using
7 application allowances should be strengthened, not
8 eliminated. If anything, this chemical should be banned.

9 There needs to be environmental justice. This
10 is a disregard, a devaluation of people of color,
11 particularly because they're the primary ones affected.
12 And I find it especially suspicious that you side with
13 the chemical company when most your funding comes from
14 the mill tax on pesticides funds.

15 Stop selling out. Care about the public
16 health. This is ridiculous.

17 MS. BURANT: Our next public commenter is
18 Catherine Dodd. Please unmute yourself and state and
19 spell your name for the record. You have 90 seconds.

20 MS. DODD: My name is Catherine Dodd,
21 C-A-T-H-E-R-I-N-E D-O-D-D. I began my nursing career as
22 a maternal child health nurse and that's what motivates
23 me to be here today.

24 DPR's mission is to protect the public health,
25 and it seems as though these regulations entirely fail to

1 do this. I'm alarmed that the dangerous use of 1,3-D is
2 being allowed at the same levels that the packaging on
3 the chemical itself is established. Who wrote the
4 regulations?

5 Again, the previous speaker mentioned the mill
6 fee. I can't believe or I don't want to believe that DPR
7 just adopted this level, which is 14 times OEHHA's safe
8 harbor level, only to fund your own budget. And we will
9 help you find a way to fund your budget without having
10 this perverse, reverse incentive.

11 The regs fail to protect farmworkers and
12 bystanders. We need measurable standards, measurable
13 enforceable standards. The regs must establish limits on
14 use. The pilot methods are inadequate and enforceable
15 and unmeasurable. We must preserve the running tally so
16 that there's actual reporting. And the instructions
17 heretofore from the court were to limit emissions, and
18 all these do is create unproven pilot projects.

19 I do want to comment on the SIP. It's
20 unfortunate that I only have 90 seconds to comment on
21 both things. But in terms of the SIP, Central Valley has
22 the worst air pollution in the United States. We know
23 that --

24 HEARING OFFICER PHAM: Catherine, could you
25 please wrap up your comments? You have reached your

1 deadline.

2 MS. DODD: Okay. The SIP, as written, must be
3 adopted with the lower levels, the protective levels for
4 our ozone to protect the air quality in the Central
5 Valley and protect the people who live there. It's an
6 environmental justice issue and it's essential that DPR
7 help to help to lower those ozone levels.

8 Thank you.

9 HEARING OFFICER PHAM: Thank you.

10 MS. BURANT: Our next public commenter is
11 Joshua E. Please unmute yourself, state and spell your
12 name for the record, and proceed with your public
13 comment. You have 90 seconds.

14 MS. EZEKIEL: Hello, my name is Joshua
15 E-Z-E-K-I-E-L, and I'm speaking to you from Salinas,
16 California. I'm a retired teacher. And we're here
17 discussing the regulation of TELONE 1,3-D, a known
18 carcinogen.

19 For some reason, the Department of Pesticide
20 Regulation is considering allowing exposure of the people
21 to 14 times the amount of this known carcinogen banned in
22 34 countries that its own Office of Environmental Health
23 Hazard Evaluation assessment has recommended.

24 I'm here asking you to please follow the
25 science, follow OEHHA, and adopt the safer OEHHA level of

1 exposure.

2 Thank you.

3 HEARING OFFICER PHAM: Thank you.

4 Okay, moving back to in-person, I'm going to
5 call Jasmine Flor, Ann Katten, Grecia Orozco, and Alexa
6 Rojas.

7 MS. ALVARADO: (Translated from Spanish to
8 English by Spanish Interpreter.)Hi, good morning. I am
9 Flor Jasmine Alvarado. I am here from Ventura County. I
10 would like to tell the state that my life is worth more
11 than TELONE.

12 I currently work in strawberry fields and I've
13 been impacted by certain pesticides. Particularly, I
14 have two twin daughters, and I can't work every day
15 because I have to take care of them. And because of
16 these pesticides, they do not hear. It is sad for me to
17 tell my daughter, I love you, and for her to not know
18 what I'm telling her.

19 TELONE is prohibited in 34 countries, however,
20 not in the U.S. Why? Are our lives not worth it? Are
21 the lives of our children not worth it?

22 Currently, in strawberry fields, we're using
23 this pesticide. Right now, my daughter is also suffering
24 from allergies because of what's in the air. And what do
25 the doctors tell me? Oh, it's the change in weather.

1 But they don't know that there are many children dying of
2 cancer at hospitals.

3 My life is worth more than TELONE. And I am
4 here for the rest of my community, not to raise their
5 voice, but I'm here representing all of those people who
6 are working in the fields right now and who are being
7 sprayed.

8 We used to work on tractors without any PPE
9 before. And now what do they use? Cans that spray us
10 like we're mosquitoes. That's what's going on.

11 I ask for your support. No more TELONE. Thank
12 you.

13 HEARING OFFICER PHAM: Thank you.

14 Grecia Orozco.

15 Good morning. My name is Grecia Orozco, that's
16 G-R-E-C-I-A O-R-O-Z-C-O.

17 DPR's 1,3-D regulation is not enough to fully
18 protect primarily Latin and Hispanic farmworkers.
19 Currently, applications of 1,3-D exceed the OEHHA's
20 safety harbor level up to 2.5 to 2.9 times than what is
21 allowed.

22 We therefore urge DPR to implement more strict
23 measures or eliminate the entire use of TELONE near these
24 communities.

25 With Californians farmworkers being primarily

1 Latin and Hispanic, and farmworkers having to apply or
2 live next to the applications of TELONE, they face a
3 disparate impact of TELONE applications. These
4 applications are primarily felt more in Spanish-speaking
5 Latin and Hispanic communities. And DPR's refusal to use
6 the recommended maximum average annual air levels or safe
7 harbor level would result in higher emissions exposure to
8 these communities.

9 As such, this regulation would also allow for
10 greater numbers of applications based on the plot acreage
11 levels or size levels where application will be made,
12 which increases the number of applications, further
13 increasing the risk of these Latin and Hispanic
14 farmworkers facing this pesticide risk.

15 We ask DPR to therefore implement stricter
16 levels of TELONE application or eliminating TELONE as it
17 has banned in 34 countries.

18 Thank you.

19 HEARING OFFICER PHAM: Thank you.

20 Ann, sorry about that.

21 MS. KATTEN: Hi, good morning. I'm Anne Katten
22 (phonetic) from California Rural Legal Assistance
23 Foundation.

24 We need to work to eliminate use of TELONE and,
25 in the meantime, greatly tighten this regulation by, as

1 many have said, designing it to control to the safe
2 harbor level.

3 In addition, a pesticide regulation that
4 excludes low-income Latinx farmworkers who continue to
5 work right next to treated fields is an outrageous
6 environmental justice that must be corrected. By
7 reducing the application plot size to control acute
8 exposures, this regulation will also increase the number
9 of possible days of work adjacent or close to very
10 recently fumigated fields for field workers, tractor
11 drivers and irrigators preparing other field sections for
12 fumigation.

13 Simple math also shows that a rule designed to
14 control immediate exposures to a 72-hour average of 55
15 ppb can't be relied on to prevent a lifetime exposure
16 above even the 0.56 ppb level. The modeling used is just
17 too optimistic.

18 Finally, it is reckless to eliminate the
19 existing township cap and the requirement for keeping a
20 running tally given the uncertainties in estimating
21 exposure reductions from new modeling and small pilots.
22 We need a tighter regulation because we can't undo
23 exposures once they occur.

24 Thank you.

25 HEARING OFFICER PHAM: Thank you.

1 I have Alexa Rojas and Mona Moles, I believe.

2 Is there an Alexa? No? Okay. I apologize.

3 Is it Mona? Seeing nobody. Okay.

4 Petra Flores, Irene Gomez.

5 Just a reminder to please, when you state your
6 name, if you could spell out your name for the
7 transcriber as well?

8 MS. FLORES: (Translated from Spanish to
9 English by Spanish Interpreter.) Good morning. My name
10 is Petra Flores, P-E-T-R-A F-L-O-R-E-S. I'm here from
11 Ventura County, that is from the City of Oxnard.

12 And I'm here to demand that the Department of
13 Pesticide Regulations to forbid the use of the cancer-
14 causing pesticide 1,3-D, or TELONE. This is an air toxic
15 that causes cancer and it's VOC, a volatile organic
16 compound.

17 In California, this is the third most used
18 pesticide in agriculture. And take into account that it
19 is better to prevent than to cure and follow the science.

20 Thank you.

21 HEARING OFFICER PHAM: Thank you.

22 And Irene?

23 MS. I. GOMEZ: Good morning. My name is Irene
24 Gomez. Today I want DPR to know that the pesticide 1,3-D
25 is a cancer-causing pesticide that is used ten times more

1 often in the 11 counties with a majority Latinx
2 population.

3 I work (indiscernible) in Kern County and I
4 experienced a premature child who was born at eight
5 months. She had to remain the hospital for eight months.
6 And I know that for you, this is just one more child, but
7 for me, this is my life.

8 So I'm not here to ask, I'm here to demand that
9 you stop the use of this pesticide.

10 Thank you.

11 HEARING OFFICER PHAM: Thank you.

12 Okay, we are going to hop back onto the Zoom.
13 Just a reminder, if you are calling into the Zoom, you'll
14 use the star six to unmute yourself when they call the
15 last four digits for anybody that's on the phone.

16 Aniela, please go ahead.

17 MS. BURANT: Our next public commenter is
18 Rebecca Baskins. Please unmute yourself, state your name
19 for the record and spell it please, and you have 90
20 seconds. Go ahead.

21 MR. BASKINS: Good morning. Rebecca Baskins,
22 R-E-B-E-C-C-A B-A-S-K-I-N-S, of Kahn, Soares & Conway,
23 here on behalf of many of our agricultural clients, such
24 as American Pistachio Growers, California Fresh Fruit
25 Association, and Western Agricultural Processors

1 Association. We thank DPR for their progress in this
2 regulatory process but wanted to offer the following
3 comments.

4 First and foremost, soil fumigation is
5 essential, therefore, the regulation needs to be based on
6 all available science. So we request that DPR update its
7 1,3-D risk assessment using current weight of evidence
8 analysis before completing the rulemaking.

9 We are also concerned that the use of soil
10 moisture requirements as this increased saturation
11 requirement will result in an inefficient use of scarce
12 water supplies.

13 We are appreciative of the Department's
14 clarification of nonresidential ag buildings as not being
15 occupied structures by default. However, we are
16 concerned with the setback distances proposed as this
17 will prove very impactful to farm operations and could
18 lead to untreated rows and other unintended consequences.

19 In conclusion, we provided further written
20 comments that go into more detail for your consideration.
21 Thank you for the opportunity to speak today and we look
22 forward to working with you further on this.

23 MS. BURANT: Our next public commenter is Pedro
24 Ramirez. Please unmute yourself, state your name, and
25 spell your name for the record and proceed with your

1 public comment. You have 90 seconds.

2 MR. RAMIREZ: (Translated from Spanish to
3 English by Spanish Interpreter.) Good morning. My name
4 is Pedro Ramirez, P, as in Paul, -E-D-R-O as in Orlando,
5 Ramirez. Was that good?

6 (Commenter speaking in English). Okay, I'm
7 assuming that that was fine. So just to appeal to you
8 guys, thank you for opening yourself to this public
9 comment. I just really, really, really -- my heart is
10 inspired by the farmworkers that came out here to move
11 against 1,3-D.

12 As we can see, it's been banned in multiple
13 countries, not just one, not just two, but 34. It's one
14 of those things where we all know that it has carcinogen
15 potential. So I would just move to ban it entirely.
16 That would be my recommendation. But as the DPR, you
17 know, you guys know better. I'm assuming you guys have
18 done your research.

19 I know that you guys need to move with
20 deliberation on this and make sure that you have some
21 kind of transitional phase. So if that means adapting
22 the 14 times stronger level of exposure, then that's what
23 I would recommend.

24 Of course, these are farmworkers that are
25 essential workers. We should treat them as such. And my

1 recommendation would be just to ban it entirely.

2 Of course, you'll be receiving a written
3 statement with a little bit more strongly worded
4 information. But, again, we're just trying to remove
5 this carcinogen from our Central Valley especially. I
6 come from the Stanislaus County. We know the effects of
7 this on our population.

8 And so we ask that, again, either you either
9 ban it or at least adopt the 14 times stronger measure.

10 Thank you.

11 MS. BURANT: Our next public commenter is Jacob
12 of the Ag Council. Please unmute yourself, state and
13 spell your name for the record and proceed with your
14 public comment. You have 90 seconds.

15 JACOB: My name is Jacob and I'm with the
16 Agricultural Council of California, J-A-C-O-B. We
17 represent many small farmer-owned operations, as well as
18 some of the most recognizable agricultural brands from
19 California. And I want to thank DPR for the opportunity
20 to provide comment today.

21 We've joined in a coalition of other
22 representatives of agricultural interests in submitting a
23 written comment. And so I suggest you look towards those
24 for a more detailed explanation of what I'm providing
25 today.

1 Our main concern is centering around soil, the
2 increase in the soil moisture requirement from 25 to 50
3 percent. And we're concerned about the impact that has
4 on water resources during severe drought periods,
5 specifically as it relates to the Sustainable Groundwater
6 Management Act.

7 Additionally, we believe that irrigation needs
8 likely won't line up with the application or fumigation
9 needs of the field or the crop, and that waiting on
10 natural precipitation to meet the 50 percent soil
11 moisture requirement could disrupt pest management
12 strategies and therefore impact yields. This is also
13 exacerbated by the extended seasonal restrictions of
14 restricting applications during the winter and high
15 precipitation months of the year.

16 Again, I thank you for the opportunity to
17 provide comments.

18 MS. BURANT: Our next public commenter is
19 Vanessa Forsythe. Please unmute yourself, state and
20 spell your name for the record and proceed with your
21 public comment. You have 90 seconds.

22 MS. FORSYTHE: My name is Vanessa Forsyth,
23 V-A-N-E-S-S-A F-O-R-S-Y-T-H-E. I'm with California
24 Nurses for Environmental Health and Justice and the
25 California Pesticide Reform.

1 I am a retired school nurse. And from the
2 perspective of that, who is being most harmed are those
3 who live close by to where this fumigant is being
4 applied, but it also travels by air and water. And the
5 concern is that, specifically, it has been noted that,
6 you know, the plan allows for 14 times more cancer-
7 causing 1,3-D in the air than what OEHHA has recommended.
8 And I urge you to not go by what the manufacturers of
9 pesticides are recommending. We need to do and protect
10 the health more of people impacted.

11 I hope I can just cite that in a specific
12 school area, the amount, which was the Elkhorn (phonetic)
13 Elementary School in North Monterey, had records of much
14 higher fumigant than is recommended in terms of safety.

15 So, you know, with only six pesticide air monitors
16 in --

17 HEARING OFFICER PHAM: Vanessa, your time has
18 come up. Could you please wrap up your comment?

19 MS. FORSYTHE: We need to do more to protect
20 children.

21 Done.

22 MS. BURANT: Our next public commenter with
23 their hand raised in the Zoom is Odette. Please unmute
24 yourself, state and spell your name for the record and
25 proceed with your public comment. You have 90 seconds.

1 MS. MORAN: Thank you. Buenos dias. My name
2 is Odette Moran. I live in Oxnard in Ventura County. My
3 family has worked in Oxnard's fields for three
4 generations, and I am here to speak because pesticides,
5 namely TELONE, 1,3-D, have forcibly and violently become
6 part of our everyday life here. And the more I learn
7 about these pesticides, the more I realize the injustice
8 it is to families like mine.

9 As you see here today, a huge part of our
10 immigrant working-class families work in the fields or
11 have a mom, dad, aunt, uncle, friend, child who works in
12 the fields. 1, 3-D is the third most used pesticide in
13 California with 12 million pounds a year, and it's mainly
14 used with strawberries and almonds. Here in Oxnard,
15 strawberries are a top crop. We pick the strawberries
16 and then we eat the strawberries.

17 It should follow science because TELONE is
18 killing our families with cancer, and yet it is used more
19 than it should. Average concentration says that it
20 exceeds like safe harbor levels based on air monitors at
21 public schools, yes, at public schools, and that's
22 because TELONE is not only in the fields, it surrounds
23 our community while we are studying, while we are in our
24 homes, while we destress with a nice walk.

25 Please, I beg you, please stop this violence.

1 Protect families like ours who are surrounded by this
2 chemical. Why is it that families like ours and our
3 lives are worth less? Please protect our health and our
4 families.

5 Thank you.

6 HEARING OFFICER PHAM: Thank you.

7 Moving back to in person, I'd like to call on
8 Cinthia Burgois and Guadalupe Lopez.

9 For those that are speaking in Spanish, could
10 you please have a few stops in there so that our English
11 translator can speak in between?

12 MS. BURGOIS: (Translated from Spanish to
13 English by Spanish Interpreter.) Good morning, my name
14 is Cinthia Burgois, C-I-N-T-H-I-A B-U-R-G-O-I-S.

15 Our children, their parents, it's sad to see a
16 child who cannot breathe. It's sad to see another parent
17 waiting to go into an ER room when they're both suffering
18 from asthma. I believe that the lives of each of my
19 colleagues who work in the fields are worth it, but
20 they're showing us that we're worth 14 times less.

21 We are the people feeding the country. We are
22 the ones who uplifted the country during the pandemic. I
23 believe that we deserve respect more than anything else.

24 So I ask the state to please stop all of this.
25 We've had more than enough disease to add cancer to that

1 burden. Our children deserve to live free of disease.

2 Thank you.

3 HEARING OFFICER PHAM: Thank you.

4 Guadalupe Lopez?

5 UNIDENTIFIED MALE 1: (Off mic.) She already
6 spoke.

7 HEARING OFFICER PHAM: Oh, she did? Okay.

8 I have Oliva Mendoza -- I'm sorry if I said
9 that incorrectly -- and Jorge Vargas. I'm sorry, not
10 Jorge. It's --

11 MS. MENDOZA: (Translated from Spanish to
12 English by Spanish Interpreter.) And I work for Proyecto
13 Mixteco Indigena, an indigenous Mixtec project. I am
14 here to speak out against TELONE, which is a pesticide
15 that causes cancer on us, the agricultural workers.

16 The last 22 years, I have worked in California
17 ag fields. And I have personally lived through what it's
18 like to work under this pesticide and the rest of the
19 chemicals that are applied.

20 Three years ago, I had to have my appendix
21 removed because of cancer. Two years ago, my friend
22 Daniel died of cancer. Eight months ago, one of my co-
23 workers died of cancer. All of them were agricultural
24 field workers, and all each of them did was to work to
25 feed their own families.

1 Now, whoever has to regularize this needs to do
2 so because you are exterminating us like we were roaches,
3 and we're not, we're human beings. And when there's
4 nothing left for us, the doctors use us as experiments
5 for new treatments. That is what happened to Daniel.
6 That's what happened to me.

7 And what they don't see is that we have
8 families who are waiting for us. And when that chemical
9 is applied at the ag fields where, again, I've worked
10 over the past 22 years, the notice is posted in English,
11 but we cannot read English. We barely speak Spanish.

12 Thank you very much.

13 HEARING OFFICER PHAM: Thank you.

14 I have Centurio Espanza (phonetic). No? Is
15 Centurio Espanza here?

16 (Off mic colloquy.)

17 HEARING OFFICER PHAM: It's difficult to make
18 the handwriting but come on up.

19 MR. ESPANZA: (Comment translated from Spanish
20 to English below.)

21 HEARING OFFICER PHAM: Okay, your time is up.
22 I'm going to have to stop you.

23 So we're going to -- I have 10:58 on my clock
24 here, we're going to take a quick, let's say, ten-minute
25 break, so we'll come back at 11:08, as we kind of sort

1 out some technical issues. Thank you.

2 (Off the record at 10:58 a.m.)

3 (On the record at 11:08 a.m.)

4 HEARING OFFICER PHAM: Okay. I have 11:08 on
5 my watch here, so we're going to go ahead and move
6 forward.

7 I would like to make a couple of additional
8 housekeeping announcements here.

9 So for those who are in-person and making their
10 comments in Spanish, we ask that you go ahead and make
11 your comment in its entirety. And afterwards, we'll have
12 the English translator translate to English once you are
13 complete, okay? That way we're able to get the correct
14 transcriptions from our court reporter. And again, I
15 apologize for the technical difficulties and appreciate
16 your patience as we're working through this.

17 So with our last commenter in person, I wasn't
18 able to get the English translation. So at this point,
19 I'd like for the translator to provide that if we could.

20 MR. ESPANZA: (Translated from Spanish to
21 English by Spanish Interpreter.) Thank you very much for
22 receiving us with this wonderful Sacramento weather.

23 I believe that our colleagues and I are not
24 here to celebrate or to party. We're here out of need.
25 And that is why I think that it is necessary for you to

1 listen to what we have to say.

2 I think that it is very important to really
3 look into what is going on in these agricultural fields.
4 Many of our communities don't know how to read, don't
5 know how to write. And then the employer decides he's
6 going to be spraying up pesticide.

7 And when I worked on strawberry fields two
8 years ago, at one time we were on our lunch break and the
9 employer sent another worker to spray the next block.
10 And there we were eating our lunch and the other worker
11 was fumigating on a tractor right there. And it's a
12 shame that this is happening in Ventura County.

13 Ventura County is split because we have the
14 City of Oxnard that is surrounded by agricultural fields
15 and chemicals, and then the City of Ventura, which is
16 clean, so we need to really investigate that.

17 And I have tried to talk to the community. And
18 through my friends, I've been able to meet many people
19 who are also agricultural workers and who have lost a
20 child, who have lost a baby. And in my case, and it's
21 painful to talk about this, but in 2021 -- or rather my
22 child was born in 2020, I should say that first, and was
23 born premature at six months because of the chemicals.

24 And then time ran out. So that will be the end
25 of that comment.

1 Thank you.

2 HEARING OFFICER PHAM: Okay. Thank you for
3 that.

4 So we're going to move back to the commenters
5 on Zoom.

6 Aniela, please, let's take the next speakers.

7 MS. BURANT: We only have three more speakers
8 on Zoom. Our next public commenter is Horacio Amzquita
9 (phonetic). Please unmute yourself, state your name, and
10 spell your name for the record and proceed with your
11 public comment. You have 90 seconds.

12 MR. AMZQUITA: Yes, my name is Horacio
13 Amzquita, H-O-R-A-C-I-O A-M-Z-Q-U-I-T-A. And I'm calling
14 from Salinas, the valley bowl of the world where lots of
15 vegetables and fruits are grown.

16 I live in a community where people are dying of
17 cancer and people are getting sick of cancer. The
18 community is surrounded 360 degrees of agriculture
19 fields, so they get sprayed lots of times during the
20 year.

21 I think most of the farmworkers are the ones
22 that are suffering most, the ones that are dying, and
23 they're the ones that are putting the food on the table
24 for every American and every people in the world. So I
25 think the DPR has the responsibility to defend the health

1 of these workers and the public.

2 So I suggest that you adopt measures that the
3 Public Health Department or OEHHA is telling you what is
4 safer. And if you cannot do that, then you should ban
5 TELONE because you cannot put the lives of people at risk
6 or dead just because pesticide companies are profiting.

7 So thank you.

8 MS. BURANT: Our next public commenter with
9 their hand raised is Bianca Lopez. Please unmute
10 yourself, state and spell your name for the record and
11 proceed with your public comment. And you have 90
12 seconds.

13 MS. LOPEZ: Good afternoon. My name is Bianca
14 Lopez, B-I-A-N-C-A L-O-P-E-Z.

15 I'm here today to ask that you redesign your
16 proposal. More than 1.3 million pounds of 1,3-D are
17 applied in the fields of Stanislaus County, specifically
18 in 2021. That's more than one-fifth of the county's
19 total pesticide use.

20 Your current regulation as written fails to
21 actually protect public health. It excludes farmworkers
22 entirely. It's illegally ignoring the recommendations of
23 the state's experts risk assessment branch from OEHHA,
24 that uses cancer risk levels that is 14 times higher than
25 OEHHA's recommendations. It removes existing limits on

1 use. It relies on small, unproven, and unlimited pilot
2 methods for reducing emissions instead of restricting
3 use. It relies on measures that will be difficult or
4 impossible to verify and enforce. It removes the running
5 use tally, replacing it with an annual report with no
6 deadline.

7 As you already know, 1,3-D is a Prop 6 [sic]
8 carcinogen. It's a toxic air contaminant. It's the
9 third most heavily used pesticide in California. It's
10 highly prone to drift. And it's banned in 34 countries.

11 You must go back to the table and redesign and
12 adopt OEHHA standards and add farmworker protections now.

13 MS. BURANT: Our next public commenter is
14 Scarlett Russell. Please unmute yourself, state, and
15 spell your name for the record and proceed with your
16 public comment. You have 90 seconds.

17 MS. RUSSELL: Scarlett Russell,
18 S-C-A-R-L-E-T-T, Russell, R-U-S-S-E-L-L.

19 As a healthcare worker, I call on you to
20 redesign your rule for cancer causing 1,3-D. I urge you
21 to follow the official Prop 65 safe harbor level
22 established by OEHA of 3.7 micrograms per day as opposed
23 to your current 50 micrograms per day for which the
24 manufacturer, Dow Chemical, advocated for. I agree with
25 others who have said if you can't reduce the amount, then

1 this chemical needs to be banned. Application cap
2 allowances need to be reduced or strengthened, not
3 eliminated.

4 Farmworkers, bystanders, and their family must
5 be included. To leave them out is egregious.

6 Farmworkers are the heart of our food system and this
7 regulation needs to prioritize health protective measures
8 by following Prop 65 safe harbor levels or banning this
9 chemical outright.

10 I urge you to include and adequately protect
11 every farmworker and every child in our farming
12 community. The science has spoken. The farmworker
13 community has spoken. The healthcare workers have
14 spoken. After listening, what will the state say? Will
15 the state say they prioritize the interests of Dow
16 Chemical or will they commit to following the science and
17 protecting the health of our hardworking farming families
18 who feed America?

19 Respect our farmers and protect public health.
20 Thank you for your time.

21 MS. BURANT: Our next public commenter is
22 Michael Gasser. Please unmute yourself, state, and spell
23 your name for the record and proceed with your public
24 comment and you have 90 seconds.

25 MR. GASSER: Hello, my name is Michael Gasser,

1 M-I-C-H-A-E-L G-A-S-S-E-R. I'm with Science for the
2 People, an activist science organization, one of 126
3 organizations that signed a letter to DPR urging a
4 revised regulation with tighter restrictions on the use
5 of TELONE, as well as other provisions, to strengthen the
6 protection of Californians.

7 But maybe we should be asking ourselves why
8 TELONE is used at all; because it's necessary? No, after
9 the European Commission voted 16 years ago to phase out
10 the use of TELONE because of threats to public health and
11 biodiversity, did the production of fruits and vegetables
12 cease in Europe? No. European countries continue to
13 grow the berries, grapes, and carrots that we're led to
14 believe require the use of TELONE when they're grown in
15 California. No.

16 The real reason is that agrochemical companies,
17 like Dow, have succeeded in hooking U.S. agriculture on
18 their products on the whole elaborate system of
19 industrial agriculture, which we know not only harms
20 public health in the ways we're hearing about today, but
21 also contributes to climate change.

22 So, yes, it requires an effort to transform a
23 system that a whole industry is addicted to, to begin to
24 implement alternatives to poisons like TELONE,
25 alternatives that we know exist, but really it's a matter

1 of priorities. What matters more, the people you've
2 heard from today whose lives have been directly affected
3 by poisons like this, or the profit margins of companies
4 like Dow and the growers in our state?

5 Thank you.

6 HEARING OFFICER PHAM: Thank you, Michael.

7 Moving back into the room, I have Jane Sellen,
8 Luz Ramirez, Mars Woodron (phonetic).

9 MS. SELLEN: Jane Sellen, J-A-N-E S-E-L-L-E-N,
10 Californians for Pesticide Reform. Thank you for the
11 opportunity to comment.

12 We've turned out in numbers today because what
13 DPR has proposed is unacceptable to us.

14 You've heard from previous commenters the many
15 ways in which this regulation falls short of protecting
16 those impacted by extremely high use of this toxic drift-
17 prone and carcinogenic chemical. You've heard that this
18 chemical is banned in 34 countries, that it's used
19 disproportionately in Latinx farm-working communities,
20 posing a severe environmental injustice in our state.

21 The focus of your rulemaking must be on
22 reducing use and supporting growers to change their
23 practices so that soil fumigation is no longer needed.

24 We are outraged that this draft regulation
25 cynically excludes farmworkers so that you can ignore

1 OEHHA and use Dow Chemical's preferred numbers instead.
2 We note that DPR's rulemaking for this chemical is at
3 odds with the Department's public commitment to attaining
4 the North Star of safe and sustainable pest management,
5 including a 90 percent reduction goal for hazardous
6 chemicals of which this toxic air contaminant is surely
7 one.

8 DPR is also pursuing reform of the pesticide
9 mill fee by which currently the department is funded
10 directly by pesticide sales. Simply put, DPR's budget
11 depends on continued high use of pesticides, especially
12 heavily used blockbuster fumigants like 1,3-D. This must
13 change.

14 Please go back to the drawing board, revise
15 your regulation, use the latest science guided by OEHA.

16 Thank you.

17 HEARING OFFICER PHAM: Thank you, Jane.

18 I believe it's Luz Ramirez.

19 MS. L. RAMIREZ: (Translated from Spanish to
20 English by Spanish Interpreter.) My name is Luz Ramirez,
21 L-U-C R-A-M-I-R-E-Z, and I volunteer with Unión de
22 Campesinos. And I am here as a worker and as a member of
23 the community. And I am very concerned with the use of
24 1,3-D because in my own experience, I have lived it. My
25 family has been impacted by this pesticide.

1 In addition, in our community, we don't want to
2 see any more deaths. We want to be able to live a
3 healthy life and have a healthy life for our children.
4 And I hope that our voices will be heard for everything
5 to not just be left up in the air. We want to be taken
6 into account and for you to listen to why we came here
7 today. And we also want for you to make decisions based
8 on science.

9 Thank you.

10 HEARING OFFICER PHAM: Thank you.

11 So I have Mars Woodron, followed by, I believe
12 it's Janelle from Safe Ag Safe Schools. Go ahead.

13 MS. WOODRON: (Translated from Spanish to
14 English by Spanish Interpreter.) Good morning. I am
15 Mars Woodron (phonetic), M-A-R-S, and I am here
16 representing Líderes de la Unión de Campesinos. And I am
17 an activist, and I am here representing my people, my
18 country, those of us who live here. I represent every
19 voice of every person who doesn't have the knowledge or
20 the information to protect themselves, and so they end up
21 working in industries such as agriculture.

22 And I myself worked in agriculture for a time
23 in the area where I live. I'm here from Bakersfield, and
24 there we have almond growers. And I never get any
25 notices ahead of time whenever the area is going to be

1 sprayed. I have children and I have pets who I consider
2 family members. There's a school next door, and there
3 are children playing at the school, and we get no such
4 notice.

5 So it's not about whether I personally work in
6 agriculture or whether I live in the city or I don't.
7 This is an emergency. This is a pressing issue that
8 affects us all. We all have children. And this issue is
9 so important that I need you to take our comments into
10 account. I need you to open your eyes. You have the
11 power to create change, you, because you are at the
12 backbone of all of this, of this situation that we're
13 living through.

14 All I am asking for is that you put yourself in
15 our shoes. You don't need to live this personally.
16 Please, save yourself that pain. You have no idea what
17 destiny may bring in the future.

18 Thank you very much in advance for your
19 support.

20 HEARING OFFICER PHAM: Thank you. So I have
21 Yanely, and then we followed up with Alexia Rangel.

22 YANELY: afternoon. My name is Yanely,
23 Y-A-N-E-L-Y.

24 And basically DPR's plan would allow for 14
25 times more cancer causing 1,3-D in the air that our state

1 scientists at OEHHA says is safe. Our communities are
2 not worth 14 times less than non-ag communities.

3 I speak for myself when I talk about
4 communities of color, because that's what we're going to
5 call it. The issue in the room right here is
6 environmental racism, what we're living here today, not
7 just in my community of Greenfield, California, the
8 beautiful heart of the valley, but all the different
9 communities that you all have heard of today.

10 And I also want to thank all the parents that
11 are here with their children. They're not here because
12 they didn't get a chance to get a babysitter, but they
13 brought their children along so everybody that is
14 watching into this Zoom recording or live, or you, staff
15 here from DPR could see that these are the children that
16 are being affected every day by 1,3-D, known as TELONE.
17 And it's an issue that all our communities face every
18 single day because of many of the stories that you've
19 heard today.

20 We all have had funerals attended this year
21 regarding cancer. We've had children that are dealing
22 with cancer in our communities, and it's something that
23 it's not talked about or it's not being broadcast as we
24 should. But this is the reality that our communities of
25 color are facing every single day, the cancer in our

1 communities, our children being taken away from us.

2 So we are no longer your canaries, we are no
3 longer your scientific experiment, and we're here to give
4 a voice and a name to every single one of us being
5 affected by 1,3-D, TELONE.

6 Thank you.

7 HEARING OFFICER PHAM: Thank you.

8 I have Alexia, and then I'm going to follow
9 that up with Noemi Chico.

10 MS. RANGEL: Hello, my name is Alexia Rangel,
11 A-L-E-X-I-A R-A-N-G-E-L. I am from Greenfield,
12 California.

13 My dad and grandma are agriculture workers, and
14 I would like for them to be protected because it affects
15 them. But not only farmworkers get affected, but
16 children do also.

17 I am a student and my school is near fields. I
18 would want to feel safe and not worry about breathing
19 chemicals. I ask for 1,3-D to be banned and to stop
20 pesticide secrecy.

21 Thank you.

22 HEARING OFFICER PHAM: Thank you.

23 Noemi? And I'll have that followed up by
24 Annabelle Marquez.

25 MS. CHICO: Hello, everybody. My name is Noemi

1 Chico, N-O-E-M-I C-H-I-C-O. I am from Greenfield,
2 California, Monterey County. I'm a member of Safe Ag
3 Safe Schools.

4 My parents are agriculture workers. My husband
5 is an agriculture worker. I work in a school, and I have
6 two children that attend school, so having this TELONE is
7 very cancerous, and we should not be even using it.

8 DPR's plan would allow for 14 times more
9 cancer-causing 1,3-D in the air than our state scientists
10 at OEHHA say is safe. Our communities are not worth 14
11 times less than non-ag communities.

12 Using TELONE on brown and black communities is
13 environmental racism. We are not your canneries [sic].
14 You guys need to see this room and see how you guys are
15 affecting us. It's only our poor communities. We
16 cultivate, we feed this country, and we need for this to
17 stop. All the stories are real. We are real.

18 Thank you.

19 HEARING OFFICER PHAM: Thank you.

20 Annabelle?

21 And I have, and I apologize because I can't see
22 the handwriting, but it looks like Louey (phonetic) from
23 Shafter, California, you'll be next.

24 MS. MARQUEZ: (Translated from Spanish to
25 English by Spanish Interpreter.) Good morning. Hi, I'm

1 Annabelle Marquez, A-N-A-B-E-L-L-E M-A-R-Q-U-E-Z. And I
2 am here from the City of Shafter.

3 In our city, we have the AB 617 Program. In
4 our community we applied for an extension of seven miles
5 outside the city. And do you know why? Because we know
6 that it doesn't stay in the city. The air blows it
7 everywhere. And we have an air monitor at our Sequoia
8 School, but we've had boys and girls die at that school
9 from cancer and other illnesses caused by pesticides, and
10 that monitor is only one of five in the state of
11 California.

12 It was cited at the school because we knew that
13 it's not only near home, et cetera, but to protect our
14 youth, our children, the future of California. The
15 world's future are our children. And if we don't protect
16 our children, who will protect them? Who? Tell them --
17 tell me -- excuse me.

18 What will happen to our world moving forward?
19 We are surrounded by this. And TELONE is one of the most
20 harmful pesticides there are.

21 We no longer want to come here crying and
22 begging, we want action, and we want action now.
23 Otherwise, what are we doing? For five years, we've been
24 struggling with this. And I can assure you that we will
25 not stop, we will not rest, even if 10, 20 years go by.

1 We need to stop using these chemicals. It's a lie that
2 we can't have agricultural without these chemicals. It's
3 just not true. We can.

4 But you know what? What they want is their
5 profits, even if it costs us our lives by doing it. They
6 don't want to save us. They'd rather fill their bank
7 accounts with money, and for what?

8 Thank you. Thank you for your time.

9 HEARING OFFICER PHAM: Thank you.

10 I'm sorry, is it Mui? Okay.

11 UNIDENTIFIED FEMALE 1: (Translated from
12 Spanish to English by Spanish Interpreter.) Good
13 afternoon, I am here from Shafter, California. I'm here
14 for the same cause, to ask you to stop using TELONE here
15 where I live. It is a city with a very high level of
16 TELONE and it is greatly affecting our communities. And
17 we want this to stop.

18 We've been fighting for five years and we will
19 continue to fight for this cause. Thank you very much.

20 HEARING OFFICER PHAM: Okay. Go ahead.

21 UNIDENTIFIED FEMALE 2: (Speaking Spanish. Not
22 translated from Spanish into English.)

23 HEARING OFFICER PHAM: Thank you.

24 As we wait for the English translation, can I
25 have Byanka Santoyo, Gustavo Aguirre, and Jose Chavez as

1 the next speakers?

2 UNIDENTIFIED FEMALE 2: (Translated from
3 Spanish to English by Spanish Interpreter). Hi. I'm
4 (indiscernible) and I also live in Shafter. I used to
5 live in San Jose, California, and I sold my home and I
6 came here because I wanted to relax. But now I can't go
7 back because even a tiny home is now selling for over a
8 million dollars there.

9 And where I live now, right behind me, there
10 are a lot of almond trees and they spray their
11 pesticides, and sometimes we can't even go out for a walk
12 as a result. And we know that it creates a risk of
13 cancer for the rest of your life.

14 And we also have Valley fever in the county,
15 and my husband and my grandchildren have had Valley
16 fever, and that also affects you for life because it
17 damages your lungs and other parts of the body.

18 And we've been fighting against this for over
19 four years and that's why we're here to demand that you
20 correct this environmental injustice.

21 Thank you.

22 SPANISH INTERPRETER: Thank you. That
23 concludes the comment.

24 HEARING OFFICER PHAM: Thank you.

25 We have Byanka at the podium, and I'll follow

1 that with Gustavo.

2 MS. SANTOYO: Hi, good morning. My name is
3 Byanka, B-Y-A-N-K-A, Santoyo, S-A-N-T-O-Y-O.

4 I'm here because I stream in multiple times
5 throughout the year, practically every month through
6 Shafter, now we have Arvin and Lamont, and every time
7 we're here asking, requesting, for the public safety.

8 We started in Shafter because of the high
9 levels of TELONE. And we started the 12 measures that
10 are happening at the moment but are not safe enough for
11 residents and we continuously see poisonous communities
12 and no regulation being done.

13 Now we're having Dow's scientists give you what
14 is interpreted as a safety level and that's not correct.
15 Use a OEHHA's standards as we've been requesting every
16 month from all these communities.

17 We drove more than five hours in making this
18 possible, trying to make this regulation more and more
19 enforceable and having a safer practice in our community.

20 In Kern County, it's being used in multiple
21 agriculture practices, all the way from almonds to
22 grapes, anything in between. And as you know, the valley
23 is -- it feeds the world and we can't even be in a safe
24 community, in a safe place for our children, for our
25 families, for our farmworkers.

1 We need you to step up. We can't have you one
2 more time giving us a brief explanation, we'll follow up,
3 we'll follow up. We can't follow up anymore. We can't
4 have more people dying every single day.

5 Thank you.

6 HEARING OFFICER PHAM: Thank you, Byanka.

7 I have Gustavo next, followed by Jose Chavez.

8 MR. AGUIRRE: Hi, Gustavo Aguirre with Center
9 on Race, Poverty, and the Environment. And I will not
10 waste my time spelling my name. I drove 12 hours, you
11 know, round trip to, you know, just use my 90 minutes --
12 90 seconds.

13 I came to this country when 19 years old. My
14 dad was working at the fields. He passed because of
15 cancer. My mom had to live without him for her last 25
16 years. I lost him at my early twenties. A lot of my
17 coworkers on the fields died because of cancer. So I'm
18 just trying to put the human side of it.

19 And when I first came here to -- here to the
20 U.S., I came to join Cesar Chavez fight against
21 pesticides 43 years ago, and still we are doing the same
22 thing here. So I encourage you to do the right thing.

23 My mother-in-law passed because of cancer. My
24 wife passed because of cancer. And I don't know if you
25 have kids. My daughter was seven years old when my wife

1 was, you know, discovered with cancer. She started
2 losing her mom at that age. And me, as father, trying to
3 raise a girl, you know, without her mom, it's an impact,
4 a personal impact on me.

5 My brother-in-law passed because of cancer.
6 Two of my sisters-in-law had cancer. So it's just an
7 example of what an impact on one person, one of millions
8 in California, is impacting the pesticides.

9 One of my coworkers passed because of cancer
10 and we both were sprayed when I was working at the
11 fields. Am I worried about my health? Definitely. I'm
12 worried about myself.

13 HEARING OFFICER PHAM: Gustavo, if you can wrap
14 up your comments?

15 MR. AGUIRRE: And I know that you can do
16 better, so it's in your hands now to do better, so please
17 do the right thing. I think that the statements on why,
18 reasoning why, were given by other comments, so please do
19 the right thing now. Don't let me die without seeing
20 progress in reducing the risk of pesticides to our
21 health.

22 HEARING OFFICER PHAM: Thank you, Gustavo.

23 Jose, please come on up.

24 I'll have that followed -- have him followed by
25 Erika Alfaro and Tim Prado.

1 MR. CHAVEZ: (Comment translated from Spanish
2 to English below.)

3 HEARING OFFICER PHAM: Thank you, Jose.

4 So Erika, followed by Tim.

5 And translation when you're ready.

6 MR. CHAVEZ: (Translated from Spanish to
7 English by Spanish Interpreter). Hi, good morning. I'm
8 Jose Charez from the City of Arvin.

9 As all of my colleagues before me have said, we
10 all know what this pesticide is causing. And it's not
11 just this pesticide. There are three different, very
12 strong pesticides. And it's sad to see all these people
13 getting sick, our children, our youth.

14 Our schools are fully surrounded by almond
15 trees and pistachio trees, grapes, strawberry fields, and
16 companies apply all these pesticides. And they don't
17 care as long as they get their production, their yield,
18 they apply the pesticide and they don't care. And then
19 we eat those strawberries that taste delicious, but it's
20 harming us all.

21 We have become like fish in the water. Imagine
22 if you dumped everything from like oil, waste oil from
23 your cars into our stormwater system, that causes fish to
24 die little by little; right? So the same thing's
25 happening to us.

1 And we need a solution. If we don't find a
2 solution to these pesticides, I don't know what's going
3 to happen.

4 I can tell you personally, in my family and all
5 these other workers who came from so far from all the
6 different counties, and we all feel that our comments are
7 not really heard. Nothing happens. Everything is just
8 left up in the air. And we're here fighting for all of
9 us, not just for ourselves individually, but for all of
10 us. Please listen to our comments.

11 Thank you very much.

12 HEARING OFFICER PHAM: Thank you.

13 So moving on to Erika, followed by Tim.

14 Go ahead.

15 MS. ALFARO: Erika Alfaro, E-R-I-K-A

16 A-L-F-A-R-O. I'm a public health nurse, and I'm not
17 going to go ahead and repeat all the things that have
18 been said prior to the people that just came before me.

19 As a public health nurse, I am a nurse case manager
20 that works with kids who have chronic medical needs. So
21 when I think about these chemicals that could
22 potentially -- not that could potentially, I mean, we
23 know that their cancer-causing agents. Why are they
24 still being used? Why are we continuing to affect the
25 lives and the health of the people that are here, that

1 are necessarily not -- you may not know them? They're in
2 my community. They're in our communities.

3 But nonetheless, I just like to remind people
4 that these are the humans that feed us. These are the
5 people who are constantly breaking their backs to make
6 sure that California's fed, that the world is fed, and we
7 have to do more. We have to do more to make sure that
8 people and their health are being protected.

9 That's all I want to say. And just make sure
10 that you continue and actually do something, regulate,
11 ban, make sure that something is done, not necessarily
12 for your well-being, but for the well-being of these
13 families.

14 Thank you.

15 HEARING OFFICER PHAM: Thank you.

16 Tim?

17 MR. PRADO: Hi, my name is Tim Prado, T-I-M
18 P-R-A-D-O. I'm sorry, I only slept three hours. I work
19 graveyards. Unlike you, I don't work a regular schedule.

20 One of the things I noticed in the regulation,
21 and also the ag industry complaining, is the 50 percent
22 moisture. One of the things I noticed why they're
23 complaining and bringing on SGMA is because it cuts into
24 their profits. Instead of making a profit, they would
25 have to take from their profits to replenish the water.

1 One of the things I also see in the regulation,
2 it doesn't mention anything about underwater and
3 contamination of underwater. So in the past ten years,
4 I've dealt with TCP 1,2,3. You're basically preparing me
5 for the future to tell residents of my community about
6 1,2,3-TCP.

7 So I'm wondering when will you begin doing your
8 actual work and cutting and putting more stringent
9 regulations on these chemicals that end up in the water
10 that my residents in Lamont drink? And then I have to
11 explain to them why the reason why I have to increase
12 their water rates is because, basically, I have to filter
13 chemicals that were put there by agencies who decided
14 that it was okay for you to drink dirty water because you
15 were not connected to an aquifer.

16 And that's my comment.

17 HEARING OFFICER PHAM: Thank you, Tim.

18 Okay, as I mentioned before, we have a limited
19 time here and I wanted to give everybody the respect of
20 having them speak.

21 At this point, I have 11:52 on my clock. Let's
22 go ahead and take a break until noon, and then we have
23 the last hour to get through everybody's remaining
24 comments. So please return here promptly at noon.

25 (Off the record at 11:52 a.m.)

1 (On the record at 12:02 p.m.)

2 HEARING OFFICER PHAM: Go ahead and start. Go
3 ahead. You can go ahead.

4 MR. WELLER: Thank you. Mark Weller. I live
5 in Santa Cruz County. I'm here with the Safe Ag Safe
6 Schools, and Californians for Pesticide Reform.

7 And back on November 18th at the Pesticide
8 Registration and Evaluation Committee, I asked the
9 following question: Why was the June 2022 OEHHA 1,3-D
10 safe harbor level not used in calculation of the lifetime
11 cancer risk level for this draft regulation? The OEHHA
12 NSRL converts to 0.04 parts per billion, 14 times below
13 DPR's 0.56 parts per billion from 2016, and what you're
14 using currently.

15 Do you plan to go before farmworker communities
16 and tell them DPR's regulation is sufficient to protect
17 them when another branch of CalEPA indicates it is 14
18 times too weak?

19 And here we are on January 18th, two months
20 later, and we have no response from DPR to this question.
21 That day they said they're only answering technical
22 questions, and I figured this was a pretty good technical
23 question, the level at which you ground the entire
24 regulatory system on.

25 So we need an answer to that.

1 HEARING OFFICER PHAM: Thank you, Mark.

2 So Jose Orda, Angelica Lopez. I don't see

3 Jose, so --

4 (Off mic colloquy.)

5 HEARING OFFICER PHAM: I have it as Jose Orda.

6 I believe so. The email here has a 8697 at Gmail.

7 MS. MIRELES: (Comment translated from Spanish
8 to English below.)

9 HEARING OFFICER PHAM: Thank you.

10 As we wait for the English translation here,
11 can I have Joshua Rahm and Angel Garza -- Garcia?

12 MS. MIRELES: (Translated from Spanish to
13 English by Spanish Interpreter.) Good morning. My name
14 is Diana Mireles, D-I-A-N-A M-I-R-E-L-E-S, and I am a
15 resident of Lamont, and I chair the Lamont Progress
16 Committee.

17 I am here because I am concerned about the
18 decision being made by DPR that does not sufficiently
19 limit the use of the pesticide TELONE. This is a
20 pesticide that is causing a lot of cancer, and not just
21 cancer, but also other illnesses amongst our people.

22 Recently, my brother-in-law, who worked his
23 whole life in the fields, was diagnosed with Valley fever
24 and pneumonia. My husband died recently, just last year,
25 and he didn't die exactly for that, but towards the end

1 of his life, he was diagnosed with Valley fever as well.

2 All around Lamont, we see a lot of almond
3 fields, and we know that they use a lot of that pesticide
4 there. They also grow grapes and other fruits and
5 vegetables around us.

6 I myself worked in the fields for many years.
7 And I am also a member of the AB 617 Steering Committee
8 in Arvin and Lamont, and we've been told that this is one
9 of the three most toxic pesticides in California. So
10 those are our concerns.

11 And just to close, you don't need any more
12 testimony than to hear the people who have been here
13 today, and those who can't be here today because they're
14 getting treatment. So please take all of that into
15 account.

16 Thank you.

17 SPANISH INTERPRETER: Thank you. That
18 concludes the comment.

19 HEARING OFFICER PHAM: Thank you.

20 Josh, go ahead.

21 MR. RAHM: Good afternoon, everyone, and thank
22 you, DPR, for the opportunity to comment. I'm Joshua
23 Ram, J-O-S-H-U-A R-A-H-M, Director of Technical and
24 Regulatory Affairs for the California Walnut Commission.
25 And the California Walnut Commission appreciates the

1 opportunity to express the support for communities and
2 people of impact and the continued safe, practical use
3 and availability of 1,3-D.

4 1,3-D is critically important for California
5 specialty crops and U.S. walnut production. The
6 California Walnut Commission works with the California
7 walnut industry, comprised of over 4,500 family farms and
8 76 handlers, that generate more than 85,000 jobs directly
9 and indirectly which positively stimulate the local
10 economies for numerous communities across the state and
11 more.

12 Walnut growers require access to new and
13 emerging technologies in order to stay competitive.
14 Therefore, the CWC strongly supports safe and responsible
15 product usage of what's currently proven effective and
16 available. Safe and effective pest management is one of
17 the many critical components of producing a successful
18 walnut crop.

19 Walnut growers utilize 1,3-D as part of their
20 environmentally responsible pest management programs due
21 to the exceptional nematode pest control it offers during
22 the pre-plant process, protecting new walnut plantings.
23 Current walnut trees are very sensitive to infection by
24 root lesion nematode, and as little as one nematode per
25 250 cubic centimeter of soil can damage walnuts.

1 Further, pre-plant soil treatments are
2 currently the most effective way to protect the new
3 walnut plantings. Alternative treatment options,
4 unfortunately right now, are either not as effective,
5 readily available, face challenges to control the pest
6 pressures or face regulatory hurdles preventing
7 application.

8 1,3-D is an important tool, one of the most in
9 the grower toolkit to responsibly manage pests and
10 prevent economic crop losses of the long-term investment
11 in a climate-friendly walnut orchard.

12 HEARING OFFICER PHAM: Joshua, if you can wrap
13 up, please?

14 MR. RAHM: Yes. And without the time
15 constraints -- and due to time constraints, we'll be
16 providing formal written comments to provide beneficial
17 recommendations for implementation for all stakeholders
18 involved.

19 The 1,3-D is important to U.S. walnut
20 production, growers, and PCAs who provide product
21 recommendations strictly follow state, federal, and local
22 regulations ensuring that products are safely and
23 responsibly used --

24 HEARING OFFICER PHAM: Okay, Joshua. Thank you
25 for your comment. Your time has expired.

1 MR. RAHM: -- (indiscernible). We look forward
2 to working together --

3 HEARING OFFICER PHAM: Josh?

4 MR. RAHM: -- toward and even greater --

5 HEARING OFFICER PHAM: Joshua?

6 MR. RAHM: -- environmentally sound, climate
7 resilient --

8 HEARING OFFICER PHAM: Joshua?

9 MR. RAHM: -- sustainable future for
10 Californians involved.

11 HEARING OFFICER PHAM: Thank you.

12 Okay, Angel?

13 Just a reminder to the to the room, please be
14 courteous to the speakers. I'll manage the time as best
15 as I can. Thank you.

16 MR. GARCIA: (Comment translated from Spanish
17 to English below.)

18 HEARING OFFICER PHAM: Angel, if you can please
19 wrap up your comments as your time's up? Thank you.

20 Okay, as we wait for the translation, I have
21 Lupita Sanchez, Sean Boswell, and Chris Reacher. Is it
22 Chris Reardon? Sorry.

23 ANGEL GARCIA: (Translated from Spanish to
24 English by Spanish Interpreter.) Good afternoon. I'll
25 be making my comments in Spanish out of respect for the

1 public who made the sacrifice to be here today. I'm
2 Angel Garcia, Co-Director of Californians for pesticide
3 Reform. And I would like to start with the following.

4 Respecting other people's rights means peace.
5 And in this context, this means the dignity of our lives.
6 Today, we are here to talk about one specific pesticide,
7 1,3-D, also known as TELONE. And this is a pesticide
8 that is usually used by injecting it into the soil. And
9 the issue is that this is a cancer-causing pesticide, one
10 that is prohibited in 34 other countries, a pesticide
11 that was actually withdrawn from the market back in the
12 early 90s, and then later, due to perhaps financial
13 reasons, economic reasons, was then reintroduced.

14 And here we are today to talk about something
15 that had been removed from the market. Now the levels
16 that are being proposed to be permitted were defined by
17 Dow, or Corteva as it's called now. But we are here
18 today because what we want DPR to do is to stop trying to
19 pull the wool over our eyes and to adopt the protections
20 that are necessary, that is those that were defined by
21 OEHHA, and this needs to be done today, not tomorrow. We
22 want that sacrifice to be made today. We want for you to
23 respect us.

24 None of us want cancer. And none of us came
25 here just because, as one of the previous speakers had

1 said. And I will be taking a little bit of extra time,
2 others have.

3 In any event, the matter is that our community
4 needs to be protected against this cancer causing
5 pesticide. And that starts by adopting what OEHHA
6 proposed, which would be a good starting point.

7 I'll leave it at that and close my comment.

8 And before I go, I want to acknowledge all the
9 families and recognize their sacrifice in being here
10 today.

11 Thank you.

12 HEARING OFFICER PHAM: Thank you.

13 Go ahead, Lupita.

14 MS. L. SANCHEZ: (Comment translated from
15 Spanish to English below.)

16 HEARING OFFICER PHAM: Okay. Thank you.

17 So as we're waiting for translation, Sean
18 Boswell, Chris Reardon, Kathleen Kilpatrick, Woody
19 Roebank (phonetic), and Renee Pinel.

20 MS. L. SANCHEZ: (Translated from Spanish to
21 English by Spanish Interpreter.) Hi, my name is Lupita
22 Sanchez, and I am here from Tulare, and I'm here because
23 they are not protecting us. Our community doesn't seem
24 to matter. The people that work the fields don't seem to
25 matter.

1 I am a mother of five. And since 2005, I've
2 been getting up at 5:30 in the morning so I can take my
3 children to be taken care of and then go work in the
4 fields, and then I also have to do this.

5 We need you to come to where we are and listen
6 to us. Why wait until these diseases arrive before
7 coming to us? Why wait and let time go by instead of
8 stopping this now? This is a horrendous environmental
9 injustice for DPR to not protect agricultural workers in
10 proposing this 1,3-D rule.

11 DPR, in other words, is telling Californians
12 that they have one standard for nonagricultural
13 communities and a different standard for agricultural
14 communities. How will DPR justify this? Are our lives
15 worth 14 times less?

16 We call upon DPR to redraft their 1,3-D
17 proposal and adopt the safe harbor levels that better
18 protect our health and include them in their new
19 proposal. Again, why wait?

20 SPANISH INTERPRETER: Thank you. That
21 concludes the comment.

22 HEARING OFFICER PHAM: Okay. Thank you.

23 Sean? No?

24 Go ahead, Chris. Good afternoon.

25 MR. REARDON: My name is Chris Reardon,

1 C-H-R-I-S R-E-A-R-D-O-N. I'm here representing the
2 California Farm Bureau today. I'm just going to make a
3 couple brief comments.

4 First, we'll be submitting, along with our
5 industry coalition, comments outlining our concerns on
6 issues related to seasonality, acreage limitation,
7 setback distances and soil moisture. We also have
8 recommended numerous, at least numerous items that go
9 after the whole issue of the risk assessment, science
10 related to this regulation that will be detailed in our
11 document that we'll submit as well.

12 I think it's also important. It's a time when
13 we have food insecurity struggling rural ag communities
14 and thousands of acres of fallow property, which is hiked
15 food prices to a 30-year high. We hope DPR will
16 carefully look at all the factors for this essential
17 tool.

18 Pest management, no doubt, will be dramatically
19 impacted and farm operations significantly impact, as
20 well, if we can't use this item or TELONE effectively in
21 the coming weeks, months and years ahead.

22 I think it's also important to note that hasn't
23 been mentioned today either, the California DPR has the
24 strictest regulatory requirements for field fumigation
25 anywhere in the world, and it has been for a long time,

1 and it's something we should be proud of as well.

2 There are very few options left for us on the
3 table related to the use of this product, and I hope
4 California will continue to lead the way as it relates to
5 dynamic ag industry.

6 HEARING OFFICER PHAM: Chris, if you could wrap
7 up your comments, please?

8 MR. REARDON: And I hope it's also protective
9 as well.

10 Thank you.

11 HEARING OFFICER PHAM: Thank you.

12 So I have Kathleen, followed by Woody, and then
13 Renee.

14 MS. KILPATRICK: Kathleen Kilpatrick,
15 K-I-L-P-A-T-R-I-C-K. Ninety seconds isn't much time for
16 all these stories. I've worked in healthcare for over 45
17 years, and I had grad-level studies in occupational
18 environmental health.

19 I have a correction. The Watsonville Monitor
20 is not in Watsonville. It's at a Ohlone School and it's
21 there as a result of a 1999, environmental justice
22 lawsuit, from parents at six schools -- from six schools
23 around the state. After 12 years, that monitor was just
24 about all they got. Teachers there still worry about the
25 kids with asthma, leukemia, and brain tumors.

1 Watsonville is downwind and downgrade from
2 Ohlone, surrounded by fumigated fields. Santa Cruz
3 County had a pilot notification, fumigation only, in our
4 senior neighborhood which is ringed by berry fields.
5 When the notices started, they came just about every day
6 for six weeks, sometimes more than once, mostly
7 chloropicrin, TELONE, some K-PAM. They are all
8 carcinogens. I discovered chloropicrin is identified by
9 such by OEHHA and EPA, even though it doesn't have Prop
10 65 designation yet.

11 How do they interact? We don't know. What's
12 our exposure? We don't know. Like most ag communities,
13 we have no air monitor, but it's likely to be at least as
14 high as the Ohlone and above OEHHA's safe level.

15 Our friends in the Valley have it worse.
16 They're in an air quality non-attainment level. We have
17 a better ag commissioner who requires tarping and other
18 mitigations proposed. Of course, we want an end to un-
19 tarped fumigation.

20 We want more than mitigation. We want a phase
21 out of TELONE and other highly toxic fumigants. We want
22 healthy farmers --

23 HEARING OFFICER PHAM: Kathleen --

24 MS. KILPATRICK: -- and healthy communities --

25 HEARING OFFICER PHAM: -- if you could wrap up

1 your comments please?

2 MS. KILPATRICK: -- and healthy soils.

3 Thank you.

4 HEARING OFFICER PHAM: Thank you.

5 I have Woody, followed by Renee.

6 MR. REHANEK: Yes. My name is Woody Rehanek,
7 W-O-O-D-Y R-E-H-A-N-E-K. I'm with Safe Ag Safe Schools
8 in Watsonville, but our hearts go out to Tulare,
9 Greenfield, Oxnard, and all the places in California,
10 Stanislaus County, that have similar issues and stories.

11 A society's compassion is measured by how it
12 treats its most vulnerable members. Farmworkers,
13 children, seniors, the homeless, and medically fragile
14 all deserve better than chronic cumulative exposures to
15 the toxic air contaminant and carcinogen 1,3-D.

16 It's common knowledge that Latino communities
17 are disproportionately impacted by pesticide drift in
18 California. Watsonville, Santa Cruz County, and the
19 Pajaro Valley are no exceptions. How do we know? We
20 have that air quality monitor in Ohlone Elementary
21 School. It's been measuring 1,3-D since 2012, and all of
22 the measurements have been above 0.04 parts per billion,
23 which OEHHA has recommended last summer as the safe
24 harbor level, an average of 0.096 parts per billion over
25 that ten-year period. And now Dow Chemical, that brought

1 us napalm and Saran Wrap, is suggesting 0.56 parts per
2 billion.

3 I was alive during the Vietnam War and I know
4 that Dow Chemical -- I have an innate distrust of their
5 science.

6 HEARING OFFICER PHAM: Woody, if you can wrap
7 up your comments, please?

8 MR. REHANEK: Thank you very much.

9 HEARING OFFICER PHAM: Thank you.

10 I have Renee, followed by Ana Rosa Rizzo-
11 Sentino (phonetic) and Olga Reyna.

12 MS. PINEL: Good afternoon. Renee Pinel,
13 R-E-N-E-E P-I-N-E-L, on behalf of Western Plant Health.

14 First, we'd like to recognize and thank DPR for
15 being cognizant of the fact that this is not a -- it
16 didn't use a one-size-fits-all approach towards
17 developing mitigations.

18 We do have some concerns and recommendations
19 that would -- where we're looking for some flexibility in
20 how the mitigations to achieve the new safety thresholds
21 are obtained. We would look for some flexibility in the
22 calendar as far as being able to use more naturally-
23 occurring weather events in being able to achieve
24 mitigations. And we are concerned about how, while we
25 support being able to use multiple mitigations, how they

1 may not be effective as far as being able for growers to
2 effectively reach the suppression thresholds that we're
3 looking for.

4 We will provide detailed comments in our
5 written comments that we submit to DPR. And again, while
6 we, our members, may not agree that additional
7 mitigations are necessary, we do thank DPR for their
8 thoughtful and collaborative process that they utilized
9 in developing these new proposed regulations.

10 Thank you.

11 HEARING OFFICER PHAM: Thank you, Renee.

12 Really quickly, before I go to the next
13 speaker, if there is anybody else on the Zoom call that
14 wish to make a public comment, please raise your hand now
15 and keep it raised and we'll do a last call on the Zoom.

16 Okay, moving forward, Ana Rosa.

17 MS. RIZZO-SENTINO: Hi, everyone. My name is
18 Ana Rosa Rizzo-Sentino, (indiscernible) for pronouns.
19 (Speaking Spanish). My comments will be bilingual.

20 (Speaking Spanish.) An industry rep just said
21 that we have the strictest regulations and that we should
22 be proud of that. Well, you know what? If people are
23 still getting cancer, respiratory illnesses, and
24 reproductive harm, it is not strict enough.

25 All the people here and their families and the

1 communities we represent are not disposable populations.
2 After 25 years, the fact that this state still treats us
3 that way is ridiculous and shameful, and environmental
4 racism, indeed.

5 I myself lost a baby when she was three days
6 old (speaking Spanish). In two months, she would have
7 been nine years old.

8 If you have not suffered the loss of a child, I
9 really ask you to think about whether you actually
10 represent an industry and an agency that cares about
11 life, because until you lose a child, you don't know the
12 value of life.

13 So, yes, chronic cumulative impacts are what
14 folks are facing on a daily basis, so no more 1,3-D.
15 (Speaking Spanish.)

16 HEARING OFFICER PHAM: Thank you.

17 I have Olga Reyna, and then that will be
18 followed up by Cesar Lara.

19 MS. REYNA: Okay, thank you. Hello. Ready?
20 My name is Olga Reyna. I come from Monterey County. I
21 represent the United Farmworkers Union. And I took
22 portions of Cesar Chavez' speech in 1989, shortly after
23 his 30-day fast, in protest of pesticides.

24 "What is the worth of a man or a woman? What is the
25 worth of a farmworker? How do you measure the value

1 of life?"

2 In the old days, miners would carry birds with
3 them to warn against poisonous gas. Hopefully, the birds
4 would die before the miners. Farmworkers are society's
5 canaries. Farmworkers and their children demonstrate the
6 effects of pesticide poisoning before anyone else.

7 In response to Cesar's words in 1988, we are
8 not worth 14 times less than any other Californians, and
9 we refuse to be your canaries. Protect our public
10 health. DPR, must regulate 1,3-D.

11 Thank you.

12 HEARING OFFICER PHAM: Thank you.

13 Cesar, and followed up with Rosio Madrigal and
14 Juan Vivian (phonetic).

15 MR. LARA: Good afternoon, everybody. Cesar
16 Lara with the Monterey Bay Central Labor Council,
17 C-E-S-A-R L-A-R-A. and I am one of 126 organizations that
18 signed onto a letter.

19 I do not want to echo too much of the comments
20 here, but I want to ask everybody in DPR, everybody in
21 the EPA, everybody in the Governor's Office, how is this
22 not environmental racism?

23 Thirty-four other countries around the world
24 have banned this chemical, and California did not use it
25 for so many years and then started reusing it. Is money

1 more important than people?

2 The communities that I work in, in Monterey and
3 Santa Cruz County, are farmworker communities. The
4 number one crop is strawberries. That means that we are
5 ground zero, just like the other communities and the
6 almond in the Central Valley, and we're asking that
7 actions be taken.

8 Long term, this chemical needs to be phased
9 out, but the question at hand is, can we use the
10 regulations that are 14 times lower? And I think the
11 answer should be yes.

12 I'm kind of disappointed that we're having
13 hearings over this instead of action. And I ask that the
14 Department take all the comments that they've heard, this
15 today. We have seen firsthand what these chemicals do.

16 I have a colleague on my board right now whose
17 wife is getting cancer treatments as we speak, and she is
18 a teacher in the Pajaro Valley that sits in a school next
19 to a field.

20 This is hitting all of our farmworker
21 communities, all of our communities of color. If we were
22 higher income level communities, more action would have
23 been taken. This is disgusting environmental racism.

24 Thank you.

25 HEARING OFFICER PHAM: Thank you.

1 So I have Rosio, and then Juan.

2 Rosio, could you use the other mic? Thank you.

3 MS. MADRIGAL: My name is Rosio Madrigal, and I
4 ask you to listen to the three generations of people
5 behind me. Ninety seconds for their decades of
6 testimony, family members' deaths is not enough. That's
7 rude.

8 1,3-D causes cancer. There's no way around
9 that. Why are we not banning it? We are a first-world
10 country. The protections in California are nowhere near
11 enough, not when children, not when people, just because
12 they live near fields, are dying.

13 DPR benefits directly from the over \$90 billion
14 a year, over \$90 billion, that Dow sells of this TELONE
15 1,3-D. This is environmental injustice. It is
16 environmental racism. It is about the money.

17 It's no coincidence that our rural communities,
18 most impoverished Latino communities, are the highest
19 levels. Five out of our nine local monitors are in
20 elementary schools. In 2020, Shafter had the highest
21 levels recorded and DPR did nothing. It is the ground
22 nonprofit communities that took action, printed flyers,
23 and went and told families about the imminent danger.
24 DPR did nothing. More recently in Parlier, the TELONE
25 level was 1.16. Again, DPR has done nothing, no

1 enforcement, no warning, absolutely nothing.

2 So let me tell you about five people that
3 couldn't come today. Eugenia, an advocate in Parlier,
4 could not come, taking her mother to a cancer
5 appointment. Victor, a council member in Mendota,
6 survived childhood leukemia, but his classmate did not
7 survive. A mom in San Joaquin could not come because she
8 takes her three-year-old daughter to cancer treatments.
9 Tino Urias of Raisin City died early of pancreatic
10 cancer, leaving behind four underage, beautiful
11 daughters.

12 HEARING OFFICER PHAM: Rosio, if you could wrap
13 up your comments, please?

14 MS. MADRIGAL: My grandpa, Raul Rodriguez, also
15 died working here in the California fields.

16 DPR is aware of Parlier and did nothing. My
17 brother is an agronomist and a CPA, and contrary to Mr.
18 Rahm and the Walnut Commission, says we have other
19 options, safer options that are less damaging to people
20 and to the land.

21 HEARING OFFICER PHAM: Rosio, if I could have
22 you wrap up, please? Your time has expired.

23 MS. MADRIGAL: One more sentence.

24 Today I ask you to kill. Do the legacy of
25 Michael Green. Kill. Kill Dow's profits. Don't kill

1 our children and don't kill our communities.

2 HEARING OFFICER PHAM: Thank you.

3 MS. MADRIGAL: Here are 15 letters from the
4 community of Cantua Creek of 15 women and families that
5 are surrounded on all four sides of fields that could not
6 be here today, and they did handwritten letters for you.

7 HEARING OFFICER PHAM: Thank you.

8 I have Juan, followed by Maria Sorozano
9 (phonetic) and Carmelo Castaneda.

10 MR. VIVIAN: (Comment translated from Spanish
11 to English below.)

12 HEARING OFFICER PHAM: Thank you.

13 As we wait for the Spanish translation of that,
14 Maria Sorozano and Carmelo.

15 MR. VIVIAN: (Translated from Spanish to
16 English by Spanish Interpreter.) Good afternoon. My
17 name is Juan and I represent the Environmental
18 Commission. I am also a cancer survivor.

19 The gentleman just said that he had documents
20 and papers, but they're worthless. We are cancer
21 survivors, but thanks to the fact that DPR is doing very
22 little work, and so little work being done and a lot of
23 profits being made. We have a lot of statistics showing
24 people who have died due to these pesticides. There are
25 no documents saying that those people did not die due to

1 pesticides. On the contrary. We know and we have
2 documents that state that these people have in fact died
3 because of those pesticides. Again, because DPR is not
4 doing its job.

5 So we're asking you to regulate all of these
6 pesticides so that we no longer have so many deaths or so
7 many cancer survivors among us. Please, if you have even
8 a little heart, do this.

9 Also remember, there's a God. You may be able
10 to hide from all these people, but no one can hide from
11 God, and what we reap, we will eventually sow.

12 Thank you so very much

13 HEARING OFFICER PHAM: Thank you.

14 Go ahead, Maria.

15 MS. SOROZANO: (Comment translated from Spanish
16 to English below.)

17 HEARING OFFICER PHAM: Thank you. And may I
18 get the translation?

19 And as we wait, Carmelo, you're going to be
20 next, followed by Maria Ponce and Maria Gonzalez.

21 MS. SOROZANO: (Translated from Spanish to
22 English by Spanish Interpreter.) Hi, I am Maria
23 Sorozano.

24 I'm going to say that I've known several people
25 from, you know, California who have almost died. Miguel

1 Marzo and Rogelina Sanchez were near death in the
2 hospital due to pesticides. And no one's doing anything,
3 neither the owners of the fields nor you.

4 We're not here to ask. We're not here to beg.
5 We're here to demand that you do something because we
6 can't get any of these lives back.

7 We also can't get our children's education
8 back. These gentlemen have young children, and the
9 owners of the fields don't even help them cover the cost
10 of medications.

11 And I am very angry. I am angry with those who
12 fumigate without any considerations, without any heart.
13 Don't you realize your families are also absorbing all
14 these chemicals? It's all of us. Even if we don't work
15 in the fields, we're getting these.

16 So I demand protection for my people, for my
17 children, for my grandchildren. Because so many children
18 are being born with asthma, they're being born with Down
19 syndrome, and no one's doing anything about it. But
20 sure, you know, we have these delicious fruits and
21 vegetables, right, that are being grown.

22 Thank you very much.

23 HEARING OFFICER PHAM: Thank you.

24 Carmelo, go ahead.

25 MR. CASTANEDA: Good afternoon. My name is

1 Carmelo Castaneda, C-A-R-M-E-L-O, Castaneda,
2 C-A-S-T-A-N-E-D-A. I'm an investigator for 30 years. I
3 work for the Law Offices of Carnes and Carnes (phonetic).
4 And I want to thank everybody here for coming. I came
5 here ten hours, everybody else different hours, but it's
6 not only the hours, but it's the cost that, you know, we
7 spent to get here.

8 This is a serious issue. And like somebody
9 said earlier, I mean, we're not here to come to a party.
10 This is serious. And we're here to make sure this
11 makes -- we make a difference here. Each one of us here
12 represents at least 100 people or more. So we're not
13 going to stop. We're just starting. If we don't make a
14 change, we're going to come back and we're going to come
15 back stronger.

16 So I personally ask that you guys take this
17 into consideration. If not, we're going to take other
18 actions. And I'll be one of the first ones to make sure
19 that these get done here, because this is an issue, a big
20 issue that we all have losing family members. This has
21 to stop and it has to stop now.

22 Thank you.

23 HEARING OFFICER PHAM: Thank you.

24 I have Maria Ponce, Maria Gonzalez, Lourdes
25 Cardenas, and Fernando Elias (phonetic).

1 MS. BURANT: Maria Gonzalez is not going to
2 speak. She's going to do it in written form.

3 MS. PONCE: (Comment translated from Spanish to
4 English below.)

5 HEARING OFFICER PHAM: Thank you.

6 And we're going to wait for translation, but
7 Lourdes and Fernando --

8 MS. PONCE: (Translated from Spanish to
9 English by Spanish Interpreter.) Good afternoon. My
10 name is Maria Ponce and I am a long-term at-home care
11 worker, and I am here representing all of these people.
12 I'm here from Fresno.

13 And back in 1992, I was a field supervisor and
14 several times they would fumigate within the fields.
15 Even if we were there, they wouldn't even tell us, they
16 would just air spray. And in that same year, '92, I had
17 a child. Thank God he's still alive today. But because
18 of the pesticides, he has asthma, he has heart issues and
19 impacts elsewhere in his body. He's never been well and
20 he's always required care.

21 Now the person I'm caring for now is 60-
22 something years old. He worked in the fields his whole
23 life and he has had cancer. He's a cancer survivor
24 because of working in the fields and because of the
25 pesticides.

1 So we're not here to ask you please. We're
2 here to demand our right. We're here to demand that
3 these pesticides are no longer used in the fields
4 because, believe it or not, they're affecting all of us.
5 Our children, through no fault of their own, are having
6 illnesses and cancers because of irresponsible people who
7 refuse to stop using these pesticides. Even after people
8 clamor for them to stop, they continue using them to this
9 day.

10 Thank you very much.

11 HEARING OFFICER PHAM: Thank you.

12 Lourdes, go ahead.

13 MS. CARDENAS: (Comment translated from Spanish
14 to English below.)

15 HEARING OFFICER PHAM: Thank you.

16 I have Fernando Elias and Susie Elias. Give me
17 one second as we wait for the translation.

18 SPANISH INTERPRETER: I'm sorry, I was just
19 getting started and then I got lost, so give me one
20 second. My apologies.

21 MS. CARDENAS: (Translated from Spanish to
22 English by Spanish Interpreter.) Good afternoon. I am
23 Lourdes Cardenas. I am an agricultural work and I'm
24 asking you to please stop using these pesticides.

25 Now those of you who are supposed to regulate

1 it who are here with your little suits and ties don't
2 realize that it doesn't get enforced out there in the
3 fields. These companies don't respect the workers when
4 we're out there in the fields. I've seen it. They spray
5 while we're there, even though they're not supposed to be
6 doing it, but they don't respect us. They don't care
7 about the lives of agricultural workers. You draft a
8 regulation here, but the reality out there in the fields
9 is completely different.

10 So I ask you, please, for the lives of each of
11 our children, for our own lives that you prohibit it now,
12 remove it now. No more deaths.

13 This is a silent killer and just like it's
14 killing each of us and each of my coworkers who have gone
15 through cancer who can't be here today because they're
16 going through dialysis, that same cancer could be
17 contracted by anyone who eats these fruits and vegetables
18 that we pick. And again, these companies do not respect
19 us.

20 So enforce the regulations that you have
21 because, I'm telling you, out there in the fields, it's
22 not being complied with. No more deaths. No more silent
23 killer. There are many similar pesticides and others
24 that are even worse. So again, no more deaths starting
25 now.

1 Thank you.

2 SPANISH INTERPRETER: And that concludes the
3 comment. Thank you.

4 HEARING OFFICER PHAM: Thank you.

5 Fernando, you can go ahead.

6 MR. ELIAS: (Comment translated from Spanish to
7 English below.)

8 HEARING OFFICER PHAM: Thank you.

9 Susie, you're going to be next, and we'll wait
10 for the English translation.

11 MR. ELIAS: (Translated from Spanish to English
12 by Spanish Interpreter.) Good afternoon. My name is
13 Fernando and I'm here from Fresno, California. Well, I
14 am an agricultural worker and I am a member of Unión de
15 Campesinos, and I won't waste time talking about how many
16 times I've seen growers spraying when they're not
17 supposed to or violating the laws and doing things
18 they're not supposed to do.

19 What I will say is that this chemical needs to
20 be prohibited so that the growers won't be able to use
21 it. It's dangerous, it causes cancer.

22 OEHHA has already issued a recommendation. So
23 why are you allowing a level 14 times higher if OEHHA are
24 the experts? Why would you allow that? It would be like
25 me going to the doctor and the doctor tells me, take ten

1 milligrams of this medication and I take 14 times the
2 dose. What do you think wouldn't happen to me? It would
3 damage my liver, I would get cirrhosis, so I would be
4 slowly killing myself because I am not following the
5 rules told to me by the expert. That's what you're
6 doing.

7 Now imagine if the doctor tried to prescribe me
8 a medication that was prohibited. That's also what
9 you're doing. You're allowing a chemical that had
10 already been removed from the market to continue being
11 used now. So don't allow the chemical to be used.
12 Remove it from use.

13 Thank you.

14 SPANISH INTERPRETER: And that concludes the
15 comment. Thank you.

16 HEARING OFFICER PHAM: Thank you.

17 Susie, go ahead.

18 MS. ELIAS: My name is Suzy Elias. I came from
19 R.C. And it's important to protect our poor Latino
20 communities. This is where I was raised at.

21 I'm surrounded by fields all my life. I have a
22 lot of cousins that have autism, a lot of health issues.
23 It's very sad and it makes -- it hurts to see them like
24 that.

25 Don't let DPR use pesticides, one of six that

1 is killing us and my family.

2 Thank you.

3 HEARING OFFICER PHAM: Thank you.

4 At this time, we'll take a look at the Zoom
5 side.

6 Aniela, is there any remaining speakers?

7 MS. BURANT: Yes, we have one speaker.

8 Phone number with the last four digits 7456.

9 I've given you permission to speak, so please unmute
10 yourself, state and spell your name for the record, and
11 proceed with your public comment.

12 MS. NAVARRO: Yes. Thank you so much. My name
13 is Maria Navarro, Maria, M-A-R-I-A, Navarro,
14 N-A-V-A-R-R-O. And I'm here today calling from Oxnard,
15 California.

16 Like many speakers that came before me,
17 especially speakers from our area, I am also very
18 passionate about this issue, especially because Oxnard is
19 a very farmworker-heavy community.

20 I went to Oxnard High School and I remember
21 every day that we would see the pesticides coming in and
22 we would just have to deal with kind of the smell and the
23 negative health-related conditions that came with it,
24 especially, I remember, one of my friends got cancer.
25 He's thankfully better now.

1 But I just wanted to come here and voice my
2 concern because I just can't believe that after, you
3 know, being in a country -- coming from a country that,
4 you know, has an immigrant, coming from a country that
5 has pretty much no protections, coming here, you know,
6 thinking that it was going to be a little bit better,
7 there's still so much work that we have to do.

8 And I'm just concerned that there's like 34
9 countries, including the European Union, who have
10 basically forbidden this 1,3-D chemical and pesticide out
11 of their country and banned it. And I was looking at it
12 and the reason that they said in their statement, the
13 European Union, it said,

14 "The Authority indicated that based on available
15 information presented in the dossier, it could not
16 finalize the risk assessment of consumers,
17 operators, workers, bystanders, and residents and
18 identify potential concerns for groundwater, non-
19 target arthropods, including bees, birds and
20 mammals, and soil organisms for all representative
21 uses."

22 So it is concerning to know that we are
23 basically just continuing to use our area as a sacrifice
24 zone, where we are hit the strongest with these
25 environmental degradation chemicals.

1 HEARING OFFICER PHAM: Could you please wrap up
2 your comments?

3 MS. NAVARRO: And, yes, and I just want you
4 to -- I'm calling for you all to just think about all of
5 the people who have spoken here, think about what other
6 countries have done, and really just assess and ban this
7 1,3-D.

8 Thank you.

9 HEARING OFFICER PHAM: Thank you.

10 MS. BURANT: At this time, there are no other
11 hands raised.

12 HEARING OFFICER PHAM: Okay. So at this time,
13 I've exhausted the list that I have of registered
14 speakers at this moment.

15 Is there anybody else at this time that wishes
16 to make a comment?

17 UNIDENTIFIED FEMALE 1: Just for the record,
18 two of them registered ahead of time.

19 HEARING OFFICER PHAM: Go ahead.

20 MS. I. RAMIREZ: (Comment translated from
21 Spanish to English below.)

22 HEARING OFFICER PHAM: Could you please wrap up
23 your comments?

24 MS. I RAMIREZ: (Continues commenting in
25 Spanish.)

1 HEARING OFFICER PHAM: Thank you. Your time
2 has expired. Thank you.

3 If I could have the next speaker? Go ahead.

4 MS. MIRANDA: Hello. Good afternoon. My name
5 is Ilana Miranda (phonetic), and I'm here representing my
6 community of San Jerardo.

7 HEARING OFFICER PHAM: Sorry. Give me one
8 second while we wait for translation.

9 SPANISH INTERPRETER: Thank you. I apologize
10 for the delay.

11 MS. I. RAMIREZ: (Translated from Spanish to
12 English by Spanish Interpreter.) Good afternoon. I am
13 Isabel Ramirez from the community of Greenfield. For
14 those of you that don't know, it is a town that is
15 completely surrounded by fields, mountains and fields,
16 where they spray a lot of these pesticides.

17 But my story starts in Watsonville, where my
18 husband used to work in strawberry fields and where my
19 children were born. Both of them are special needs. I
20 will focus on the one, the most serious conditions. He
21 suffers from autism, asthma and ADHD, and we moved from
22 there because of those exposures.

23 And then my husband had to change jobs in order
24 to move, and we moved to an area where there were fields.
25 Thank God, my child stopped having asthma attacks, and

1 that allowed us to focus on the rest of these conditions.

2 So I am a living example of the harm caused by
3 these pesticides.

4 Now, we ended up moving again in Greenfield due
5 to economic reasons, closer to the fields, and my child
6 once again started having asthma attacks. That made it
7 clear to me that it was the pesticides that were causing
8 this great harm to his health.

9 And more seriously, now my husband's father,
10 who worked for over 30 years back in the field where we
11 used to live, he remained there, and two or three years
12 ago, his boss told him, "Oh, you're too old now, go back
13 to Mexico, I can't use you anymore." When he had worked
14 his whole life applying pesticides, spraying all of their
15 acreage, and he was told to go back to Mexico.

16 And right after Christmas, he started feeling
17 sick and he went to the doctor, and he was buried January
18 9th in Mexico City.

19 So this is a serious thing. So please don't
20 wait until you suffer from conditions like these. This
21 could happen to anyone, as they've said. We eat those
22 same fruits and vegetables that come from that soil.

23 Thank you very much.

24 SPANISH INTERPRETER: And that concludes the
25 comment.

1 HEARING OFFICER PHAM: Okay.

2 My apologies. Go ahead with your comments.

3 MS. MIRANDA: Ilana Miranda. I'm representing
4 my community of San Gerardo. San Gerardo is a
5 farmworkers community in the outskirts of Salinas,
6 California, and we are surrounded by agriculture fields,
7 360 degrees all around us. And we never once received a
8 notification when the fields are going to be sprayed.
9 They don't even give us a chance to close our windows,
10 bring our pets inside.

11 Many of our members in our community have passed
12 away from cancer or have or are currently battling. My
13 own father-in-law passed away from cancer. He's been a
14 community member since the '70s when the cooperative was
15 established.

16 And I've lived there for the past eight years,
17 and my son was born with asthma. Just this last year,
18 and I'm sorry, this past November, he was hospitalized.
19 He was in the ICU at Lucile Packard with a CPAP machine
20 in his face. He had a CPAP machine on his face for three
21 days, struggling to breathe. As a parent, that's the
22 most helpless feeling in the world.

23 And that's why I'm here today. Please, please
24 help regulate these pesticides. It's a serious issue.
25 Many, many families, besides the people behind me,

1 there's hundreds of stories, and we don't know what else
2 to do but come here and beg you guys to please help us
3 regulate these pesticides.

4 Thank you.

5 HEARING OFFICER PHAM: Thank you.

6 MR. MORAN: (Comment translated from Spanish to
7 English below.)

8 HEARING OFFICER PHAM: Thank you. Thank you.

9 So at this time, is there anybody else that I
10 may have missed or would like to do public comment?
11 Seeing no hands. Also, the Zoom has been cleared. Okay.

12 SPANISH INTERPRETER: If I may, just a
13 translation of that last comment?

14 MR. MORAN: (Translated from Spanish to English
15 by Spanish Interpreter.) Hi, my name is Juan Manuel
16 Moran. Good afternoon.

17 I've heard people say they've been fighting for
18 five years to get these pesticides removed. I had the
19 pleasure of working with Cesar Chavez, so for over 40
20 years, we've been fighting pesticides. In fact, back in
21 '88, Chavez fasted for 36 days, nearly costing him his
22 life to get them to no longer use these pesticides that
23 cause so much harm.

24 And I'm going to change what I had originally
25 written as my comment because I just saw something that I

1 think is the reason why nothing's being done. People who
2 are working here, or were working here, are now working
3 with the growers or for the growers. So what does that
4 mean? That they've always worked hand-in-hand with the
5 growers and that's why they're doing nothing to help us,
6 because money matters more. And elections matter, and I
7 don't know how you all are elected, but I think I'm
8 beginning to understand why we're not getting help. It's
9 because money comes first, before the health of all of
10 our people, and all of the people who have died.

11 I worked for 46 years at grape fields, and four
12 of my colleagues died due to the pesticides that were
13 sprayed at the company where I worked. So it's been too
14 many years, too many deaths.

15 And we need your help -- or not help, we
16 demand, rather, that you finally better control these
17 chemicals that are killing us.

18 Thank you.

19 SPANISH INTERPRETER: And that concludes the
20 comment.

21 HEARING OFFICER PHAM: Thank you for the
22 comments, and for the translation.

23 So with that, this concludes the public hearing
24 in this matter. I want to remind everybody that written
25 comments may be submitted to DPR until 5:00 p.m. today,

1 that's January 18, 2023. Instructions for submitting
2 written comments can be found on our website.

3 At this time, I would actually like to thank
4 everybody for making their way out here, and attending on
5 Zoom. I do understand that you had to travel for a bit
6 for a lot of our speakers, and you have family, and we
7 appreciate all of these comments. As I mentioned at the
8 beginning, we weigh all these comments equally.

9 So with that, I'm going to officially conclude
10 the hearing and go off record, so thank you.

11 (Off the record at 1:13 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2023.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



February 8, 2023

MARTHA L. NELSON, CERT**367