

From: [CJE](#)
To: [CDPR dpr22005](#)
Subject: Web-posting of warnings of fumigant pesticide applications
Date: Tuesday, January 17, 2023 9:37:55 PM

EXTERNAL:

Forwarded to you by Carole Erickson, RN, PHN, member of Safe Ag, Safe Schools, Monterey County with my own comments to follow this citation.

Do you think you or your kids are 14 times less valuable than other Californians? I'm asking because that is what the California Department of Pesticide Regulation (DPR) is effectively telling people like me — who live in farmworker communities — with their proposed policy on the cancer-causing pesticide 1,3-dichloropropene (aka 1,3-D or brand name Telone).

The DPR announced in November plans to regulate 1,3-D to keep its average daily air concentration below 0.56 parts per billion. But just five months earlier, the California Office of Environmental Health Hazard Assessment (OEHHA) — the state's scientific body that determines "safe harbor levels" for exposure to substances that cause cancer — officially listed the safe level for 1,3-D at 0.04 parts per billion. DPR wants to allow for 14 times more cancer-causing 1,3-D in the air we breathe than what OEHHA says is safe. DPR and OEHHA are both departments of the California Environmental Protection Agency (CalEPA), so how could their numbers be so far off?

A little background: The pesticide 1,3-D is a fumigant banned in 34 countries and one that our state officially lists as a carcinogen and toxic air contaminant. By pounds, 1,3-D is the third most used pesticide in Monterey and Santa Cruz counties combined, as well as in the whole state of California. It's a pre-plant soil sterilizer used most on strawberry fields in the Pajaro Valley and grapes in the Salinas Valley. 1,3-D can drift for miles at harmful levels. We know there are hazardous amounts of 1,3-D in the air at Ohlone Elementary School in North Monterey County, because one of only six pesticide air monitors in California is on the school campus.

In every single year from 2012 through 2021, 1,3-D concentrations at the school have registered above 0.04 parts per billion — above OEHHA's lifetime cancer risk level. The 10-year average for 1,3-D air concentration at Ohlone Elementary is 0.10 parts per billion, which is 2.5 times more than OEHHA's safe level.

Two more pieces of background information might be important in trying to understand why DPR plans to allow for 14 times more cancer-causing 1,3-D in the air than OEHHA's standard for all Californians. First, DPR's primary source of funding is — and I know this is hard to believe — a fee on pesticide sales. The dynamic is the lower the sales of pesticides, the smaller is DPR's budget. OEHHA's funding has nothing to do with pesticide sales.

Second, Dow Chemical, the manufacturer of 1,3-D products including Telone, has been pushing for 0.56 parts per billion allowances on 1,3-D for years, according to the company's arguments in documents revealed by investigative journalists going back to 2008, and as

recently as its public documents in the OEHHA “safe harbor level” process. DPR chose Dow’s number not OEHHA’s.

DPR’s proposal for 1,3-D may have been influenced by a self-interest in maintaining its budget and not losing the third most used pesticide in the state, as well as a too cozy relationship with Dow. The effect will be devastating and racist, allowing for 14 times more cancers in communities where 1,3-D is applied than in those where it isn’t. Farmworker communities, like mine in Greenfield, are overwhelmingly Latino.

DPR states: “Treating people fairly guides how DPR conducts its activities. Fair treatment means that no one group of people, including racial, ethnic, or socioeconomic groups, should be disproportionately impacted by pesticides.” Yet DPR proposes that my community, our farmworker communities, should get 14 times less protections from cancer from 1.3-D than other Californians.

Before the public comment period ends on Jan. 18, I urge readers to email DPR at dpr22005@cdpr.ca.gov to demand that 1,3-D be regulated to keep us from breathing more than 0.04 parts per billion in the air. We are NOT worth 14 times less.

Yanely Martinez is a Greenfield City Councilmember and Organizer for Safe Ag Safe Schools/Californians for Pesticide Reform. She can be contacted at yanely@pesticidereform.org.

COMMENTARY

As a health educator who has seen the suffering of individuals, adults and children, exposed at home, in or near the fields and schools where toxic Telone has been used, I support the recommendation of OEHHA regarding changes to the proposed unconscionable, reckless language approved by DPR for posting notices about 1,3 dichloropropene/Telone . We need adequate truthful and effective posting of the dangers. WEB-posting allows anyone with access to a digital device to take defensive action to protect themselves and family members from the health-threatening dangers of application AND drift of this fumigant. It also allows everyone timely and more equal access to this information . English, Spanish and various dialects of Spanish must be used. It would also allow physicians to more quickly identify the source of the breathing problems presenting at the hospitals and clinics, or in newborn infants

Dr. Antonio Vasquez of Natividad Hospital, a pioneer in treatment of poisoned fieldworkers, has written "My hope is that the Monterey Bay area will once again take leadership of pesticide warnings with a 21st Century version of the 1981 Monterey County Pesticide Field-Posting ordinance, this time adding posts on the digital Web in addition to posts in the ground." Monterey Herald OPINION page guest commentary, March 24, 2021, p.A6.

Carole Erickson, Carmel Valley, California