

From: [Henderson, Julie@CDPR](mailto:Henderson,Julie@CDPR)
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Subject: FW: Californians need protection from 1,3-D
Date: Tuesday, December 6, 2022 11:14:13 AM

From: Emily Summerlin <esummerlin@panna.org>
Sent: Tuesday, December 6, 2022 10:43 AM
To: Henderson, Julie@CDPR <Julie.Henderson@cdpr.ca.gov>
Subject: Californians need protection from 1,3-D

EXTERNAL:

Director Julie Henderson,

Dear Department of Pesticide Regulation,

I call on you to redesign your rule for 1,3-dichloropropene (1,3-D) to follow the official Prop 65 safe harbor level established by the California Office of Environmental Health Hazard Assessment (OEHHA) of 3.7 micrograms per day, as opposed to your current 50 micrograms per day for which the original manufacturer Dow Chemical advocated.

DPR's draft rule is designed to keep 1,3-D air concentrations below an average of 0.56 parts per billion (ppb); however, the OEHHA safe harbor level, which converts to 0.04ppb, is 14 times lower. All parts of the 1,3-D rule must target the level OEHHA toxicologists have determined is safe.

By DPR's own estimates, which have proven low in the past, the proposed changes in how 1,3-D would be applied are not enough to reduce 1,3-D levels to 0.04 ppb, with computer modeling predicting levels as high as 0.35 ppb.

The proposed restrictions on how 1,3-D is applied will not be enough to protect the health of Californians, and doing away with the Township use cap – potentially allowing for historically high amounts – will only compound the problem. The current cap of 136,000 pounds per Township is far too high, as all the current pesticide air monitors have registered an annual average of at least 2.5 times the OEHHA safe harbor level. The Township cap must be strengthened, not eliminated.

Finally, it is an outrageous environmental injustice that DPR has not included worker bystanders in its 1,3-D rule proposal, in defiance of the court's order in "Vasquez vs DPR and Dow." Farmworkers who work in neighboring or nearby fumigated fields need protections in this rule and must be included in its revision.

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