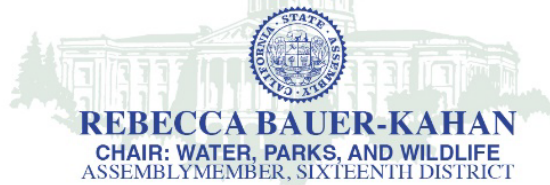


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Assembly California Legislature



REBECCA BAUER-KAHAN
CHAIR: WATER, PARKS, AND WILDLIFE
ASSEMBLY MEMBER, SIXTEENTH DISTRICT

COMMITTEES
BANKING AND FINANCE
ENVIRONMENTAL SAFETY AND TOXIC
MATERIALS
PRIVACY AND CONSUMER PROTECTION
UTILITIES AND ENERGY

CHAIR: SELECT COMMITTEE ON
REPRODUCTIVE HEALTH

Dear Director Henderson,

I write to request that the Department of Pesticide Regulation (DPR) regulate applications of the carcinogenic fumigant pesticide 1,3-dichloropropene (1,3-D) at the No Significant Risk Level (NSRL) established by CalEPA's Office of Environmental Health Hazard Assessment (OEHHA). OEHHA determined the NSRL or "safe harbor level" - the lifetime cancer risk level likely to result in 1 new cancer case in 100,000 people - for 1,3-D to be 3.7 micrograms per day, the equivalent of breathing air that has a 1,3-D concentration of 0.04 parts per billion (ppb).

Despite the science-backed recommendations established by OEHHA, DPR has chosen to allow for 14 times more 1,3-D in the air that rural, farmworker communities breathe, selecting a regulatory target concentration of 0.56 parts per billion.¹ DPR's disregard for OEHHA's expert toxicologist recommendations raises concern that DPR is not fulfilling its obligations to safeguard public health and the civil rights of *all Californians* from harmful and deadly exposures to pesticides.

DPR's regulation, as proposed, fails to protect agricultural fieldworkers and other rural residents from harmful levels of exposure to this cancer-causing and highly drift prone soil fumigant for the following reasons:

- 1) The rule is not designed to control 1,3-D use and emissions to the level recommended by the OEHHA for cancer risk control;
- 2) The proposed measures intended to reduce emissions will be difficult to measure or enforce, such as requiring specified minimum soil saturation levels and injection depths across large, rocky fields up to 80 acres in area, with inadequate inspection provisions.

The impact of DPR's proposal, to create a separate and unequal, 14 times weaker standard of protection for predominantly Latino and Indigenous farmworker communities where most 1,3-D is applied, presents a racial and environmental injustice, , and a public health crisis.

I hope the Department chooses to create a 1,3-D regulation based on OEHHA-backed science that will limit air concentrations to 0.04 parts per billion, the safe harbor level established for *all* Californians by OEHHA.

We request your proposal to resolve these concerns.
Sincerely,

A handwritten signature in blue ink, appearing to read "RBK", followed by a long horizontal flourish.

Assemblymember Bauer-Kahan (AD-16)

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¹ California Department of Pesticide Regulation. (2023, May 9). DPR 22-005 Health Risk Mitigation and Volatile Organic Compound Emission Reduction for 1,3-Dichloropropene. <https://www.cdpr.ca.gov/docs/legbills/rulepkgs/22-005/22-005.htm>