

**From:** [Jane Sellen](#)  
**To:** [CDPR dpr22005](#)  
**Subject:** DPR's Proposed Modification to the Draft Regulation for 1,3-Dichloropropene  
**Date:** Wednesday, May 31, 2023 10:17:13 AM

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EXTERNAL:

We want to express our continued dismay at DPR's refusal to consider overwhelming public comment calling on the Department to adopt OEHHA's NSRL as your regulatory target for lifetime cancer risk.

In the January public comment period, you received more than 2200 individual comment letters, a sign-on letter from 126 organizations, another sign on from 19 scientists, plus additional detailed comment, all calling on you to follow the latest science and to adopt the far more health protective cancer risk level recommended by OEHHA in 2022. In fact, more than 99% of commenters made this demand. And yet, once again, OEHHA's NSRL still doesn't even make it into the list of documents relied upon. This is an outrageous abuse of the democratic process. It couldn't be more clear that DPR is paying no attention to public demand, just as they are ignoring their sister agency OEHHA.

We are disturbed by the amendments made to this version of the regulation, seemingly in response to the less than 1% of public comment that came from industry, including Trical and Dow, which will reduce protections for residents of farmworking communities even further.

DPR lost this fight repeatedly in court, and is now in the position of developing separate regulations for residents and workers. This 7 year court fight represents a gigantic waste of tax payer money, millions of dollars in legal fees, and an utterly confounding conclusion, with drastically different cancer risk levels for people living and working in the same place.

As you know, the impact of 1,3-D exposure is overwhelmingly borne by low-income Latino and Indigenous communities who live and work near where use is concentrated. A policy that clearly and predictably results in increased cancer risk to a particular racial group is immoral and racist.

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