May 26, 2023
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Department of Pesticide Regulation
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Re: DPR 22-005 Modification to Proposed rulemaking on the Health Risk Mitigation and Volatile Organic Compound Emissions Reduction for 1,3-Dichloropropene (1,3-D)

Salt Lake Holding LLC, a wholly owned subsidiary of The Dow Chemical Company (Dow), (here after referenced as Dow) appreciates the opportunity to provide comments on the Department of Pesticide Regulation's (DPR) modifications to the proposed rulemaking on the Health Risk Mitigation and Volatile Organic Compound Emissions Reduction for 1,3-Dichloropropene (1,3-D), which was published on May 9, 2023.

Soil fumigation is an integral part of farming operations throughout California and is fundamental to sustaining the state's agricultural economy. 1,3-D has been used in agriculture since the 1950s and has been extensively studied by various agencies worldwide. It is the active ingredient in soil fumigants that control nematodes, fungi, and other pests that otherwise would damage root structures of new plants. This not only helps boost crop yields, but also allows for more efficient use of water, fertilizers, and nutrients and less reliance on other pesticide products. As DPR has previously acknowledged, there is no commercially viable alternative to 1,3-D for pre-plan nematode control. Per DPR's request to receive comments only on the modifications to the text of the proposed rulemaking, we offer the following comments.

Dow commends DPR for considering the use of weather data sets that are more specific and hence relevant to unique 1,3-D use areas in California.

DPR evaluated about 12 weather datasets spanning 1,3-D use areas along the California coast and in the central valley. DPR's analysis of the Low Wind Speed (LWS) fraction (hours with WS<2mph divided by total hours) showed significant variability between weather stations, with the LWS fraction ranging from 0.255 to 0.355 for weather stations in the central valley, and 0.255 to 0.467 for weather stations in coastal areas. DPR selected the weather station with the highest LWS fraction in both the coastal and central valley 1,3-D use areas for simulating setbacks.

Given the numerous compounding conservative assumptions made in the emissions modeling (HYDRUS) and setback modeling (AERFUM) as well as in the toxicology and risk assessment of 1,3-D, the use of the 'worst-case' weather data for coastal and central valley locations results in setbacks that are unnecessarily large for protecting human safety, and in some cases would be impractical for growers to implement.

Dow suggests that DPR refine their setback modeling using weather data that is most relevant for the 1,3-D use area in question. This should result in setbacks that are more practical for a grower to implement while maintaining bystander safety. The selection of 1,3-D use areas and the most relevant associated weather station may require consulting with subject matter experts from the California ARB.

Thank you for considering our comments. We are always available to DPR to discuss these comments or any topics related to the proposed rule. Please contact us at sburt3@dow.com