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**To:** [CDPR dpr22005](#)  
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**Subject:** Comments for today's hearing on 1,3-D  
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EXTERNAL:

With regards to 1,3-D use and mitigation. DPR's actions over the years have been reactive rather than protective, showing more concern for costs and commerce than for communities in areas of high use. While 1,3-D was removed from use in the early '90s after several significant exceedances captured on air quality monitors, five years later use was resumed, based on safety levels determined by its manufacturer, then known as Dow Chemical Company.

1, 3-D is restricted for multiple reasons. Besides being a Prop 65 carcinogen, it is also a toxic air contaminant, a hazardous air pollutant, and a volatile organic compound. However, current regulatory revisions address only acute and cancer risks to residential non-occupational bystanders, not to workers, nor to the environment. There are several fallacies to this approach:

1. This category of bystander has a lifetime 24/7 70 year exposure, which includes vulnerable groups. At 0.56ppb, this appears to be overall higher lifetime exposure than OEHHA's standard of 0.04 ppb, which will apply to workers who work for an eight hour day for up to 40 years. This doesn't make sense.
2. This approach ignores combined exposures, in spite of evidence of synergistic defects for carcinogenicity, not to mention for associated health harms.
3. This approach separates the specific harms to the specific group from general environmental harms, which also have synergistic effects.
4. A few key statements gleaned from the DPR's documents: "In their 1,3-D human health risk assessment, US EPA acknowledges that the current state of the science does not allow for modeling of cumulative exposures from neighboring fumigant applications. We concur with this view" (DPR's own words!), and further down that page, "a possibility of acute bystander exposures...remains".
5. "DPR has not identified any feasible alternatives.." and cites costs to small businesses, but provides no evidence of effort at developing less harmful alternatives, even though such efforts are underway.

The last two hearings could easily be seen as mere formalities, allowing high exposure community participants and their allies to vent without offering them even a basic rationale for how DPR thinks these regulatory changes will reduce their

exposure. Responses to concerns of scientific reviewers are mostly obfuscated in language inaccessible to non-technical readers.

Descriptions of application methods proposed are so convoluted they will be challenging to execute, and nearly impossible to enforce. Neither DPR nor the CACs have the staff to enforce them, nor has DPR effectively exerted your authority over recalcitrant CACs, who may choose not to enforce them anyway. DPR is stalling for time, and as time passes California, and the entire planet, will be less able to control the climactic conditions such as temperatures, soil moisture levels, wind speeds that determine what crops will grow where. These are some of the same conditions applicators must discern to use fumigants more safely.

In spite of DPR's lip service to sustainable pest management, fumigation as a pest- and disease-control mainstay is unsustainable. The longer you postpone a phase-out of hazardous fumigants, the longer it will take to perfect resistant varieties, change cropping methods, restore soil health, promote biodiversity, and re-diversify our food system.

Sent from my iPad