



May 18, 2023

To Department of Pesticide Regulation Director Henderson:

We call on you to withdraw the environmentally racist policy your department has put forward for the cancer-causing fumigant pesticide 1,3-dichloropropene (1,3-D).

Your regulation would create a separate and unequal cancer risk standard for residents of farmworker communities who are predominantly Latino and Indigenous.

The 1,3-D lifetime [cancer warning exposure level](#) for all California residents, established by the Office of Environmental Health Hazard Assessment (OEHHHA) last June, is 3.7 micrograms per day – the equivalent of breathing air with the average 1,3-D concentration of 0.04 parts per billion. While limiting the cancer rate to one extra cancer per 100,000 people is the standard for both OEHHHA's 1,3-D cancer warning level and DPR's regulatory target concentration, DPR has chosen to ignore OEHHHA's science-based finding. Instead DPR proposes to regulate to a concentration of 0.56 parts per billion, allowing for 14 times more 1,3-D in the air farmworker communities breathe.

Banned or not approved in [34 countries](#), 1,3-D is the third most used pesticide in the Monterey Bay region, at more than one million pounds in 2021.¹ **More than 88% of all 1,3-D applications by pounds occurred in the 14 Latino-majority Monterey and Santa Cruz County zip codes.** In those 14 zip codes -- accounting for 45% of land area and 47% of the overall population of our region -- **is where more than three-quarters (77%) of Latinos and two-thirds (66%) of Indigenous people but only 18% of White ("Not Hispanic") people live.**² The impact of DPR's proposal, to create a separate and 14 times weaker standard of protection for Latino and Indigenous farmworker communities where most 1,3-D is applied, is racist.

The three pesticide air monitors the State has employed in Monterey County at Ohlone Elementary School (2012-2021), the Salinas airport (2011-2016), and in Chualar (2017-2019) have all registered average air concentrations far above OEHHHA's lifetime cancer risk warning level of 0.04 parts per billion.³ We are outraged that DPR's proposed regulation does not require action to reduce such harmful levels of 1,3-D.

DPR must create a 1,3-D regulation that will limit air concentrations to 0.04 parts per billion, the safe harbor level established for *all* Californians by OEHHHA.

On behalf of the members of Safe Ag Safe Schools,

A handwritten signature in cursive script that reads 'Yanelly Martinez'.

Yanelly Martinez, Organizer

¹ Monterey County applied 783,508 pounds of 1,3-D; Santa Cruz County, 239,251, for a total of 1,022,759.

https://www.cdpr.ca.gov/docs/pur/pur21rep/top5lists/top_5_chemical_subtotals_by_pounds_applied.pdf

² "Table 3c: Race (Hispanic Exclusive) and Hispanic Origin" for demographic Zip Code Tabulation Areas at the US Census Bureau (<https://dof.ca.gov/reports/demographic-reports/census-2010/>) for total population, "White alone, Not Hispanic," "Hispanic or Latino," and "American Indian and Alaska Native alone, Not Hispanic" populations; <https://www.unitedstateszipcodes.org> for square mile data; <https://calpip.cdpr.ca.gov/main.cfm> for 1,3-D use by pounds by zip code, yielding 908,750 pounds within the following majority Latino zip codes: 93450, 93901, 93905, 93906, 93925, 93926, 93927, 93930, 93954, 93960, 95012, 95019, 95039, 95076.

³ Ohlone Elementary: 0.10 ppb annual average, DPR presentation to Pesticide Registration and Evaluation Committee, "2021 1,3-D Ambient Air Monitoring Results," slide 29. Salinas airport: 0.09 ppb, "Air Monitoring Network Report: A Comprehensive Evaluation of Results (2011 – 2016)," DPR, June 2018, p. 38. Chualar east well: 0.06 ppb, DPR presentation to the Pesticide Registration Evaluation Committee, "2019 1,3 D Ambient Air Monitoring Results," slide 29.