



May 31, 2023

Lauren Otani, Senior Environmental Scientist
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95814
dpr22005@cdpr.ca.gov

Re: 1,3-Dichloropropene Field Fumigation Requirements

Dear Ms. Otani:

On behalf of the Western Plant Health Association (WPH), I am submitting these comments regarding the revised regulatory proposal related to 1,3-Dichloropropene (1,3-D). WPH appreciates the opportunity to provide comments on this proposal and would like to acknowledge the collaborative process that DPR utilized in its development. WPH represents the manufacturers of pesticides and fertilizers, agricultural biotechnology providers, and agricultural retailers in California, Arizona, and Hawaii.

As previously stated, the use of soil fumigants is an important part of many farming operations to protect fields from soil borne pests and diseases. By protecting soils from pests and diseases, fumigants like 1,3-D allow crops to get a healthier start, thereby reducing the need for other pesticidal products during that crop's life. Fumigants, including 1,3-D, are already labeled as a Restricted Use Product (RUP) so are highly regulated at the federal, state, and local level, and may only be utilized by certified applicators after being permitted by County Agricultural Commissioners who oversee the applications.

WPH supports DPR's decision to not take a "one-size-fits-all" approach on how to achieve the endpoints identified in the proposed regulation and variations in climatic and soil conditions that must be part of the decision-making process in establishing mitigations. WPH supports the inclusion of "regions" being added to the proposed text, which recognizes the differences between inland and coastal soil conditions.

WPH has concerns regarding the addition of a quarterly reporting period for 1,3-D applications. As proposed, the regulations would require that DPR provide preliminary totals for 1,3-D use by

county, township, crop, and fumigation method on a quarterly basis. The revised proposal states that this use reporting is necessary to “provide a timely and transparent method to measure the effectiveness of the 1,3-D regulations in mitigating cancer risk to non-occupational bystanders.”

However, if the use restrictions and mitigations are sufficient to mitigate risks to non-occupational bystanders, why is this level of additional reporting needed? DPR has already acknowledged that quarterly reports will not be conclusive. We are concerned that preliminary data cannot be evaluated in a timely basis to demonstrate that the additional health protective measures are effective, and instead the data will be used to inappropriately justify demands for additional restrictions.

Annual use reports contain accurate information about crop type, fumigation method, and month of use, so we see no justification for reporting potentially inaccurate or redundant quarterly data. Adoption of the new, lower emission methods of fumigation and use restrictions will be best demonstrated through annual use reporting data. In addition, DPR will be providing the public real-time notifications of applications of all RUP products through the upcoming Statewide Notification system. WPH believes this is a redundant and unnecessary use of resources that will provide no discernable benefit. WPH recommends that this new provision be removed from the proposal.

While WPH questions the need for additional mitigations to safely apply 1,3-D, we thank DPR for engaging in a thoughtful, scientific, and collaborative process that allowed all stakeholders to participate. Again, WPH supports DPR’s willingness to allow the utilization of multiple types of mitigations to achieve regulatory endpoints identified in the proposed regulations. We thank you for your consideration of our comments, and if you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pinel', with a stylized flourish at the end.

Renee Pinel
President/CEO