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Julie Henderson, Director
California Department of Pesticide Regulation
Via email: dpr22005@cdpr.ca.gov [PDF version attached to email message]

SUBJECT: Proposed Modification to the Draft Regulation for 1,3-Dichloropropene

Dear Director Henderson:

I'm writing to add my voice to the many organizations calling for DPR to re-write its draft regulations for the soil fumigant 1,3-dichloropropene (1,3-D).

In particular, **I'm calling on you to prioritize public health over industry profits, by adopting the exposure level established by the Office of Environmental Health Hazard Assessment (OEHHA).** I will provide details about OEHHA's exposure level below. But while I have your attention, let me say simply: *of all the active ingredients with active DPR registrations, 1,3-D is one of the most carcinogenic.* As such, 1,3-D merits your personal action to ensure that the most protective toxicological standards are used to protect public health.

In June 2022, OEHHA's toxicologists established the 1,3-D lifetime cancer warning exposure level for all California residents as 3.7 micrograms per day – the equivalent of breathing air with an average 1,3-D concentration of **0.04 parts per billion**. In contrast, DPR has chosen to allow for 14 times greater exposure: a concentration of 0.56 parts per billion 1,3-D.

Having worked closely with DPR toxicologists, I know there is one thing on which all toxicologists agree: there will always be some uncertainty in any toxicological analysis. Competent toxicologists working in good faith sometimes reach disparate conclusions regarding, for example, whether a pesticide causes cancer via portal-of-entry or systemic modes of action. For 1,3-D the correct response is clear: protect public health by using the most protective assessment. In short, you should personally take action to ensure that future 1,3-D regulations limit air concentrations to 0.04 parts per billion, as established by OEHHA's analysis.

As you know, within California, about 57% of 1,3-D use is concentrated in nine Latino-majority counties (Fresno, Merced, Kern, Monterey, Tulare, Madera, Imperial, Kings, and San Benito). Presumably it is not DPR's intent to discount the lives of Latino and Indigenous farmworker communities. Nonetheless, the reality is that DPR's proposal, based on a 14-fold less-protective standard, flies in the face of DPR's avowed goal of environmental justice.

In the longer term, California must promote alternatives to 1,3-D, which is both carcinogenic and highly volatile. Meanwhile, this dangerous pesticide requires the most scrupulous protections for public health. I call on you to ensure that all DPR regulations limit air concentrations to 0.04 parts per billion 1,3-D.

Yours sincerely,

Michael Zeiss, Ph.D.
Former DPR scientist