August 1, 2014

Brian Leahy  
Director  
California Department of Pesticide Regulation  
1001 I Street  
Sacramento, CA 95814  

Dear Director Leahy,

As follow-up to our January 27 letter, the undersigned 60+ groups are writing to express strong concern about the lack of meaningful action, or commitments, to reduce chlorpyrifos exposures in California. The Department of Pesticide Regulation’s (“DPR’s”) unwarranted, and decade-long, delay in the re-evaluation of chlorpyrifos, despite scientific evidence of harm to California’s children and farmworkers, is unacceptable. In order to fulfill its mandate to ensure the safety of pesticides used in California, DPR cannot continue to ignore the science and must reduce chlorpyrifos exposures for California’s most vulnerable.

DPR’s Extensive Delay Has Resulted in Ongoing Exposures and Risks for California’s Children

Among other significant health impacts, previous studies have shown chlorpyrifos is a suspected endocrine disruptor with profound impacts on neuro-endocrine systems and that prenatal exposure has negative impacts on neurodevelopment, such as perceptual reasoning, working memory and intellectual development in 7-year-old children. The urgency for DPR to complete its own risk assessment and re-evaluation has become even more evident as new studies shed additional light on the hazards chlorpyrifos poses, especially to children:

- In June, U.C. Davis released its “Childhood Autism Risks from Genetics and Environment (CHARGE)” study, documenting that children whose mothers lived within one mile of fields treated with organophosphate pesticides, including chlorpyrifos, during their pregnancies were 60 percent more likely to have autism than children whose mothers did not live close to treated fields. The children of women who lived near fields treated with chlorpyrifos in their second trimester were 3.3 times more likely to have autism.¹
- In April, the California Department of Public Health issued its report “Agricultural Pesticide Use Near Public Schools in California,” which found chlorpyrifos to be the eighth most common highly hazardous pesticide used within ¼ mile of public schools in the 15 California counties studied. This analysis found that, in one year, 7,769 pounds of chlorpyrifos were applied within a quarter-mile of 438 schools, putting tens of thousands of students at risk.
On top of dietary exposure, both studies indicate the significant additional risk faced by children living in agricultural areas and the environmental injustice of continuing to use this pesticide in agriculture. DPR’s own recent air-monitoring data shows the frequent detection of chlorpyrifos in the air in agricultural areas of California. It was the pesticide with the highest number of detections (32%) in 2011 Air Monitoring Network data. DPR’s water monitoring data from 2011 showed that chlorpyrifos was detected in 441 (17.7%) of 2,495 water samples collected, with 248 samples exceeding the target concentration used of 0.04 ug/L.

**Relying on the U.S. EPA’s Risk Assessment Will Lead to Unacceptable Delay and Inadequate Protections for California’s Most Vulnerable Populations**

According to law, DPR should have completed its 2004 chlorpyrifos re-evaluation within two years. Ten years later, the department has allowed the re-evaluation process to languish and still has no timeline for completion. Considering the recently-released scientific studies documenting harm to California children and pregnant women from chlorpyrifos exposure under currently allowable conditions, continued delay is unacceptable. We call on DPR to continue to show its leadership in protecting children and complete the re-evaluation of chlorpyrifos in 2015.

DPR’s decision to scrap a California-focused assessment in favor of relying on US EPA’s risk assessment has contributed to delay and could result in inadequate protections for children. We share concerns raised by DPR and the Office of Environmental Health Hazards Assessments (OEHHA) that U.S. EPA’s Preliminary Risk Assessment did not adequately account for the increased vulnerability of the developing brain to chlorpyrifos. We concur with DPR and OEHHA recommendations that early-life vulnerability to chlorpyrifos must be accounted for in the risk assessment, and that risk assessments based on cholinesterase inhibition without the 10X FQPA “safety” factor are inadequate. In order to ensure protections for California’s children, DPR must complete a California-focused assessment, which reflects the unique nature of California agriculture, taking into consideration the state’s extensive ag-residential interface and particularly labor-intensive crops.

**Existing law Compels DPR to Complete Risk Assessment**

Given the strong weight of evidence demonstrating the high possibilities of reduced IQ, permanent neurodevelopmental impacts, reduced birth weight and compromised mental capacity in children due to exposure to chlorpyrifos, as well as DPR’s own data detecting chlorpyrifos in California’s air and water, the California Birth Defects Prevention Act (Food and Ag Code) becomes applicable. Under this law if a pesticide product containing the active ingredient presents significant adverse health effects, including reproductive effects, birth defects, or infertility abnormalities, the department must take cancellation or suspension action against the product pursuant to Section 12825 or 12826 of the Act. We urge that this law be fully considered and actions taken in accordance with its requirements.

In light of the frequency of chlorpyrifos found in California’s air and water, its persistence in dust and as a residue on food, and its disproportionate impact on children of color in low-income agricultural communities, we call on DPR to fulfill its legal obligations to protect all of California’s children. DPR must lay out a clear roadmap for strong and meaningful actions to reduce, and ultimately eliminate, exposures to this dangerous pesticide in California. This must include:

- Immediately completing its own risk assessment.
• Committing to a timeline for completing the re-evaluation such that it is finalized by the end of 2015.
• Designating chlorpyrifos a restricted use pesticide while recommending that County Agricultural Commissioners adopt the following permit conditions:
  o A ban on aerial and air blast applications of chlorpyrifos.
  o Creation of sufficiently large buffer zones of at least one mile, if not more, (based on the health effects the CHARGE study found just shy of one mile), to ensure they’re health protective for the most vulnerable populations, including children and pregnant women.
• Working with the University of California Integrated Pest Management Program to support growers’ transition to effective agroecological pest management alternatives to chlorpyrifos, including non-chemical alternatives for crops such as citrus, broccoli, alfalfa, almonds and cotton, where such alternatives are not yet identified.
• Ultimately, canceling all remaining uses of chlorpyrifos.

We respectfully request a timely response to this letter.

Sincerely,

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iii op cit, Zhang, X et al, 2012.