



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.ⁱⁱ DPR's water monitoring data from 2011ⁱⁱⁱ 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)^{iv} 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:
 - A ban on aerial and air blast applications of chlorpyrifos.
 - 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,

Tracey Brieger and Sarah Aird
Co-Directors
Californians for Pesticide Reform

Jeanne Rizzo, R. N.
President & CEO
Breast Cancer Fund

Pamela Miller
Executive Director
Alaska Community Action on Toxics

Nan Wishner
Board Member
California Environmental Health Initiative

Laurie Gregg, MD
ACOG District IX Chair
The American Congress of Obstetricians and Gynecologists, District IX

Anne Katten
Work Health and Safety Specialist
California Rural Legal Assistance Foundation

Tom Frantz
President
Association of Irrigated Residents

Ronald White
Director of Regulatory Policy
Center for Effective Government

Samantha McCarthy
Coordinator
Better Urban Green Strategies

Caroline Cox
Research Director
Center for Environmental Health

Lisa Arkin
Executive Director
Beyond Toxics

Caroline Farrell
Executive Director
Center on Race, Poverty & the Environment

Nourbese Flint
Program Manager
Black Women for Wellness

Cesar Campos
CCEJN Coordinator
Central California Environmental Justice Network

Hazel Davalos
CAUSE Santa Maria Organizer
Central Coast Alliance United for a Sustainable Economy

Kathleen Curtis, LPN
Executive Director
Clean and Healthy New York

Andria Ventura
Toxics Program Manager
Clean Water Action

Renee Nelson
President
Clean Water & Air Matter

Bill Magavern
Policy Director
Coalition for Clean Air

Luis Olmedo
Executive Director
Comité Cívico del Valle, Inc.

Laurel Firestone & Susana De Anda
Co-Executive Directors
Community Water Center

Dolores Huerta
President
Dolores Huerta Foundation

Rebecca Meuninck
Environmental Health Campaign Director
Ecology Center

Irma Medellin
Director
El Quinto Sol de América

Judy Braiman
President
Empire State Consumer Project, Inc.

Colin Bailey
Executive Director
Environmental Justice Coalition for Water

Bill Allayaud
California Director of Government Affairs
Environmental Working Group

Natalynne DeLapp
Executive Director
Epic-Environmental Protection Information Center

Jeannie Economos
Pesticide Safety and Environmental Health Project Coordinator
Farmworker Association of Florida

Virginia Ruiz
Director of Occupational & Environmental Health
Farmworker Justice

Adam Scow
California Campaigns Director
Food and Water Watch

Sarah Sharpe
Environmental Health Director
Fresno Metro Ministry

Lisa Archer
Director, Food and Technology Program
Friends of the Earth U.S.

Guadalupe Rosales
Founder
Fuerza Hispana

Pamm Larry
Steering Committee Co-Chair
GMO Action Alliance

Luana Conley
Green Party County Council Member
Green Party of Monterey County

Alexandra Zissu
Editorial Director
Healthy Child, Healthy World

Claire Barnett, MBA
Founder and Executive Director
Healthy Schools Network

Kimberly Baker
Executive Director
Klamath Forest Alliance

Pamm Larry
Northern California Director
LabelGMOs.org

Mario Talavera
President
Latinos United for Clean Air

Belita Cowan
President
Lymphoma Foundation of America

Debbie Friedman
Co-Chair
MOMS Advocating Sustainability

Cesar Lara
Executive Director
Monterey Bay Central Labor Council

Miriam Rotkin-Ellman, MPH & Veena Singla, Ph.D.
Senior Scientist & Staff Scientist
Natural Resources Defense Council

Dave Henson
Executive Director
Occidental Arts and Ecology Center

Susan Junfish
Director
Parents for a Safer Environment

Maricela Mares-Alatorre
People for Clean Air & Water of Kettleman City

Paul Towers
Organizing & Media Director
Pesticide Action Network North America

Mike Somers
Director
Pesticide Watch Education Fund

Martha Dina Argüello
Executive Director
Physicians for Social Responsibility - Los Angeles

Robert M. Gould, MD
President
Physicians for Social Responsibility – San Francisco

Cheryl Rollings
President/CEO
Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties

Eduardo Guevara
Executive Director
Promotores Comunitarios del Desierto

Gary Karnes
Member
Safe Strawberry Monterey County Working Group

Ted Schettler, MD, MPH
Science Director
Science and Environmental Health Network

Charity Kenyon
Chair, Policy Committee
Slow Food California

Jim Cochran
Owner
Swanton Berry Farm

Lynn Carroll, Ph.D.
Senior Scientist
TEDX, The Endocrine Disruption Exchange

Judi Shils
Executive Director
Teens Turning Green

Gail Bateson
Executive Director
Worksafe, Inc.

Erik Nicholson
National Vice President
United Farm Workers

cc:

Matt Rodriguez, Secretary for Environmental Protection, Cal/EPA,
Matthew.Rodriguez@calepa.ca.gov

Marylou Verder-Carlos, Assistant Director, Pesticide Programs Division, CDPR,
MVerderCarlos@cdpr.ca.gov

Ann Prichard, Chief, Pesticide Registration Branch, Pesticide Programs Division, CDPR,
Ann.Prichard@cdpr.ca.gov

ⁱ Shelton JF, Geraghty EM, Tancredi DJ, Delwiche LD, Schmidt RJ, Ritz B, Hansen RL, Hertz-Picciotto I, 2014. Neurodevelopmental Disorders and Prenatal Residential Proximity to Agricultural Pesticides: the CHARGE Study. Environ Health Perspect. dx.doi.org/10.1289/3hp.1307044.

ⁱⁱ Vidrio, E., Wofford, P., Segawa, R., Schreider, J. March 2013. Air Monitoring Network Results for 2011. Vol 1. California Environmental Protection Agency, Department of Pesticide Regulation, http://www.cdpr.ca.gov/docs/emon/airinit/amn_vol1_final.pdf.

ⁱⁱⁱ op cit, Zhang, X et al, 2012.

^{iv} State of California. 1984. California Birth Defect Prevention Act. <http://leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=13001-14000&file=13121-13135>.