

August 28, 2013

Matthew Rodriquez
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Brian Leahy
Director
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Sent via e-mail and regular mail

Dear Secretary Rodriquez and Director Leahy:

Chloropicrin is a potent carcinogen and respiratory system toxin responsible for numerous poisonings across the state. To protect human health and safety in rural agricultural areas of California, the organizations below urgently request that the Department of Pesticide Regulation (DPR) implement more stringent rules and tighter controls on chloropicrin, and develop a plan to phase out this chemical by 2020.

Widely used as a pesticide fumigant to kill pests in the soil before planting a variety of crops across California, chloropicrin is known to cause severe, immediate and chronic health effects. According to the Office of Environmental Health Hazard Assessment's and DPR's own scientists, chloropicrin is a potent carcinogen and we strongly dispute DPR management's subsequent conclusion that the evidence of cancer is uncertain or equivocal and can be ignored. Chloropicrin is also severely irritating to the eyes and respiratory system, and can cause chronic damage to the lungs. Symptoms of chloropicrin exposure include: eye pain, breathing difficulties including asthma symptoms, coughing, diarrhea, dizziness, headaches, nausea, sore throat, vomiting and weakness.

Since chloropicrin is highly volatile and drift-prone, it often drifts away from where it's applied, affecting farmworkers, their families, and other rural community members, including especially vulnerable populations such as children, the elderly, and those already suffering medical conditions such as asthma. Chloropicrin drift has already caused many poisoning incidents in California, with more than 700 people in the past 10 years on record as having been affected; since many poisonings go unreported, this number is likely the tip of the iceberg.

Chloropicrin is an outdated, extremely-difficult-to-control agricultural tool and needs to be replaced with safer, more reliable alternatives. We strongly urge Cal/EPA and DPR to phase out chloropicrin and all chemical fumigants by 2020 and, in the meantime, secure funding to implement a strong fumigant transition program.

While the phase-out of this fumigant is crucial for the health and safety of Californians, tighter control measures are needed immediately in order to mitigate the effects of chloropicrin.

Proposed buffer zones are not large enough to be health protective because they will allow exposure to air levels of up to 73 ppb, a level 25 times higher than the exposure limit recommended by DPR and OEHHA toxicologists and the Scientific Review Panel.

DPR has said they are considering whether chloropicrin buffer zones should be designed to be protective 80% or 95% of the time, possibly considerably less than DPR's typical goal of 95% for other pesticides. A protection program that is designed to fail up to one in five times under regular, allowable use patterns—not counting inevitable human error or adverse weather conditions—is fundamentally unacceptable. Buffer zones must be large enough to protect the health of community members under all circumstances, including under worst-case weather conditions, and a minimum health protective buffer zone of ½ mile should be instituted for fumigations taking place near schools. Adequacy of buffer zones should also be “groundtruthed” with air monitoring. The current proposal establishes buffer zones of as little as 60 feet for untarped and standard tarped fields and 25 feet with modern totally impermeable film (TIF) tarps. These buffer zones are not big enough to protect crews of fieldworkers or rural communities.

Ultimately, tarps have been demonstrated to be an unreliable method of protecting workers and communities from volatile fumigants, including chloropicrin, because they often leak around the edges or are damaged by wind or animals. However, until chloropicrin is fully phased out, tarps are a necessary part of a harm reduction strategy: all untarped applications should be prohibited, and for every application, standard tarps should be replaced with TIF tarps. The proposed 25 foot buffer zone around fumigations using these modern TIF tarps is far too small because it was set with the expectation that these tarps will never be blown apart, torn by animals or leak around the edges—an unrealistic assumption given real-world conditions. Instead, we propose a buffer zone of ½ mile for applications with TIF tarps.

In order to protect community members who live near fields where chloropicrin is applied, a mandatory and comprehensive neighbor notification program should be established, requiring posting near the farm, and door-to-door notification for families living within ½ mile of the application site, both two weeks and 24 hours before fumigation begins. Also, to detect drift issues as early as possible, and to ensure the community's right to know, officials should insist on development of reliable, real-time air monitoring methods and require air monitoring for wind direction and detection of chloropicrin at the border of the buffer zone.

We strongly urge that DPR and Cal/EPA take swift action to protect community members from chloropicrin and immediately develop a comprehensive plan to phase out chloropicrin and transition to safe replacements by 2020.

Sincerely,

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