October 31, 2013

Matt Rodríguez, Secretary
California Environmental Protection Agency
1001 I Street, P.O. Box 2815
Sacramento, CA 95812-2815

Brian Leahy, Director
California Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015

Dear Secretary Rodríguez and Director Leahy:

We write to you with concerns about the soil fumigant pesticide, chloropicrin, which was listed as a Toxic Air Contaminant in 2011. It is used extensively in California before planting a number of crops—over 7.2 million pounds were applied to 70,000 acres of California cropland in 2011.

As the Department of Pesticide Regulation (DPR) moves to finalize its mitigation proposal for chloropicrin, we strongly urge DPR managers to follow the recommendations of their own and other agency scientists regarding chloropicrin, including recognizing chloropicrin as a carcinogen and using the air exposure levels recommended by scientists to prevent eye and respiratory effects. Furthermore, we request that DPR hold a public briefing regarding how it addressed peer reviewed concerns in determining chloropicrin mitigation measures and how it determined the regulatory target level for chloropicrin.

Chloropicrin has been responsible for numerous poisonings across the state. There have been 700 people impacted in 22 separate episodes in the past decade. It can cause severe, immediate and chronic health effects. Chloropicrin is severely irritating to the eyes and respiratory system, and can cause chronic damage to the lungs. Symptoms of exposure can include: eye pain, breathing difficulties including asthma symptoms, coughing, diarrhea, dizziness, headaches, nausea, sore throat, vomiting and weakness.

This May, DPR issued a draft mitigation proposal for chloropicrin and accepted comments on the draft until August. We are concerned about this mitigation proposal and review process, particularly in light of the report entitled Risk and Decision: Evaluating Pesticide Approval in California released this September by the Sustainable Technology & Policy Program at the University of California-Los Angeles (UCLA).
Using the strawberry fumigant, methyl iodide, as a case study, the UCLA report documents that DPR management did not take into account the full range of risks from pesticide exposure, ignored critical data gaps, failed to comply with their statutory obligations to consider whether safe and effective alternatives were available, and put workers and the public at risk by ignoring the advice of their own scientists.

In the proposed control measures for chloropicrin, we are concerned that the recommendations of DPR scientists, Office of Environmental Health Hazard Assessment (OEHHA) scientists and independent scientists on the issue of acceptable exposure levels are not being appropriately considered. Specifically, DPR managers have set a regulatory target level for chloropicrin exposure that is 25 times higher than the level recommended by scientists from DPR, OEHHA and the Scientific Review Panel to prevent acute illness in children. In addition, although DPR and OEHHA scientists concluded that chloropicrin is a potent carcinogen, DPR managers appear to overrule agency scientists by treating evidence of carcinogenicity of chloropicrin as equivocal.

We are concerned that we are putting the public health of our constituents at risk. While we work to protect our farmers’ needs and the health of our constituents who work in and around agriculture, it is of the utmost importance that we also maintain the scientific integrity of DPR and CalEPA as a whole. As mentioned above, we strongly urge DPR managers to follow the recommendations of their own and other agency scientists regarding chloropicrin as they develop mitigation measures. Specifically, we ask that they recognize chloropicrin as a carcinogen and use the air exposure levels recommended by scientists to prevent eye and respiratory effects.

Even though the public comment period for chloropicrin closed at the end of August, there are questions that remain unanswered, including how DPR addressed peer review concerns in determining the mitigation measures for chloropicrin and how it determined the regulatory target level for chloropicrin. As mentioned above, we encourage DPR to hold a briefing that is open to the public in order to answer these and other questions regarding DPR’s planned mitigation measures.

We are committed to working with you to help mitigate the toxic effect of soil fumigant pesticides like chloropicrin and to better protect the public health of all Californians. We look forward to your prompt response.

Sincerely,

HANNAH-BETH JACKSON
Senator, 19th District

DAS WILLIAMS
Assemblymember, 37th District
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<td>Mark Stone</td>
<td>Assemblyman, 49th District</td>
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<td>Marty Block</td>
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