



January 16, 2023

Clerk's Office
 California Air Resources Board
 1001 I Street
 Sacramento, CA 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: San Joaquin Valley 70ppb Ozone State Implementation Plan

Dear CARB Board and Staff,

Thank you for the opportunity to comment on [CARB's San Joaquin Valley Ozone State Implementation Plan \(SJV SIP\)](#). The undersigned 24 coalitions and environmental justice organizations represent communities and individuals across the San Joaquin Valley that are highly impacted by the Valley's air quality.

First, we would like to express our appreciation for the inclusion of a federally enforceable and quantifiable commitment to reduce ROG emissions from the pesticide 1,3-dichloropropene (1,3-D) in the SJV SIP, and for clarifying the overlapping jurisdictions of the California Air Resources Board (CARB) and the Department of Pesticide Regulation (DPR) regarding this and other pesticides that are classified as toxic air contaminants.

The commitment in the SJV SIP, to reduce ROG emissions from 1,3-D by 0.4 tons by 2037, is a welcome step toward ensuring accountability for measuring and mitigating air pollution from pesticides. The commitment represents a roughly 20% reduction in ROG emissions from 1,3-D within 15 years.

However, we believe that far more is possible. This conservative target is based on DPR's [first draft regulation for 1,3-D](#), which is seriously flawed in a number of ways including the removal of the existing use cap, the failure to provide any protections for farmworkers laboring near treated fields, and the use of a cancer risk target that is 14 times less protective than the No Significant Risk Level set in June 2022 by the state's expert risk assessment branch, the Office of Environmental Health Hazard Assessment (OEHHA).

Rather than allow DPR to determine what is conservatively possible with an inadequate draft regulation, CARB must take this opportunity to set an overall air quality context that can guide DPR's rulemaking. Statute and case law are clear that CARB retains primary jurisdiction over pesticide Toxic Air Contaminants, while DPR is the primary regulator for their pesticidal use. In practice, this division of responsibility means that CARB sets the standard for Toxic Air Contaminants once they volatilize in the air, and it is DPR's job to regulate how industry can use these pesticides within this framework.

We appreciate the acknowledgement in the CARB staff report of CARB's authority to regulate "emissions of pesticides that are toxic air contaminants". The staff report notes that DPR has authority to regulate "when, where and how pesticides are used" - but critically not "how much". We agree that it is CARB's job to regulate emissions, and DPR's job to determine how to safely use pesticides so that such use does not exceed CARB's emissions standards.

We also appreciate the stated commitment that “Going forward, CARB will continue to partner with DPR and explore the best methods to limit these exposures, while also considering reducing emissions of volatile organic compounds and greenhouse gases.”

Pesticide pollution is a grave and ongoing environmental injustice, whose impact is disproportionately felt by California’s overwhelmingly Latinx farmworking communities. 1,3-D is a prime example of a heavily-used and cancer-causing air pollutant, whose use and health impacts are borne almost exclusively by already highly-burdened communities of color. We appreciate CARB’s commitment to continue “our work to discuss with communities what actions will be most effective to respond to their priority needs.” Setting a bold standard for reduction of emissions from 1,3-D would go a long way toward keeping that commitment.

Sincerely,

Jane Sellen and Angel Garcia, Co-Directors, Californians for Pesticide Reform

Anne Katten, Pesticide and Work Safety Project Director, California Rural Legal Assistance Foundation

Lupita Sanchez, Organizer, Coalition Advocating for Pesticide Safety - Tulare County

Sarait Martinez, Executive Director, Centro Binacional para el Desarrollo Indígena Oaxaqueño

Dr. Catherine Garoupa, Executive Director, Central Valley Air Quality Coalition

Bianca Lopez, Founder and Coordinator, Valley Improvement Projects

Nayamin Martinez, Executive Director, Central California Environmental Justice Network

Linette Lomeli, Executive Director, Madera Coalition for Community Justice

Estela Escoto, President, Committee for a Better Arvin

Diana Mireles, Interim President, Comite Progreso de Lamont

Anabel Marquez, President, Comite por un Shafter Mejor

Lupe Martinez, President, Delano Guardians

Kevin Hamilton, Executive Director, Central California Asthma Collaborative

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

Daniel O'Connell, Executive Director, Central Valley Partnership

Matt Holmes, Environmental Justice Director, Little Manila Rising

Herman Barahona, Lead Community Organizer, Sacramento Environmental Justice Coalition

Bradley Angel, Executive Director, Greenaction for Health and Environmental Justice

Esperanza Vielma, Executive Director, Environmental Justice Coalition for Water

Miguel Alatorre, Community Organizer and Policy Advocate, El Pueblo Para el Aire y Agua Limpia de Kettleman City

Veronica Aguirre, HEAL

Perry Elerts, Staff Attorney, Leadership Counsel for Justice and Accountability

Thomas Helme, Coordinator, California Environmental Justice Coalition

Renee Donato Nelson, President, Clean Water and Air Matter