



Californians For
Pesticide Reform

April 14, 2021

Richard Corey
Executive Officer
California Air Resources Board
Sacramento CA

Re: Amendments to the Criteria Air Pollutants and Toxic Air Contaminants Reporting Rule and the Air Toxics "Hot Spots" Program Guidance

Dear Mr. Corey:

On behalf of statewide coalition Californians for Pesticide Reform, I am writing to comment on the rules about air toxics in California, specifically the amendments to the Criteria and Toxics Reporting rule and to the guidance for the “Hot Spots” program. Please consider these comments for both dockets.

Better control of air toxics is critical to addressing the environmental injustices faced by communities of color in California who bear a disproportionate burden from air toxics – an unacceptable situation that must be addressed in a more timely fashion than proposed and that must consider the cumulative impacts communities face. It’s critical that all toxic pollutants, including pesticides, are taken into account that cause cancer or other health problems that leave our communities at risk. These should all be included in the reporting so we have a complete understanding of what communities face.

We see this disproportionate burden in the use of pesticides, many of which are Toxic Air Contaminants and are used in close proximity to schools and daycares around the state. Many of these compounds can cause health impacts at very low doses and can have a particularly devastating impact on children who are especially vulnerable as they undergo sensitive stages of development. In 2014 the California Department of Public Health issued its report “Agricultural Pesticide Use Near Public Schools in California,” finding that while Latinx students comprised 54% of the student population in the 15 counties studied, Latinx students were 46% more likely than white students to attend schools with use of highly hazardous pesticides within ¼ mile and 91% more likely to attend schools with the highest use of highly hazardous pesticides.

This disproportionate impact is seen not just at schools but also in the pronounced racial disparity in concentration of pesticide use between counties with the largest share of Latinx residents and those with the smallest. California counties with a majority Latinx population use 906% more pesticides per square mile than counties with fewer than 24% Latinx residents. The two groups of counties have a similar total population and area. In the eleven counties with a majority Latinx population, there were 22 pounds of pesticides used per person in 2018, or 2,373 pounds per square mile. By contrast, for the 25 counties with the lowest proportion of Latinx residents (fewer than 24%), pesticide use was just 2.4 pounds per person, or 262 pounds per

square mile. These regions, such as the San Joaquin Valley, that suffer from disproportionate use of pesticides, including Toxic Air Contaminant pesticides, are also regions identified as bearing the burden of other pollutants. It's critical that the state consider these toxic pollutants together in order to garner a true understanding of the potential health risks communities face.

Last year CARB formally acknowledged its authority over Toxic Air Contaminant pesticides, noting that:

“ . . . per section 39655 of the Health and Safety Code and section 14022 of the Food and Agricultural Code, some pesticides are also classified as TACs and so can be regulated as a TAC, and as smog-forming compounds as they become waste gases outside of their pesticidal use; State law establishes a system of overlapping authorities between pesticide and air regulators to address these complex problems.” *CARB Resolution 20-06, AB 617 Community Air Protection Program – Community Emissions Reduction Program for Shafter, adopted on February 13, 2020.*

In November 2020 the following language was added to the Board resolutions, directing staff to integrate pesticide data for uses under DPR's authority with data under ARB's authority:

BE IT FURTHER RESOLVED that the Board directs CARB staff to work with the California Department of Pesticide Regulation, CAPCOA, air districts, and other stakeholders to create a single, unified list that includes all relevant toxic air contaminants, including agricultural chemicals and pesticides, with the goal of cross-linking pesticide and other toxics emissions databases to provide a unified site to access air toxics emissions data. *CARB Resolution 20-31*

More work is needed on the integration of pesticides between CARB and DPR, and we request the item be discussed in the fall briefing this year.

With thanks for your consideration.

Sincerely,



Sarah C. Aird
Co-Director