



Community Perspectives on How DPR's Regulatory Program Should Be Improved to Address Gaps That Impede Achievement of Environmental Justice *November 2004*

As a step in the process of developing its environmental justice (EJ) strategic plan, the Department of Pesticide Regulation (DPR) conducted several community dialogue sessions throughout the State from June through August 2004. The sessions with DPR Acting Director Paul Gosselin were held in Bakersfield, Fresno, Los Angeles, Sacramento, Salinas, San Luis Obispo and Ventura County. All but two of the meetings were held in the evening to make it easier for community members to attend. Although the format was informal and wide-ranging discussion on any topic was encouraged, in the announcement of the sessions, DPR specifically asked for input on the following:

- What key environmental justice problems are you aware of?
- What potential or actual adverse health or environmental impacts should the Department concentrate on? Are they the result of illegal pesticide use (which means a compliance problem), or do they occur even when the rules are followed (meaning we need to change the rules)?
- What is your experience with pesticide enforcement? How can this and other parts of our regulatory program be improved?
- What do you think should be done to reduce pesticide risk in your community?
- What kinds of things can we do to increase public awareness of and participation in environmental decisionmaking? How can we make information available to everyone that may need it? What barriers are there to community involvement?
- How can we reach out to people who didn't come to the meeting?

Discussion at the sessions was lively and sometimes heated. It was also very productive, and we gained a greater understanding of where we need to focus our regulatory improvement efforts to better address environmental justice issues. The gaps community members identified can be grouped around five general areas: public participation, outreach, enforcement, health effects, and precaution/prevention.

Public participation gaps:

- DPR's Environmental Justice (EJ) Implementation Plan was developed without adequate input from EJ organizations and communities
 - DPR erred in drafting its plan internally and then sending the draft out for comment
 - DPR should have gotten input before writing began, to ensure community concerns were addressed, and then worked with groups on refining the draft
- Lack of institutionalized community involvement in DPR decision-making
 - A forum is needed for DPR and community representatives to meet and discuss issues, to keep lines of communication open and to ensure that community input is considered



- DPR should have a community advisory group that it meets with regularly
- Some County Agricultural Commissioners (CACs) have such groups; other CACs should be encouraged to do the same
- Lack of communication and problem-solving of pesticide issues at the agricultural-urban interface
 - DPR should have a means of diagnosing these kinds of situations earlier, so intervention is possible to solve problems before they escalate

Outreach Gaps:

- A formal complaint resolution protocol is needed
 - The Air Resources Board and California Air Pollution Control Officers Association have a joint protocol, intended “to ensure timely and effective resolution of air pollution complaints and to inform the public of the process”
 - It covers 1) overall roles and responsibilities under state law; 2) complaint resolution protocol agreement; and 3) ARB/district roles regarding enforcement and complaint resolution
 - DPR and the CACs need a similar agreement; it should be developed with community input
- Emergency response to incidents of pesticide drift into communities must improve
 - Emergency responders must have protocols for dealing with pesticide incidents
 - There must be better communication between emergency responders and CACs in the initial stages of an incident, to better protect health and safety
 - CACs must follow improved procedures for responding to and investigating these incidents
 - DPR must immediately communicate and consult with communities and physicians about potential health problems that might result from exposures in these incidents
- Outreach by DPR and the CACs must improve, so workers and the community can know and understand pesticide rules (e.g., what is and what is not illegal use), symptoms of overexposure, and how to file pesticide complaints
 - People do not know whom to call
 - Phone directories throughout the State should have a listing in the government pages under “P” for pesticide, with a phone number to report problems
 - After-hours/weekend complaint line needed
 - All complaints should be followed up on and complainants informed of the result
- Lack of translators or translation services to address special populations
 - At DPR, to prepare outreach materials
 - At county level, to handle complaints, resolve concerns
- Outreach to regulated community needs to improve to make clear what the rules require
 - This ties in to better enforcement (below)—regulated community should be informed of what the rules are, and be assured that there will be penalties if rules are violated

Enforcement Gaps:

- Field enforcement needs to improve
 - Respective roles of DPR and CACs are unclear
 - More transparency needed to make DPR policies and procedures clear in relation to CAC oversight and interaction
 - Not enough staff at county level to conduct adequate enforcement, especially considering how widespread agricultural operations are in California
 - Lack of enforcement leads to problems that continue year to year, and are never sufficiently addressed, e.g., workers directed to enter fields that are posted
- Stronger penalties needed, commensurate with the impact of violations on worker and community health
 - Pesticide penalties can cause illness and environmental damage, yet the average penalty is less than the ticket you get for driving illegally in a carpool lane
 - Higher penalties would serve as a deterrent; current ones do not
 - Penalties considered a cost of doing business
 - Violators in the aggregate can have a significant impact on community health
 - For example, pesticides in ambient air can aggregate and affect large areas and populations
- Healthy Schools Act needs to be amended by the Legislature
 - Most of the provisions unenforceable, because no penalties for violation and no mechanism of enforcement, e.g., provisions on advance notification, maintaining records, maintaining a registry

Health Effects Gaps:

- Not enough being done to protect worker health
 - For example, washing facilities for work clothes are not available, adversely affecting not only workers but also their families
 - Workers not informed of what pesticides they are exposed to, what symptoms of overexposure are, not trained in their own language
 - Illness complaints of workers sometimes ignored or minimized by supervisors
 - Physicians who treat workers do not inform their patients of diagnosis or treatment
 - Retaliation is common for complaining about illness, or unsafe working conditions, which results in workers staying silent about their illnesses, and therefore not being treated
- Pesticide illnesses not being brought to the attention of DPR or the CACs
 - This has been a long-standing problem, which DPR has addressed sporadically and ineffectively
 - Physicians do not understand how to diagnose pesticide illnesses
 - Physicians do not know their legal obligation to report illnesses, and how to do so
 - Without adequate information on what illnesses are occurring, DPR cannot improve the regulatory system
- Pesticides in community air
 - Not enough being done to evaluate impact on communities of pesticides in air
 - Not enough being done to eliminate harmful pesticides in air

- Sulfur drift being taken for granted, because it is so widely used and is a “natural” chemical

Precaution/Prevention:

- DPR needs to subscribe to the precautionary approach, be an enthusiastic supporter of a strong definition in Cal/EPA policy
- More needs to be done to reduce pesticide use
 - Grants/Alliance program needs to be reinstated
 - DPR needs to be more aggressive encouraging adoption of IPM, particularly in private residences, public housing, government buildings