

Department of Pesticide Regulation

Draft Environmental Justice Advisory Committee Charter

I. Purpose and Overview of the Charter

The purpose of the Environmental Justice Advisory Committee (EJAC) of the Department of Pesticide Regulation (DPR) is to provide an ongoing, formal, public forum for the meaningful involvement of environmental justice community members in pesticide issues impacting them. The EJAC was established by Assembly Bill (AB) 652 with the goal of providing prioritized recommendations to DPR “on ways to integrate environmental justice considerations into department programs, policies, decision making, and activities, and on how the department can improve its engagement with communities with the most significant exposure to pesticides” (AB 652).

This EJAC Charter establishes the purpose of the EJAC’s advisory role, defines the governance structure of the EJAC, including term limits, application process for new EJAC members, and the process for submitting prioritized recommendations to DPR. The EJAC plays a key role in promoting environmental justice in California through its advisory role to DPR. The DPR Director maintains final decision-making authority to accept or implement the EJAC’s recommendations.

II. Authority

AB 652 was signed by Governor Gavin Newsom on October 10, 2023, and added Section 11519 to the Food and Agricultural Code, effective January 1, 2024, establishing the Department of Pesticide Regulation’s Environmental Justice Advisory Committee. The department is required to convene the EJAC by January 1, 2026. Funding for the EJAC was appropriated in the 2024-2025 budget and includes funding for DPR staff to support the EJAC, per diem funds, and funding to support facilitation, translation/interpretation, or other contracting needs.

III. Objective and Scope of Committee

This charter shall govern, among other things, the structure of DPR’s EJAC, term limits, an application process for new advisory committee members, and the process for submitting prioritized recommendations to the department in accordance with AB 652. The EJAC will provide prioritized recommendations to DPR, through a public process, on ways to integrate environmental justice

considerations into department programs, activities, policies, and decision making, and on how the department can improve its engagement with environmental justice communities.

IV. Definitions

“Advisory committee” means the Department of Pesticide Regulation Environmental Justice Advisory Committee established pursuant to Food and Agricultural Code section 11519.

“Department” means the Department of Pesticide Regulation.

“Environmental Justice” has the same meaning as in Government Code section 65040.12(e) and California Health and Safety Code section 39711.

“Quorum” means half of the entire EJAC members, plus one and is the minimum number of EJAC members required to hold a meeting and make a recommendation.

“Socially disadvantaged farmer or rancher” has the same meaning as defined in Food and Agricultural Code section 512.

V. Disclaimers

This Charter does not alter or modify the terms of any law and does not constitute legal advice. This Charter is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations. It does not affect or diminish any rights or protections afforded to any person or entity under any law. Nothing in this charter will be construed to prevent DPR from taking timely action to fulfill legal obligations to protect public health and safety, or the environment.

VI. AB 652/Food and Agricultural Code Section 11519 Statutory Language

Food and Agricultural Code section 11519 states the following:

- (a) The department shall convene a Department of Pesticide Regulation Environmental Justice Advisory Committee by January 1, 2026.
- (b)
 - (1) The advisory committee shall be composed of up to 11 members, and shall include all of the following:

- (A) At least two environmental justice leaders who represent rural communities with the most significant exposure to pesticides.
 - (B) At least one environmental justice leader who represents urban communities with the most significant exposure to pesticides.
 - (C) At least one representative of Native American, tribal, or indigenous groups.
 - (D) At least one farmworker advocate.
 - (E) Up to one person with expertise in issues affecting socially disadvantaged farmers or ranchers.
 - (F) Up to one agroecologist or biologist with an environmental justice background.
- (2) The goal of the composition of the advisory committee membership is to reflect the geographic diversity of California and represent communities in the central coast, central valley, and southern and northern California.
- (c) The Director of Pesticide Regulation shall appoint the advisory committee members from nominations received from environmental justice organizations, community groups, or other organizations or entities implementing program work that seeks to achieve environmental justice as defined in Section 65040.12 of the Government Code through an open, public process.
- (d) The advisory committee, in consultation with the department, shall adopt a charter that includes, but is not limited to, the governance structure of the advisory committee, term limits, an application process for new advisory committee members, and the process for identifying prioritized recommendations.
- (e)
- (1) The advisory committee shall provide prioritized recommendations to the department on ways to integrate environmental justice considerations into department programs, policies, decision making, and activities, and on how the department can improve its engagement with communities with the most significant exposure to pesticides.
 - (2) The advisory committee shall develop prioritized recommendations within the department's authority as specified in statute. The prioritized recommendations shall be done through a public process and take public feedback into consideration.
- (f)
- (1) The members of the advisory committee may receive a reasonable per diem allowance as specified in Section 11564.5 of the Government Code, or at a higher rate that may be established by the department, for each day's attendance at a noticed meeting of the advisory committee.

- (2) The members of the advisory committee may be reimbursed for actual and necessary travel expenses incurred in connection with their official duties.
- (g) The advisory committee members and the department shall cofacilitate advisory committee meetings. The advisory committee shall hold, at a minimum, two public meetings annually, of which at least one per year shall be held in a community with high pesticide use. Members of the advisory committee shall be provided with a remote call-in option. Language access shall be available to advisory committee members and the public.
- (h) The advisory committee's recommendations for the department shall be posted, as needed, on the department's internet website.
- (i) The department shall post, as needed, on its internet website, an update on its efforts to incorporate the recommendations of the advisory committee.

VII. Governance Structure

A. EJAC Meetings

1. The EJAC is a "state body" as defined under the Bagley-Keene Open Meeting Act (Bagley-Keene), Government Code section 11121(a) and (c), and shall be conducted in accordance with the Act.
2. The EJAC will meet as a quorum two times per year. The meetings will be public and at least one of which shall be held in a community with high pesticide use. (Food & Agr. Code, § 11519, subd. (g).)
3. The EJAC shall identify communities with high pesticide use for purposes of holding one annual EJAC meeting and will propose a meeting location to the Deputy Director for Environmental Justice and Equity. The Deputy Director will coordinate with the EJAC chair(s) to decide on meeting locations.
4. Members of the advisory committee shall be provided with a remote call-in option, however in-person quorum and other requirements pursuant to Bagley-Keene still apply. (Food & Agr. Code, § 11519, subd. (g); Gov. Code § 11123.5 (Added by Stats. 2023, c. 216 (S.B. 544), eff. Jan. 1, 2026).)
5. Language access shall be available to advisory committee members and the public. (Food & Agr. Code, § 11519, subd. (g).)

6. DPR will coordinate administrative and process support for the EJAC meetings including facilities/venue rentals, interpretation services, staff support, and posting of meeting materials.

B. EJAC Leadership and Membership

1. EJAC Leadership

A chairperson, or up to two co-chairs, shall preside at EJAC meetings. In collaboration with the Deputy Director for Environmental Justice and Equity and department support staff, the Chairperson or co-chairs will be responsible for preparing the draft agenda and distributing the agenda to members prior to meetings. The chairperson or co-chairs will work with staff from DPR's Environmental Justice and Equity Office to develop agendas, prepare deliverables, and submit recommendations to DPR, and will serve as the primary point(s) of contact for the EJAC. The chairperson or co-chairs will relay information to other EJAC members and to DPR, through staff from the EJ and Equity Office, as needed. The EJAC shall elect, by majority vote of those present, a Chairperson or co-chairs.

2. Number of Members

In accordance with Food and Agricultural Code, section 11519, subdivision (b), the EJAC shall be composed of between 7 and 11 members appointed by the Director. There may be between 7 and 11 alternate members who are affiliated with an EJAC member, and who may only participate in EJAC meetings as an EJAC member if the primary EJAC member is unable to attend.

3. Qualifications of Members

Qualifications for EJAC members and alternates will be based on AB 652 statutory language, which requires that:

1. EJAC members will be appointed by the DPR Director from nominations received from environmental justice organizations, community groups, or other organizations or entities implementing program work that seeks to achieve environmental justice as defined in Section 65040.12 of the Government Code through an open, public process. (Food & Agr. Code, § 11519, subd. (c).)

2. The EJAC shall be composed of membership which reflects the geographic diversity of California and represent communities in the central coast, central valley, and southern and northern California, including at a minimum:
 - a. Two environmental justice leaders who represent rural communities with the most significant exposure to pesticides.
 - b. One environmental justice leader who represents urban communities with the most significant exposure to pesticides.
 - c. One representative of Native American, tribal, or indigenous groups.
 - d. One farmworker advocate.
 - e. One person with expertise in issues affecting socially disadvantaged farmers or ranchers.
 - f. One agroeconomist or biologist with an environmental justice background.

(Food & Agr. Code, § 11519, subd. (b).)

4. Application Process for New Advisory Committee Members

DPR will conduct all public solicitation for applications/nominations for initial EJAC members and any membership vacancy on the EJAC. The application/nomination process will be posted to DPR's website.

5. Director's Authority to Appoint Committee Members

The Director of DPR shall appoint the advisory committee members (both initial EJAC members and any membership vacancy) from nominations received from environmental justice organizations, community groups, or other organizations or entities implementing program work that seeks to achieve environmental justice through an open, public process. (Food & Agr. Code, § 11519, subd. (c).) The goal of the composition of the advisory committee membership is to reflect the geographic diversity of California and represent communities in the central coast, central valley, and southern and northern California. (Food & Agr. Code, § 11519, subd. (b)(2).) The Director maintains authority on all EJAC membership appointments.

6. Term of Appointment

EJAC members shall be appointed to 3-year terms and terms begin on the date the EJAC member is first appointed to the EJAC by the Director.

7. Reappointment

Any member whose term is ending or has ended may be renominated for a second 3-year term.

8. Director's Authority to Remove Committee Members

The determination to remove an EJAC committee member falls within the Director's authority. A member of the EJAC may be removed under any of the following circumstances:

1. Two-thirds of the EJAC members present and voting may vote to recommend to the Director the removal of a member upon demonstration of reasonable cause. Reasonable cause shall not include any policy position taken by the member in their capacity as a member of the EJAC. The Director will review the recommendation for removal and may make a determination whether to remove the member.
2. The Director may independently remove a member upon demonstration of reasonable cause. Reasonable cause shall not include any policy position taken by the member in their capacity as a member of the EJAC.
3. An EJAC member who misses 2 or more consecutive EJAC meetings without an excused absence or communication with DPR or the EJAC Chairperson(s) *may* be removed by the Director. An excused absence may include events such as personal illness, family illness, emergency, and/or death of a loved one.

9. Resignation

EJAC members who resign prior to the end of their term must submit their resignation in writing to the Director and the EJAC Chairperson(s) at least 10 days in advance of the next EJAC meeting.

10. Alternates

Alternates will be appointed by the Director in the same manner as EJAC members. An alternate is only considered a member of the EJAC when attending a noticed advisory committee meeting on behalf of an absent EJAC member.

C. Per Diem and Travel Reimbursements

In accordance with Food and Agricultural Code section 11519, subdivision (f), EJAC members may receive a reasonable per diem allowance as specified in Government Code section 11564.5, or at a higher rate

that may be established by DPR, for each day's attendance at a noticed meeting of the EJAC. EJAC members may be reimbursed for reasonable travel expenses incurred in connection with their official EJAC duties in addition to the per diem allowance. An alternate is eligible to receive the per diem allowance and reimbursement of reasonable travel expenses when attending a noticed advisory committee meeting on behalf of an absent EJAC member. If both the appointed member and alternate attend together, the alternate would be ineligible to receive the per diem allowance and/or reimbursement of reasonable travel expenses for that advisory committee meeting.

D. Meeting Attendance

Regular attendance of EJAC members is expected in order for the EJAC to function effectively.

EJAC members must give DPR staff and the EJAC Chairperson(s) advanced notice of at least 24 hours if an EJAC member cannot attend a meeting and whether they have an appointed alternate to join in their place. Advanced notice is not required if the EJAC member's absence is due to a family emergency.

An EJAC member who misses 2 or more consecutive EJAC meetings without an excused absence or communication with DPR or the EJAC Chairperson(s) *may* be removed by the Director. An excused absence may include events such as personal illness, family illness, emergency, and/or death of a loved one.

VIII. Process for Submitting Prioritized Recommendations

A. Recommendations

In accordance with Food and Agricultural Code section 11519, subdivision (e), the EJAC shall identify, develop, and provide prioritized recommendations to DPR on ways to integrate environmental justice considerations into department programs, policies, decision making, and activities, and on how DPR can improve its engagement with communities with the most significant exposure to pesticides. Prioritized recommendations shall be made through a public process and take public feedback into consideration.

B. Process for Identifying Prioritized Recommendations

The EJAC should work with DPR staff from the EJ and Equity Office to identify prioritized topics, policies, or programs for the EJAC's consideration. The department may also provide topics, policies, or programs for the EJAC's consideration. Public comments received at EJAC meetings should inform recommendations submitted by the EJAC to DPR. The EJAC may share its research, recommendations, and activities with DPR

through a variety of mechanisms or deliverables such as reports, memos, meetings, staff roundtables, or presentations to the department.

All recommendations shall be approved by a quorum before submittal to DPR. No action shall be taken at any EJAC meeting unless a quorum is present. Each voting member shall have one vote. The EJAC may take action after a quorum is achieved by vote of a majority of the members present and voting at a meeting.

The EJAC's recommendations for DPR shall be posted, as needed, on DPR's internet website by DPR staff.

While performing these duties and responsibilities, the EJAC shall act in an advisory capacity to DPR. The Director maintains all policy and program decision-making authority.

IX. Transparency Requirements

As a State body, EJAC members are subject to legal requirements and agree to follow State Law, including but not limited to, all transparency requirements identified in the Transparency Memo.¹

A. Records

DPR staff shall provide written minutes for each meeting. Minutes will:

- a. Identify the date, time and place of the meeting.
- b. Identify the EJAC members and agency staff liaisons in attendance; and
- c. Contain a summary of actions taken. Draft minutes will be provided to members prior to the next regular meeting to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes will be provided upon request.

EJAC records are public documents under the California Public Records Act, sections 7920.000 et seq. (formerly 6250 et seq.) of the California Government Code, subject to any exceptions set forth therein.

X. Effective Date and Amendments

The EJAC adopted this Charter on [DATE].

¹ Transparency Memo

This charter shall remain in effect until revised.

The EJAC charter may be periodically evaluated for its effectiveness in fulfilling its mission and functions. Subsequent to such reviews, amendments to this charter may be proposed to the EJAC for comment and DPR's Director for approval.