

California Agricultural Commissioners and Sealers Association



January 12, 2021

Mr. Val Dolcini
Director, California Department of Pesticide Regulation
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Sacramento, CA 95812-4015
[Sent via email to val.dolcini@cdpr.ca.gov](mailto:val.dolcini@cdpr.ca.gov)

**SUBJECT: Partnership Goals and Comments on Letter to Kern County
Agricultural Commissioner Regarding Notification Pilot**

Dear Director Dolcini,

California's Food and Agricultural Code charges the California Department of Pesticide Regulation (CDPR) and California's County Agricultural Commissioners (CACs) with joint responsibility for implementation and enforcement of the state's pesticide laws and regulations. Throughout the state's 100-year history of pesticide regulation, state and county regulators have worked in close partnership to protect California's people and environment by ensuring that pesticides are used safely and legally. Over those 100 years, our regulatory program has grown into one of the most comprehensive and robust programs in the world, and today serves as a model in balancing the need for effective pest control with strong protections for people and the environment.

As you are aware, California Agricultural Commissioners and Sealers Association (CACASA) has a memorandum of understanding with the California Department of Food and Agriculture (CDFA) and CDPR for the purpose of attaining mutual objectives. Management Section 1(o) of that document requires the two state agencies to work collaboratively with the CACs when developing new programs or policies.

Management Section 1(o) - CDFA/CDPR will invite CACASA representatives to participate in developing new programs and policies that impact County Agricultural Commissioners/Sealers to assure the inclusion of local issues.

Your letter to Kern County dated December 17, 2020 was unprecedented in that it required Kern County to take a specific action and implement a new program without buy-in from the county or CACASA, and with disregard for the local CAC's input and proposed alternatives. Beyond the fact that CDPR's regulatory authority to require this action is tenuous at best, this letter serves as another example of a continued lack of consideration that CDPR has exhibited over the last year damaging our longstanding partnership and history of collaboratively working together to develop and implement new programs.

An example of the communications style causing our concerns was Executive Letter #20-03 issued in early May regarding COVID-19 and pesticide use near schools and homes. We totally agree with the importance of protecting the health and safety of students, teachers, parents and school staff at all times, especially during the unusual circumstance of the COVID pandemic, and we are cognizant and attentive to our responsibilities. But the Executive Order was received as heavy-handed guidance and an attempt to stretch regulatory authority. CACASA viewed this letter as a series of unsubstantiated implications that CACs were not performing their regulatory responsibilities.

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Sealer of Weights & Measures

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We do not support CDPR's recent attempts to single out one county to bear the burden of responding to demands from special interest groups to develop and implement new programs that have statewide impacts. We believe that any significant new program should go through either the legislative or regulatory process as appropriate.

CACASA recognizes that public and community pesticide notification is an important issue that may become a regulatory standard in the future. To that end, since last October we have repeatedly requested an opportunity to meet with you and your staff to begin discussions about what a new notification system might entail. We are hopeful that soon-to-be scheduled meetings will provide a forum for constructive dialogue about this important issue.

CACASA fully supports Kern County's reasoning and response to your December 17, 2021 letter. We also remain committed to partnering with you in a constant effort to improve our shared regulatory responsibilities. However, we cannot do so without your willingness to engage with us in a meaningful way and timely manner.

CACASA acknowledges our need to continue to build upon the long history of CDPR and CACs working cooperatively in support of our joint mission of protecting the public health, ensuring growers use pesticides safely and legally, and encouraging the development and implementation of integrated pest management systems. CACASA points to our recent work with the CDPR team on the draft Neonicotinoid Mitigation Measures and the 1,3-D Pilot Mitigations Project as positive examples of such collaboration.

We recognize the importance of the Shafter Area Community Emissions Reduction Plan per AB 617 and point out that the field trials in the 1,3-D Mitigations Pilot are directly related to reducing pesticide emissions in the Shafter area.

In the spirit of partnership, we offer our ongoing assistance and urge you to confer with CACASA on what an effective notification system would require before moving forward with the Kern Pilot Notification that you outlined in your December 17, 2020 letter to Kern County.

Sincerely,



Josh Huntsinger
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cc: Joey Marade, DPR County/State Liaison
Jesse Cuevas, DPR Chief Deputy Director
Ken Everett, DPR Assistant Director