

**California Rural Legal Assistance Foundation
Alianza Nacional de Campesinas
Center for Food Safety
Coming Clean
Earthjustice
Environmental Protection Network
Farmworker Association of Florida
Farmworker Justice
Green America
Migrant Clinicians Network
Pesticide Action Network**

February 2, 2024

Michael Regan, Administrator

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Michal Freedhoff, Assistant Administrator Office of Chemical Safety and Pollution Prevention

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Yao Wei (Jake) Li, Deputy Assistant Administrator for Pesticide Programs

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U.S. Environmental Protection Agency

EPA Docket Center, Mail Code 2822IT

1200 Pennsylvania Ave., NW

Washington, DC 20460

VIA EMAIL

RE: Request for a meeting to discuss urgent need for action to protect farmworkers, pesticide handlers and residential bystanders from exposure to DCPA

Dear Administrator Regan and Assistant Administrator Freedhoff and Deputy Assistant Administrator Li:

Last summer many of the 11 undersigned organizations wrote to the Agency to express alarm at the health effects findings in the draft risk assessment for the herbicide DCPA (also known as chlorthal-dimethyl with product name Dacthal). This assessment revealed an extremely high risk of developmental effects from exposure during pregnancy at very low levels. These effects include low birth weight, impaired brain development, decreased IQ, and impaired motor skills that may not become apparent until later in life. These thyroid hormone effects are harmful to the fetuses of pregnant people who live near or work inside fields that

have been treated or in the vicinity of DCPA applications.¹ We concluded that an immediate emergency suspension of all registered products and prohibition on sale, distribution and use of existing stocks was warranted because with these severe risks continued use posed an unreasonable risk to human health.

We recognize and appreciate that the Agency did suspend the technical product in September. This action will cut off supply in the long-term but does not prevent the sale and use of existing stocks. Through meetings with the Agency we have learned that since last September, your staff have been in negotiations with the registrant on further mitigations but to date no further action has been taken. We are concerned that longer delays may be looming because the USEPA staff person leading these negotiations has moved to another position within the agency.

We are writing to request a meeting with you to discuss these concerns. Once again, we are urging the Agency to take emergency action to prohibit all sales and recall existing stocks, which have labels with a Restricted Entry Interval of only 12 hours, no required buffer zone around treated fields, and extremely inadequate protections for pesticide handlers.

These seem to be the only viable solutions given that the risk assessment documents indicate that handlers cannot be fully protected and that the extremely long restricted entry intervals and large buffer zones that are needed to prevent risk of developmental effects would not be feasible, let alone practical.

The risk assessment concluded that most post application exposure scenarios for both occupational and residential by-standers are still of concern greater than 30 days after pesticide application. Major uses of this herbicide are in broccoli and cauliflower, which are both labor-intensive crops. It is also used in onions and some other vegetable crops and has registrations for use on non-residential turf and ornamentals.

For broccoli weeding and harvest in a treated field, the risk assessment shows that there is no margin of safety if workers are sent in after 12 hours, as the label allows, and the estimated margin of safety fully 30 days after application is only 17% of the level EPA deems acceptable. In light of these high risks, the Restricted Entry Interval of 12 hours on the label is alarmingly inadequate.

The risk assessment also concluded that the distance required to prevent harmful levels of exposure to spray drift is greater than 300 feet from the field edge for most uses. The pesticide label does not require any buffer between applications and residence or workers in fields or other locations.

¹ EPA Pesticide Update: EPA Releases Risk Assessment Showing Significant Risks to Human Health from the Herbicide DCPA. May 31,2023, DCPA Occupational and Residential Exposure Assessment for Registration Review of DCPA. USEPA Memorandum. May 18 2023.

Risks to handlers of this pesticide will remain of concern for a vast majority of uses even with use of engineering controls (closed mixing systems and closed tractor cabs) and maximum protective equipment.

We want to emphasize that pregnant farmworkers working in vegetable crops and pregnant people living in the vicinity of treated fields are especially vulnerable and to highlight use and evidence of exposure in California.

An analysis of 2021 use of DCPA in California conducted by Safe Ag/ Safe Schools (SASS) found that over 50% of use was in Monterey County. Use on broccoli is extensive from January through August.² There is also considerable use in Fresno, Imperial, Kern, Riverside, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz and Ventura Counties.

The UC Berkeley Center for the Health Assessment of Mothers and Children of Salinas (CHAMACOS) study has found DCPA in house dust and in biomonitoring. In a study of pesticide residues in house dust, researchers found that higher dust levels of DCPA were correlated with agricultural use of the pesticide within 2.7 km (1.67 mi) of the residence.³ In 2016, pesticide body burden in then teenage participants in the CHAMACOS study was measured using silicone pesticide-detecting bracelets. DCPA was detected in 52.6% of samples, and the odds of detecting DCPA were 3.1 times greater if a study participant lived within 100 meters of an agricultural field.⁴

In 2021 at DPR Air Monitoring Network stations, DCPA was detected at trace levels in 63.3% of weekly samples at the Santa Maria station, 31.2% of Oxnard station samples (with one quantifiable detection) and 5.9% of Watsonville station samples.⁵ No data on distance between AMN stations and DCPA applications is available. Between 2011 and 2014, DCPA was detected at trace levels in 51% of weekly samples, including 1 quantifiable detection. According to an analysis conducted by DPR there was low reported use of DCPA within 5 miles of this monitoring station but high use in some surrounding areas.⁶

Degradates of DCPA have been found in groundwater sampling conducted by DPR. In 2017 levels of MTP and TPA found in 3 wells ranged from 0.9 to 101 ppb (average 41.6 ppb).⁷ Follow-up sampling conducted in 2017-2018 in Monterey, Santa Barbara, Riverside, San Luis Obispo,

² https://www.pesticidereform.org/wp-content/uploads/2023/11/SASS-MontereyCAC_Dacthal_8-23.pdf, CDPR Pesticide Use Reporting database

³ <https://pubmed.ncbi.nlm.nih.gov/19943644/>

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6309742/>

⁵ CDPR. Air Monitoring Network Results for 2021 Volume 11. July 2023 (not online)

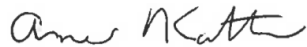
⁶ https://www.cdpr.ca.gov/docs/whs/pdf/dacthal_mitigation_air.pdf

⁷ https://www.cdpr.ca.gov/docs/whs/pdf/dacthal_risk_groundwater.pdf

and Ventura counties found detections of TPA in 19 wells at levels of 0.121 – 159 ppb, and DPR made a determination that these detections resulted from legal agricultural use of DCPA.⁸

We hope that a meeting can be scheduled soon and we urge the Agency to take emergency action to prohibit sales of DCPA and also recall existing stocks which have labels with a Restricted Entry Interval of only 12 hours and no required buffer zone, and extremely inadequate protections for pesticide handlers.

Sincerely,



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⁸ https://www.cdpr.ca.gov/docs/whs/pdf/dacthal_mitigation_study300.pdf,
https://www.cdpr.ca.gov/docs/whs/pdf/dacthal_mitigation_legal.pdf

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