



## Californians for Pesticide Reform

### Final Report to the Nell Newman Foundation February 2013 – February 2014

Californians for Pesticide Reform (CPR) and its fiscal sponsor, Pesticide Action Network North America (PANNA), are pleased to submit this final report to the Nell Newman Foundation for its generous February 2013 grant of \$20,000. The Nell Newman Foundation provided general operating funds that supported 1) our Safe Air for Everyone (SAFE) campaign, to transition California to safe, sustainable alternatives to fumigants and other drift-prone pesticides; 2) our Enforcement & Mitigation work, to improve and establish pesticide laws that protect those most directly affected by pesticide use; and 3) overall coalition capacity, to ensure that our messaging, movement building and core staff support campaign successes. The following provides a narrative of our accomplishments under each goal and its objectives.

#### **Goal #1: Make tangible inroads toward California's transition to safe, sustainable alternatives to fumigant pesticides**

Transition to safe, fumigant replacements has been the top CPR coalition priority over the past year. We made significant inroads at the state policy level to strengthen the DPR process of reviewing the safety of pesticides and fought hard to put further restrictions on fumigants (specifically chloropicrin), while also pushing for state and local policies that incentivize and support transition. We learned many lessons from our efforts to create a state-funded fumigant transition program in 2013 and, having overcome a significant obstacle of identifying a funding source, are continuing to push for this policy over the coming year.

In July and November, CPR leadership conducted **two mini legislator education days**, visiting with over 15 elected and appointed officials to highlight the problems with fumigants and the need for alternatives (we distributed our policy brief "Investing in Innovation: A Policy Roadmap for Resilient, Prosperous, Fumigant-free Farming in California" to decision-makers). In November, we focused on building relationships with the Latino Caucus to build support for rural, farmworker issues.

Meanwhile, industry knows that the "writing is on the wall" regarding fumigants and that they need to find safer replacements, but both trade associations and growers often refuse to go on record asking for fumigant replacements for fear that this amounts to an admission of their dangers and will result in greater restrictions on fumigant use. In early January 2014, a legislative staffer whose boss was being pressured *not* to champion fumigant replacements policy relayed to us the Farm Bureau's comment that they were afraid that fumigant replacement policy would divide the industry. This is probably the most encouraging feedback that we've heard from industry, signaling that some growers might be willing to start being vocal in favor of support for transition.

More broadly, CPR has started to explore different strategies and approaches with our work in the San Joaquin Valley. Starting last June, we have engaged our Steering Committee members in the Valley and other local environmental justice groups in a process of self-education and literacy building around sustainable agriculture, ultimately trying to flesh out a community-vision for a healthy and sustainable food system in the San Joaquin Valley. This work represents a pivot from the position of continually and endlessly fighting the pollution caused by industrial agriculture to asking the question: what kind of food and agricultural system would serve the local community – economically, socially and ecologically? This is necessarily a long-term vision, and creating a plan with concrete and immediate steps to start build towards this vision will also take time. But it is critical, foundational work to shift our movements towards asking for what we really want, while laying crucial groundwork for broadening the sustainable agriculture movement by building the confidence and capacity of farmworkers and frontline communities—vital but often absent voices—to participate in the movement alongside farmers and advocates.



In November 2013, 15 representatives (not all pictured) from nine organizations gathered in the Tulare County foothills for a two-day retreat to begin creation of a community vision for a sustainable food and agriculture system in the San Joaquin Valley.

**1.1 Publish policy recommendations for fumigant phase-out. ACCOMPLISHED**

In April 2013, we published and disseminated the report *“Investing in Innovation: A Policy Roadmap for Resilient, Prosperous Fumigant-Free Farming in California.”* This report has become the foundation for our policy change campaigns at the local and state levels, calling for a state-funded fumigant transition program that supports on-farm field trials for safe fumigant replacements, agricultural extension services for safe fumigant replacements, direct support for equipment costs for growers who voluntarily want to transition, and long-term funding for non-GMO plant breeding programs for crops that use fumigants.

**1.2 Pass resolutions through local governments, labor council and medical associations calling for Safe Strawberry Fields by 2020. IN PROGRESS**

Advocacy by coalition members resulted in the **California Medical Association** passing a strong fumigant alternative resolution in October (attached). In July, CPR member organizations El Quinto Sol (EQS, Tulare County) and California Rural Legal Assistance Foundation collaborated to write a draft resolution for local endorsement. The Tulare draft has served as a model for resolutions in other counties (including Monterey County and Fresno County). Work is underway to get the Monterey Bay Labor Council and the Fresno-Tulare Labor Council to adopt

the resolution as well.

Our strategy is that these local policy campaigns and endorsements will support and build pressure for policy change at the statewide level. A critical part of the efforts to push statewide and local policy change is to have conventional farmers become a voice for change by publicly calling for a state-funded and implemented fumigant replacement program. Throughout last spring, CPR core staff and the coalition's Monterey organizer (employed by Pesticide Watch) attended multiple strawberry farmer field days in the Salinas Valley and built relationships to have several small meetings with (somewhat) sympathetic growers. While we had no illusions that getting farmers to act as advocates would be an easy task, it's proven even more difficult than we'd anticipated. Cultivating relationships with growers such that they might take a public stance on this issue is a long-term project that we'll continue to work on.

**1.3** *Watchdog the pesticide registration process to ensure that no new fumigants are registered; produce a white paper analyzing the structural changes needed to strengthen the Department of Pesticide Regulation's (DPR) registration and regulatory process. Consider litigation to achieve these changes. ONGOING*

**A thorough, systemic review of DPR's scientific practices is underway:** Given DPR's consistent undermining of its own and other agency scientists, CPR proposed language in the state budget mandating DPR to do a review of its pesticide approval process and compare it against best current practices that are rigorous and replicable, as outlined in a 2008 National Research Council paper on risk assessment. **UCLA analysis released:** While CPR had originally planned to write our own white paper analyzing DPR's practices, instead, UCLA's Sustainable Technology & Policy Program released a report in September 2013, co-written by UCLA scientists, lawyers and long-time CPR consultant, scientist Susan Kegley, Ph.D. Both CPR and UCLA did media outreach on it, with CPR's release highlighting the ongoing nature of the systemic issues at DPR (CPR's release attached). **National Academy of Sciences review begun:** As a result of our advocacy during the state budget process, the National Academy of Sciences will perform a yearlong review of DPR's scientific practices, with a completed report expected in 2014. This new openness to scrutiny is an example of the unprecedented window of opportunity we see for progressive change overall, including important steps toward transitioning away from fumigants under the current administration.

As part of our strategy to protect community health and push industry to adopt safe replacements for fumigants, the CPR coalition coordinated pressure to further restrict the use of the fumigant chloropicrin. DPR opened a review process on its proposed protections for "bystanders" (i.e., not farmworkers) in spring 2013. As with methyl iodide, DPR ignored the findings of its own and other agency scientists. In the case of chloropicrin, the scientists concluded that the fumigant causes cancer—which would invoke stronger safety regulations—but DPR management stated that the science is "equivocal" and ruled that chloropicrin is not a carcinogen. To mobilize broad input into the public comment process, the CPR coalition:



- Developed bilingual, community-friendly chloropicrin campaign materials and training community members on the issues.
- Mobilized dozens of allies to attend eight public hearings in June in Santa Maria, Salinas, Fresno, Indio, and Redding. We made up at least half the audience at each site and submitted at least half of all public testimonies. Under questioning by a CPR Steering Committee member, DPR staff publicly admitted that their proposed mitigation measures treat people like guinea pigs and that DPR management had no scientific basis for setting its allowable level of chloropicrin.
- Wrote and circulated three chloropicrin public comment letters—one from the scientific community, signed by doctors, scientists, and work and safety specialists; one signed by more than 100 progressive organizations statewide; and a more technical legal letter, signed by CPR Steering Committee members—all calling on DPR to adopt stronger protection measures for chloropicrin and devote resources to developing alternatives. Knowing that a strong scientific voice was key in the methyl iodide victory, we also helped arrange for a respected genetic scientist to submit a thorough scientific critique of DPR management’s conclusion that chloropicrin is not a carcinogen.
- Collected over 15,000 petition signatures submitted to DPR in press conferences in Sacramento and Oakland in late August.
- Coordinated two social media blitz days: a Facebook Day of Action and a Twitter Storm, which led to the participation of actor James Edward Olmos, a relationship we hope to build upon in our work to transition California off of fumigants.
- Educated legislators about scientific integrity issues at DPR regarding the chloropicrin decision-making process and urged them to write a letter of concern to DPR. Senator Hannah Beth Jackson penned a letter signed by six other legislators that they sent to Cal/EPA Secretary Rodriguez and DPR Director Leahy in December (attached).

We will continue to put political pressure on DPR as they finalize their chloropicrin recommendations sometime in 2014.

**1.4** *Pressure new DPR Director to add enforceable timelines to the TAC and strengthen DPR’s enforcement of VOC regulations. Consider litigation and legislation, as necessary.*

**ACCOMPLISHED**

Highlights include: **CA Governor signed AB304 (Williams) in October, strengthening TAC law:** With more reliable implementation and clear deadlines, The Toxic Air Contaminant law could be a powerful statute to protect community health; because of this, CPR has focused on strengthening the statute for a number of years. This law adds enforceable timelines by which DPR has to implement mitigation measures after a pesticide is listed as a Toxic Air Contaminant (TAC). Though it is a narrower version of our original effort to add timelines to all phases of the TAC process (including identifying and reviewing TACs), it is an important step toward better protections for communities against these pesticides, many of which are fumigants. **DPR is now obligated under state budget to complete five risk assessments per year:** This victory complements our efforts with AB304 to have DPR complete reviews of dangerous pesticides

more quickly. When DPR requested ten additional staff positions in the state budget, CPR wanted to ensure that added capacity would result in DPR actually completing additional work. Through persistent engagement with members and staff of the Senate and Assembly budget committees, we advocated for and won a mandate that, given the eight staff positions DPR was granted, they are required to complete five risk assessments per year—up to five times the number that it currently completes.

**1.5** *Complete feasibility analysis of a new marketplace campaign to pressure grocery chains to carry organic, regional and fairly produced strawberries, including analysis of targets, resources and interested groups. ACCOMPLISHED*

As we described in our proposal, during the battle to ban methyl iodide, CPR began to explore a marketplace strategy to pressure grocery chains to carry organic, regional, and fairly produced strawberries. Since then we have conducted extensive conversations with experienced corporate campaigners, shareholder activists, and others – and their advice was that to be truly effective, such a campaign would require a national presence, coordinated by a national body. CPR’s staff limitations are currently a challenge even for local campaigning. With significant, unprecedented opportunities opening up in the state policy arena, we have decided to dedicate our limited staff resources to the other outcome-areas we identified, and to reserve the marketplace campaign for conditions where it can have the greatest possible impact.

**Goal # 2: Reduce and mitigate pesticide exposure to meet the immediate needs of communities**

In 2012, CPR launched the Kern Environmental Enforcement Network (KEEN) and Fresno Environmental Reporting Network (FERN). The projects provide community-friendly, bilingual, anonymous reporting methods and also bring community-based organizations together with government agencies to improve environmental enforcement. CPR hired, trained and supervised a regional coordinator for the projects, and they are now largely self-maintained. We are extremely pleased with this model for community involvement, which is providing information on poisoning incidents and data on lack of enforcement that will inform and support our advocacy efforts going forward.

**2.1** *Convene monthly KEEN and FERN taskforce meetings and at least 10 trainings for community members on how to report problems, resulting in at least 25 new reports in each county. ACCOMPLISHED*

Working with the regional coordinator, **CPR convened taskforce meetings every month** in both Kern and Fresno Counties. These monthly meetings between government agencies, community members, and community-based groups led to a number of important accomplishments, including:

- The KEEN and FERN taskforces successfully helped resolve or address nearly half of the **57 community reports received during the grant period (30 in Kern County, 27 in**

Fresno), with others in progress. Enforcement agencies collected more than \$61,000 in penalties as a result of reports submitted to KEEN and FERN. Some of the most significant social and environmental wins over the course of the grant include:

- **The maximum fine allowed - \$60,000 – against Vintage Production, LLC, for endangering groundwater quality** by illegally disposing of fracking water into an unlined dirt sump in Shafter.
- **Cleanup of several illegal dumping sites** in Bakersfield, Arvin, Lamont, and various locations in Fresno, near areas where children play.
- **Connection of 27 homes to the Weedpatch sewer system**, ending waste overflow that had posed a hazard to neighborhood children playing in yards.
- **The California Department of Pesticide Regulation’s revision of its pesticide drift policies**, including commitment to review significant pesticide drift cases to ensure local County Agricultural Commissioners (CACs) do not improperly exonerate pesticide applicator companies; a new training program for hearing officers; pressure on CACs throughout California to set up websites and voicemail systems for after-hours pesticide reporting; and development of resources to make pesticide drift reporting, investigating, and participation in appellate hearings more community-friendly.

During the grant period CPR **trained nearly 500 community members in 14 different community trainings** (seven per county, some of which were train-the-trainers workshops), strengthening local environmental enforcement in both Kern and Fresno Counties. In Kern County, we worked with community members and partner organizations in Bakersfield and throughout the South Kern area, including in Arvin and Lamont/Weedpatch. In Fresno County, we held trainings for residents and community-based partner organizations from Southeast Fresno, Lanare, Lowell Park, Huron, and Kerman.

Our trainings helped community residents learn how to identify and report environmental violations, empowering them to play a role in addressing local environmental problems and providing financially strapped enforcement agencies with additional community “eyes and ears.” Hundreds of thousands more learned about community environmental enforcement through our media outreach and distribution of KEEN and FERN materials (2,000 KEEN and FERN business cards, 500 KEEN and FERN factsheets, and 400 KEEN and FERN brochures).

## **2.2 Convene at least one meeting with enforcement staff at the Department of Pesticide Regulation. ACCOMPLISHED**

On May 28 CPR core staff convened a meeting between the enforcement staff at the Department of Pesticide Regulation and eight CPR member organizations representing communities across California, including the Central California Environmental Justice Network, the California Rural Legal Assistance Foundation, California Rural Legal Assistance, Inc., El Quinto Sol de América, Organización en California de Líderes Campesinas, Pesticide Action

Network North America, Communities for a New California Education Fund, and Center for Race, Poverty & the Environment.

During the meeting we called on DPR to:

- take stronger measures to restrict the use of the neurotoxicant chlorpyrifos,
- revise DPR's drift policy to include volatilized drift,
- ensure notification of neighbors before field applications,
- consider establishing "no application days," similar to no burn days,
- strengthen and increase the number of trainings for pesticide handlers and farmworkers,
- improve field signage for pesticide-treated fields,
- pressure Country Agricultural Commissioners (CACs) to carry out investigations in a timely fashion and charge violators fines at levels that act as true deterrents,
- ensure Spanish-language staff in all CAC offices,
- develop training modules for hearing officers, and
- tighten regulations so tractor drivers don't enter fields while restricted entry intervals are in effect.



Teresa DeAnda (former CPR staff person, in grey jacket) and other Tulare County community members explain problems with pesticide poisonings to DPR Director, Brian Leahy. Tonyville, Tulare County. December 2013.

DPR is beginning to take some steps to put stronger restrictions on chlorpyrifos, and has developed a new training module for hearing officers. We are in the process of organizing a formal follow-up meeting with DPR enforcement staff and hope to see additional progress on some of these items in the upcoming year.

### **Goal #3: Strengthen coalition capacity**

**3.1** *Complete a Communications Plan that outlines overall and campaign-specific media messaging/framing, as well as communication strategies for our website, social networking, and outreach. IN PROGRESS*

We resumed our strategic communications work by re-convening our Steering Committee Communications Workgroup. The workgroup has a mandate to guide the coalition through a process of developing new messaging for overall pesticide work in California as well as campaign-specific messaging, train coalition leaders in message development and delivery, consider more effective branding for the coalition, create a social media plan for the coalition and redesign our strategies for communicating with our members.



Unfortunately, this process was slowed last summer when we lost the staff person responsible for coordinating the work. We are currently seeking a permanent replacement (we hope to have a new person on board by March 2014), as well as funding to contract with the Center for Story-Based Strategy to complete our communications planning in the coming year.

**3.2** *Conduct strategic media releases of a new report on school buffer zones across the state, advancing our messaging and engaging coalition partners.* **ONGOING**

Since 2011, we have been advising the California Department of Public Health (DPH) on its report analyzing agricultural pesticide use near schools in the top 15 pesticide use counties in the state. Scientific evidence increasingly shows that pesticide exposure is a threat to human—and especially children's—health, so this information is critical in supporting policy change to protect children's health in farmworker communities. Though DPH requested and received multiple rounds of feedback from a diverse array of stakeholders, including the agricultural industry, regulators, environmentalists and workers' rights advocates, the final report has still not been released. Agricultural interests – including regulators – have tried to block the release of this information because it paints an alarming picture of significant use of toxins near schools. Enlisting the help of champions in the legislature, we have been putting political pressure on the agency to release the information publicly. We hope that the report will be released this spring. Since we have seen the final draft of the report, we have already written our policy brief in response. Once the DPH report is made public, we will release our response in press conferences across the state. This information is very timely to support state policy work on fumigants as well as the neurotoxic pesticide chlorpyrifos that is especially damaging to children's health.

**3.3.** *Build the power of the coalition by partnering with new base-building organizations to expand our community organizing capacity, increasing leadership among directly affected people and forming alliances with strategic allies including health professionals.* **ONGOING**

CPR brought Communities for a New California Education Fund onto our Steering Committee, and hired a new organizer into their organization in Fresno County to build power in low-income farmworker communities. We continued to bring the community voice to several meetings with the Brian Leahy, Director of the California Department of Pesticide Regulation, through a small, in-person gathering in our office in Oakland and by organizing two tours in rural areas



Members of El Quinto Sol in Tonyville, Tulare County, show DPR Director Leahy the community garden they built.



(Monterey and Tulare counties) for him to spend a full day with community members, seeing their reality on-the-ground and hearing their concerns directly from them. This was an important experience in building the leadership of our grassroots allies by giving them the opportunity and experience of directly addressing the highest-ranking government official regulating pesticides. We have also strengthened relationships with school districts and education-focused direct services agencies in Fresno and Tulare counties to enlist their future help and endorsement in local pesticide advocacy campaigns.

**3.4 Boost core staff professional development to ensure strategic communications and power building success. ONGOING**

In April, Co-Directors Tracey Brieger and Sarah Aird attended a two-day intermediate training, followed by an intensive, week-long, advanced practitioners' training in strategic communications led by the Center for Story-Based Strategy. These trainings were extremely useful and we are planning to train CPR's Steering Committee to use these tools.

As part of our communications process, in April, Co-Directors Tracey Brieger and Sarah Aird both attended a two-day intermediate training, followed by an intensive, weeklong advanced practitioners' training in strategic communications led by the Center for Story-Based Strategy. The Co-Directors found these trainings extremely useful and are sharing what they learned with CPR's Steering Committee. The Co-Directors strongly recommended that the coalition hire CSS to work with the coalition to develop creative strategies to win "the battle of ideas" and shift the public debate on pesticides using new values-based narratives and more resonant framing.

**Attachments**

- CPR Financial Report
- Media clips, 2013
- CPR's news release regarding UCLA report
- State legislators' letter to DPR regarding chloropicrin
- California Medical Association's Fumigant Resolution
- CPR report: *Investing in Innovation: A Policy Roadmap for Resilient, Prosperous Fumigant-Free Farming in California*