

# SHAFTER AB 617 STEERING COMMITTEE

February 25, 2021

CARB Board Members

*via email*

Dear CARB Board Members,

Thank you for considering the selection of communities for Year 3 of AB 617 Community Emissions Reduction Program plan development, including our Kern County neighbors Arvin and Lamont, whose agricultural pollution burden resembles our own. As you move forward with the selection process, we want to update you on the struggles that we, as a first year community, continue to face in trying to get our own CERP implemented, more than a year after it was adopted by the CARB board. We ask that you consider our experience as you plan for future agricultural communities' CERP development, and that you work with us to ensure that the promises made to us by the state are kept.

When we were selected for the program in 2018, it felt like a clean slate to create a plan for reducing air contaminants in our community. As you know, one of our top priorities was pesticides, known to be a major contributor to our air pollution. We are proud to have been part of a process that resulted in tangible measures to improve our air quality, and which included pilot programs for 1,3-D emissions reduction and pesticide notification that have the potential to benefit the whole state. It was an enormous amount of work for the Shafter Steering Committee members, all unpaid, but we were glad to do it, for the health and wellbeing of our community, and as a model for the state.

We rejoiced when CARB approved a pilot notification program for our community. We hoped the program would be a public expansion of Kern's grower to grower notification program, of which Mr. Fankhauser is rightly proud. Expanding access to Notices of Intent (NOIs) for the public would be a lifesaving, low-cost, no-brainer - that's what we thought.

Seven months passed while the Steering Committee waited to get started on planning our notification pilot with Mr. Fankhauser. Instead of working in good faith with us, Mr. Fankhauser set up meetings with individual members, bringing along Farm Bureau and other allies to support him and to sideline and intimidate us. Instead of making all NOIs public, or even just those for Toxic Air Contaminants, he offered doorhangers for

residences within 200' of applications of a single pesticide, 1,3-D. In meeting after meeting, he angrily denounced us and our notification demand. Even in the presence of CARB and DPR leadership, he openly declared that he did not believe in notification, and that his insulting offer was not up for negotiation. In other meetings, he sat mutely on Zoom with his camera off, only to drop offline as soon as he was called on to speak.

We were grateful to Director Dolcini for his December 17 letter firmly asserting his authority to order the Kern CAC to supply NOIs for the fumigants 1,3-D, chloropicrin and MITC in advance to DPR, so that DPR could implement the notification pilot in Shafter. To be clear, DPR's decision to set up the notification pilot is in itself a concession, taking the responsibility for providing notification away from the CAC. A large sum of state money was allocated to DPR from AB 617 funding for this task - \$250,000. DPR's request for information from the CAC is firmly within the realm of what DPR can rightfully demand from ag commissioners. Nothing is asked of growers, and almost nothing of the CAC.

In a January 12 letter to DPR Director Val Dolcini, Mr. Fankhauser misstated the facts, claiming that he offered us two proposals and that we are the ones who refused to negotiate. In the letter and in comments in the media, he stated his refusal to comply with the lawful order from DPR. Since this public statement, to our knowledge, DPR has taken no steps to ensure compliance. Mr. Dolcini cancelled a scheduled meeting with Shafter Steering Committee members and allies to discuss the impasse, and has not rescheduled. There has been no communication with us as to how DPR intends to proceed.

CARB Board members: This is a matter of good faith and public trust in the promises made by the state to Californians. Mr. Fankhauser's open defiance is seriously undermining confidence in, and the effectiveness of, AB 617. It's our understanding that ag commissioners serve under the direction of the Department of Pesticide Regulation. That authority is undermined by Mr. Fankhauser's defiant stance, which has received the public backing of industry and the state association of ag commissioners, CACASA. Meanwhile, we the people of Shafter are exhausted, distressed, disappointed, and yes, still exposed to the nation's worst air. Cleaning that up is our sole motive.

**We therefore ask the CARB board to issue a statement reaffirming your support for implementation of the Shafter notification pilot as envisioned by the Shafter Steering Committee.**

Thank you for your help ensuring that promises made to the people of Shafter are kept.

Sincerely,

The Shafter Steering Committee:

Gustavo Aguirre, Jr

Cesar Aguirre

Socorro Guzmán

Dora Hernandez

Minerva Hernandez

Angelica Lopez

Antonio Lopez

Anabel Marquez

Ana Rivera

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Felipa Trujillo

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