



**CBIA**

CALIFORNIA BUILDING  
INDUSTRY ASSOCIATION

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December 15, 2022

Mary Jane Coombs

Branch Chief, Industrial Strategies Division

California Air Resources Board

1001 I Street, P.O. Box 2828

Sacramento, CA 95814

**RE: Request to Deny Petition to Regulate Sulfuryl Fluoride**

Dear Ms. Coombs:

I am writing on behalf of the California Building Industry Association (CBIA) to respectfully request that the California Air Resources Board (CARB) deny the recently filed petition asking CARB to phase out the use of sulfuryl fluoride in California. Sulfuryl fluoride is critical to the state's housing and real estate market, and the elimination of sulfuryl fluoride would have devastating public health and safety and economic effects for all Californians. Eliminating sulfuryl fluoride would significantly delay real estate transactions, reduce the supply of housing, that further undercut the ability of millions of residents to buy a home in this already supply constrained and disproportionately expensive market and obstruct the state's ability to achieve its affordable housing and climate change goals.

Sulfuryl fluoride (SF) is a highly effective pesticide used to fumigate structures infested with drywood termites and wood-destroying beetles that damage hundreds of thousands of properties in California. Sulfuryl fluoride fumigation is the most thorough, consistent, and effective treatment for controlling drywood termites in structures when compared to other treatments. As a result, sulfuryl fluoride is the only fumigant registered for treating structural pests in California and is the only method that guarantees complete elimination of pest infestations that can threaten the safety of building residents and cause severe allergic reactions, infections, and mental health impacts. The petition's limited analysis and sweeping conclusions about the efficacy of SF alternatives for structural pest management demonstrate a fundamental lack of understanding of pest management needs and practices in the housing and real estate setting.

Sulfuryl fluoride is critical to the state's housing and real estate market. In 2017, CARB estimated that "termites or other wood-destroying pests are detected in over 250,000 California homes each year. The increased costs to California residents and to the state of treating pest-infested homes with less efficacious alternatives that require multiple applications (and are not guaranteed to eradicate the infestation) or not treating them at all, on top of California's current housing affordability burden, would be unsustainable.

These costs would weigh most heavily on lower-income Californians who tend to live in housing that is more susceptible to pest infestations.<sup>[1]</sup>

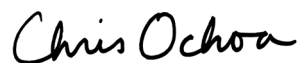
Sulfuryl fluoride fumigation preserves existing housing stock, which also helps contain rising housing costs and makes houses more affordable for Californians—a core component of the state’s affordable housing policy. Safe and affordable housing is an environmental justice issue as well. Rising housing costs make it difficult or impossible for those in disadvantaged communities to afford to purchase a home. And, by preserving the state’s existing housing stock, sulfuryl fluoride use helps California achieve its ambitious climate change goals by preserving and prolonging the working life of existing structures, which reduces the amount of embodied carbon that would otherwise be generated by new construction.

Importantly, SF is already highly regulated by the federal government and in California as a restricted-use pesticide, as CARB readily acknowledges. The California Department of Pesticide Regulation enforces stringent mitigation measures to protect applicators, bystanders, and sensitive populations. As result, SF fumigation is safe when conducted in compliance with federal and state laws and regulations. SF is used judiciously along with other pest management methods as part of comprehensive Integrated Pest Management (IPM) programs designed to protect structures from damage and the public from health and safety harms resulting from uncontrolled pest infestations.

Finally, SF fumigation has a negligible impact on climate change. DPR tracks annual sulfuryl fluoride usage in California, and CARB uses this data to track sulfuryl fluoride emissions. The average atmospheric concentration of SF is extremely low compared to other greenhouse gases. For example, the ratio of methane to SF in the atmosphere is greater than 740,000 to one. And there is no indication in the published literature that atmospheric concentrations of SF will ever rise to a level that would contribute significantly to global GHG emissions. As evidenced by CARB’s 2022 Scoping Plan for Achieving Carbon Neutrality, CARB has recognized there are more effective ways to regulate greenhouse gases that can meaningfully impact climate change.

Again, we respectfully request that CARB reject this petition, and thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Chris Ochoa". The signature is written in a cursive, slightly slanted style.

Christopher E. Ochoa, Esq.

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<sup>[1]</sup> The Washington Post, *Bed bugs more prevalent in areas with lower incomes, higher eviction rates and crowding, researchers confirm* (June 6, 2020), available at [https://www.washingtonpost.com/science/bed-bugs-more-prevalent-in-areas-with-lower-incomes-higher-eviction-rates-and-crowding-researchers-confirm/2020/06/04/1d6e42e8-a67f-11ea-bb20-ebf0921f3bbd\\_story.html](https://www.washingtonpost.com/science/bed-bugs-more-prevalent-in-areas-with-lower-incomes-higher-eviction-rates-and-crowding-researchers-confirm/2020/06/04/1d6e42e8-a67f-11ea-bb20-ebf0921f3bbd_story.html).