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Mary Ann Warmerdam



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

MEMORANDUM

Arnold Schwarzenegger
Governor

TO: Robert J. Sawyer, Chair
Air Resources Board

FROM: Mary-Ann Warmerdam
Director
(916) 445-4000

Mary Ann Warmerdam

DATE: June 20, 2007

SUBJECT: APPENDIX H: PESTICIDE ELEMENT OF THE 1994 OZONE STATE IMPLEMENTATION PLAN FOR THE VENTURA COUNTY NONATTAINMENT AREA

The Department of Pesticide Regulation (DPR) supports the adoption of proposed Appendix H of the 1994 Ozone State Implementation Plan (SIP) for the Ventura County nonattainment area. Additionally, I would offer that the Air Resources Board (ARB) take into consideration an amendment to further adjust the pesticide volatile organic compound (VOC) commitment for Ventura County. I offer these recommendations provided that the overall air quality in Ventura County continues.

In the SIP, the Department of Pesticide Regulation (DPR) committed to obtain reactive organic gas (ROG) emission reductions from pesticides in five nonattainment areas. DPR committed to obtain a 20 percent ROG reduction by 2005 from the 1990 base-year emissions for the Ventura County nonattainment area.

To meet the SIP pesticide commitment for the five applicable areas, in 2002, DPR initiated a reformulation requirement for liquid pesticide products and is proposing regulations that will be effective in 2008. The regulations will ensure that pesticide emissions will not exceed levels that correspond to a 20 percent reduction from 1991 applications. The result will be a strict adherence to the 1994 commitment and the establishment of best available control techniques for pesticide emissions. The regulations and supporting documentation can be found at <http://www.cdpr.ca.gov/docs/legbills/rulepkgs.htm>.

These regulations will create unprecedented challenges for Ventura County. The SIP pesticide commitment for the Ventura County nonattainment area was made to achieve emission reductions so Ventura County could come into attainment of the one-hour ozone standard by 2005. Ventura County met the one-hour standard starting in 2002 and county ROG emissions continue to decline each year. Over the past 12 years, the cropping pattern in Ventura County has dramatically changed from relatively lower pesticide emission crops (e.g., citrus and vines) to row crops that require annual fumigation (e.g., strawberries and peppers). The result of the land use changes lead to sizable increase in pesticide emissions from 1990 and 1991. The changes in land use practices were something that was not anticipated when the 1994 commitment was made. The assumption was that the crop profile would remain fairly constant.

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In Ventura County the proposed regulations would result in an estimated reduction of 2.2 tons per day (tpd) ROG reduction based on 2004 pesticide emissions. The problem facing Ventura County is that most of the operations have adopted the lowest emission practice or best available control technology (BACT). Even with 100 percent adoption of BACT in Ventura County, pesticide emissions would still exceed our proposed limit by 1.348 tpd. Under this best-case scenario, as much as 4,400 acres would be prevented from being fumigated and would likely be converted from agricultural use. Given these facts, the substitution of ROG reductions as proposed in Appendix H from other sources is not only appropriate, but good public policy.

If Appendix H were adopted as proposed, our proposed regulations would require an elimination of 1.2 tpd in ROG emissions. However, our estimates are based on 2004 data. More recent data indicates that strawberry acreage will increase approximately 13 percent between 2004 (latest year of estimated emissions) and 2007. An increase of strawberry acreage would likely increase the necessity for a ROG substitution since our regulatory framework does not accommodate any growth in emissions even if best available practices are followed. I understand that as much as 1.9 tpd of ROG reductions can be achieved from ARB's motor vehicle control program, beyond the reductions committed to in the SIP, while maintaining the air quality advances made in Ventura County. Given the widespread adoption of BACT in Ventura County and the implications of our regulatory program, a greater ROG substitution seems prudent.

I would like to point out that the recommended action of ARB would not have an impact on the air quality of Ventura County. In terms of ozone formation, over half of the fumigant emissions in Ventura County comes from methyl bromide. Although methyl bromide is part of our emission inventory and will remain so, its reactivity is extremely low. The ROG substitution from other sources for pesticides as proposed would not have any negative effective on maintaining the one-hour standard, and may be a benefit.

Although we are focusing on reducing the impact of pesticides on their contribution to smog, our primary concern has been on their human health risk. I would like to stress that the request before the ARB will not lessen the air toxin protections we have put in place on fumigants. Fumigants used in California are under permit restrictions to protect workers and communities from air toxin risks. In fact, the regulations we are proposing to meet our SIP obligation will force even greater adoption of BACT that will increase public health protection.

In summary, I support the adoption of Appendix H and request ARB to consider further amending the proposal by increasing the ROG substitution from 1.0 tpd to 1.9 tpd for the Ventura County nonattainment area. Thank you for your consideration of this request.

cc: See next page.

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**cc: George Gomes, California Department of Food and Agriculture Undersecretary
Cindy Tuck, California Environmental Protection Agency Assistant Secretary
Catherine Witherspoon, Air Resources Board Executive Officer
Lynn Terry, Air Resources Board Deputy Executive Officer
Paul Gosselin, DPR Chief Deputy Director**