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*Via Fax and Mail*

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
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**COMMENTS ON THE CALFED DRAFT PROGRAMMATIC EIS/EIR**

Dow AgroSciences LLC is a manufacturer and registrant of pest control products used in the urban and agricultural areas of California. We are a primary registrant of products containing the insecticide active ingredient chlorpyrifos. Dow AgroSciences has participated in different parts of the CALFED Water Quality discussions when notified and when appropriate. In general, we support the major objectives of CALFED for water quality and many of the proposals in the Water Quality Program; however, we also have concerns with important elements in the document.

Water Quality Program Technical Appendix, Page 4

Stakeholder Involvement Process. In Phase I, as described, The CALFED Water Quality Program took a product specific approach by identifying specific pesticide parameters of concern. The list of parameters of concern were developed by representatives of various regulatory agencies and representatives of selected stakeholder groups. In addition, target ranges were established. Other key stakeholders, including registrants and the user community of some of the materials in question were not included in this process until after (Phase II) the list and target ranges were developed.

Dow AgroSciences does not believe CALFED should develop or select water quality targets for currently registered pesticides (as parameters of concern) that have not been established by the lead agency for their regulation. For chlorpyrifos, that regulatory agency would be DPR (Department of Pesticide Regulation) and other Agencies and Boards with which it has regulatory agreements. A relevant example would be the Management Agency Agreement between DPR and the State Water Resources Control Board and the corresponding Pesticide Management Plan.

Lastly, we believe a product specific approach, as described, fails to address the unique water quality issues associated with pesticides. Many of the mechanisms responsible for transport of pesticides are related to agronomic practices and consumer behavior, not specific products. The document speaks to the significance of no redirected impacts (Page 1), but the practical reality is that focus on individual products will facilitate use of different products and tools, some of which could be worse for water quality or other environmental/human health considerations. It is not apparent this downside risk is accounted for in this process.



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Page 15, 42 and Footnotes, Page 48.

1. If CALFED includes a Target for chlorpyrifos, we believe the number provided is inappropriate. We would suggest a risk based number and will present this approach to CALFED in the future.

2. The current listing provides a criteria only for chronic exposure (0.020 ug/l). Even using the CA Fish & Game hazard assessment numbers, an acute value (0.07 ug/l) should be incorporated, as referenced in footnote "l." Chlorpyrifos occurrence is usually episodic and transient in nature, an acute value should be presented to provide a more appropriate standard to reflect actual exposure conditions to aquatic life. We recommend this change be made prior to finalizing this EIE/EIR.

Page 14.

Editorial comment: Several extra spaces in the Methods section, between section 2/3 and 5/6. As written Department of Pesticide Regulation is broken to read in section 6 "Regulation to develop...BMPs" which is not what is meant.

Pages 14/15 (Action 2) and 21/22 (Action 3) - PERFORMANCE MEASURES AND INDICATORS OF SUCCESS

Toxicity testing with sensitive organisms is cited as a performance measure, as is achievement of water quality Targets. We believe a more refined scientific, risk-based approach should be the ultimate measure of acceptable levels of chlorpyrifos and other pesticides. Water quality targets, such as the Target listed for chlorpyrifos are hazard based numbers, which do not consider the critical element of exposure of aquatic life in the ecosystem. Similarly, toxicity testing is an accepted screening tool, but may not be indicative of an actual ecosystem effect. These measures alone may set an inappropriately low standard of acceptability.

As this Program proposes, we also strongly support good scientific efforts to better understand the ecological significance of these materials, while we pursue activities to minimize offsite movement.

Page 21 RESEARCH/MONITORING

The goal should not be limited to establish the ecological significance of "exceedances," but would be better stated as "presence." This work will most likely determine levels of toxicants that are not ecologically significant as well as those that are. As written, this sounds more like a witch-hunt than an objective evaluation. As state above, we strongly support this type of research.

Programmatic EIS/EIR, Page 7.1-24: Reduced Contaminant Input Through Use of Less Toxic Agricultural Chemicals

With respect to pesticides, reducing offsite transport and thereby reducing input of contaminants is an important goal and opportunity in the water quality area. However, there is a common misconception that less toxic pesticides (first bullet, column 1 "less toxic agricultural and industrial chemicals") are better for the environment based on their innate toxicity. This is not necessarily true.

The appropriate measure is risk, in this case, risk to aquatic life. Less toxic materials may require increased rates of application or increased frequency of application, which can result in a greater exposure potential for the organism of concern (or in the context described here, possibly increased input). The goal should be to use tools that reduce risk to aquatic life.

Thank you for this opportunity to provide comments on the EIS/EIR. We look forward to working with CALFED as this important process proceeds.

Sincerely,

Bryan L. Stuart, Ph.D.
Government Relations Manager

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