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Secretary for
Environmental
Protection

Department of Pesticide Regulation

James W. Wells, Director
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Pete Wilson
Governor

MEMORANDUM

SEP 28 1998

TO: Lester A. Snow, Executive Director
CALFED Bay-Delta Program
1416 9th Street
Sacramento, California 95814

FROM: James W. Wells 
Director
(916) 445-4000

DATE: September 24, 1998

SUBJECT: STRATEGIC PLAN FOR ECOSYSTEM RESTORATION

The Department of Pesticide Regulation (DPR) recently obtained a copy of the Strategic Plan for Ecosystem Restoration. DPR has several comments on this document.

DPR is very interested in working cooperatively with CALFED to ensure that pesticides do not cause adverse effects in the San Francisco Bay and Delta. We have a statutory obligation to minimize the adverse effects of pesticide use and a commitment to work with the State Water Resources Control Board and Regional Water Quality Control Boards in this regard. As stakeholders, we would welcome the opportunity to work with the Ecosystem Restoration Workgroup in developing the Strategic Plan. The Strategic Plan contains proposals that impact DPR and our programs, and I am concerned that DPR has not been part of the process of development or review of this document until now.

We became aware of the plan at the Ecosystem Roundtable meeting on September 21, 1998. At that meeting, copies of the plan were distributed and CALFED staff indicated that comments should be received no later than the morning of September 25, 1998.

California Environmental Protection Agency

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Due to the shortness of time to respond, DPR has not been able to thoroughly review the draft in time for me to provide you with comments. Our comments are therefore limited to Goal # 6: *Improve and maintain water and sediment quality to eliminate, to the extent possible, toxic impacts on organisms in the system, including humans.* However, I have instructed my staff to completely review the document and to provide you with additional comments if appropriate. Our specific comments on Goal #6 are attached.

If you have any questions or would like to discuss our participation in Strategic Plan development, please contact me, or your staff may contact Kathy Brunetti, of my staff at (916) 324-4100, or by e-mail at [<kbrunetti@cdpr.ca.gov>](mailto:kbrunetti@cdpr.ca.gov).

Attachment

cc: Dick Daniel, CALFED (w/attachment)
Walt Pettit, SWRCB (w/attachment)
Kathy Brunetti, DPR (w/o attachment)

ECOSYSTEM RESTORATION STRATEGIC PLAN COMMENTS FROM THE DEPARTMENT OF PESTICIDE REGULATION

Below are comments from the Department of Pesticide Regulation (DPR) on the Strategic Plan. Due to time constraints we were only able to comment on Goal #6. We will provide additional comments shortly. If you have any questions, please contact Kathy Brunetti at (916) 324-4100, e-mail <brunetti@empm.cdpr.ca.gov> or Marshall Lee at (916) 324-4269, e-mail <mlee@cdpr.ca.gov>.

General Comments:

As written, the major objectives, long- and short-term objectives, and the expectations are not in accord with existing programs for water quality improvement. As an alternative, these sections should conform with, and even rely on, existing programs in which water bodies with impaired beneficial uses are identified and mitigation measures are identified. These programs include basin planning as described in the Porter-Cologne Water Quality Act and total maximum daily load development for impaired water bodies as described in section 303(d) of the federal Clean Water Act. Specific to pesticides, the Food and Agricultural Code mandates that the environment, which includes surface water, be protected from ". . . environmentally harmful pesticides by prohibiting, regulating, or ensuring proper stewardship of pesticides." A management agency agreement between the Department of Pesticide Regulation and the State Water Resources Control Board clarifies the role of each agency in the identification of impaired water bodies and in the development and implementation of mitigation practices. These programs also have preventive components; general reduction of contaminant loading is a goal even when beneficial uses are not impaired.

Specific comments:

Objective #1: As written, this objective does not recognize that some contaminants will more likely cause toxicity than others. With this recognition, resources can be appropriately targeted to address the contaminants that pose the greatest threats. We recommend that the text read: "Reduce concentrations and loading of contaminants in all aquatic environments to levels that do not cause adverse effects on the environment."

Objective #1 Rationale and Expectations: In the Rationale and Expectations sections, reduction in use of certain pesticides is considered necessary to achieve the goal. However, experience in California and elsewhere indicates that while

reduction in pesticide use can be achieved in some areas, this reduction does not always correlate with reduction in risk. For example, growers may switch to reduced dosage of a chemical with higher aquatic toxicity than the one targeted for use reduction, increasing overall risk. The objective should be stated in terms of risk reduction, not use reduction.

The Rationale also mentions that "a wide variety of herbicides, pesticides, fumigants, and other toxic materials." The term "pesticides" includes insecticides, herbicides, fungicides, fumigants, algacides, and a number of other pest control tools, therefore, "herbicides, pesticides, and fumigants" is redundant. Additionally, DPR has no record of any fumigant causing adverse effects in surface waters. Fumigants are highly volatile chemicals which dissipate rapidly into the atmosphere.

Objective #2: This objective correctly identifies cooperative watershed protection programs as a key element in protecting the Bay and Delta. However, there are already a number of watershed protection programs in place or under development in California, including those of CALFED itself. We recommend that the Strategic Plan objectives include cooperation and coordination with these other efforts to avoid unnecessary duplication.