



March 13, 2023

Julie Henderson
Director, California Department of Pesticide Regulation
1001 I Street, Sacramento, CA 95814

Via Email: alternatives@cdpr.ca.gov

Subject: Recommendations for Implementation of DPR's Sustainable Pest Management Roadmap

Dear Julie Henderson:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the prioritization and implementation of the recommendations in the [Sustainable Pest Management \(SPM\) Roadmap](#). BACWA's members include 55 publicly owned wastewater treatment facilities and collection system agencies serving 7.1 million San Francisco Bay Area residents. Every day, BACWA members' Publicly Owned Treatment Works (POTWs) treat millions of gallons of pesticide-containing wastewater that is then discharged to fresh or saltwater bodies, including local creeks and rivers, bays, and the Pacific Ocean. We take our responsibilities for safeguarding receiving waters seriously.

Background – Pesticide Discharges to the Sewer Can Be Costly

Pesticide discharges to the sewer system can prove costly for POTWs, due to the potential for pesticides to cause or contribute to wastewater treatment process interference, NPDES Permit compliance issues, impacts to receiving waters, recycled water quality and/or biosolids reuse, in addition to exposing POTWs to the potential for third party lawsuits under the Clean Water Act. The Clean Water Act holds local governments responsible for pesticide toxicity in surface water, including the cost of monitoring and mitigation. Unfortunately, these same local governments lack the statutory authority to regulate pesticide use in urban areas.

When surface water bodies become impaired by pesticides, wastewater facilities may be subject to additional requirements established as part of Total Maximum Daily Loads (TMDLs) set for the water bodies by U.S. EPA and state water quality regulatory agencies. A number of pesticide-related TMDLs have been adopted or are in preparation in California. The cost to wastewater facilities and other dischargers to comply with TMDLs can be up to millions of dollars per water body per pollutant. This process will continue as long as pesticides are approved for uses that result in water quality impacts.

BACWA's Recommended SPM Roadmap Implementation Priorities

BACWA greatly appreciates DPR's multi-year effort to develop the SPM Roadmap and strongly supports its implementation. We commend the state for recognizing the need for expanded activity around urban pest management.

BACWA supports increases in the Mill Fee to sustainably and equitably increase funding to DPR and other agencies bearing costs associated with pesticides use. Pesticide registration costs must be recognized as including all elements of SPM, including environmental monitoring, data analysis, pesticide regulation, and user education and outreach. These costs should be borne by pesticide manufacturers, distributors, retailers, and users, rather than being externalized to wastewater agencies and thereby the public. POTWs are passive downstream receivers of pesticides, and the costs of monitoring and responding to pesticides are borne by all of our ratepayers -- regardless of whether they choose to use high-risk products and threaten water quality, or whether they responsibly embrace SPM approaches. The current, inequitable approach would be partially mitigated by increasing the Mill Fee to sustain DPR's implementation of the SPM Roadmap.

The following actions and recommendations from the SPM Roadmap are our highest priorities for state implementation:

- **SPM Pilot Project – Develop an Action Plan for Pet Flea Control** (p. 33 of SPM Roadmap). BACWA suggests that DPR select pet flea control as a pilot priority for SPM implementation. BACWA would be pleased to work with DPR on this effort. Monitoring projects conducted by DPR's Surface Water Protection Program have concluded that at least three classes of pet flea control active ingredients with high aquatic toxicity (fipronil, neonicotinoids, and pyrethroids) have a down the drain route to POTWs, pass through wastewater treatment, and appear in effluent at concentrations above aquatic toxicity thresholds. These pesticides pose threats to NPDES permit compliance, TMDL compliance, and the feasibility of potable reuse using wastewater effluent. BACWA is a proud advocate for holistic solutions to urban pest problems such as pet flea control. Pet flea control is an excellent example of a pest control challenge that would greatly benefit from development of an "Action Plan" as outlined on p. 33 of the Roadmap.
- **Establish a state-level prioritization process and advisory body for Priority Pesticides, and establish a state-level SPM implementation work group** (p. 34 of SPM Roadmap). BACWA recommends that DPR develop separate urban and agricultural work groups and advisory bodies as urban stakeholders (e.g., public housing residents/managers, veterinarians, pet owners, building managers, urban wastewater agencies, urban stormwater agencies) will have vastly different priorities and research needs from agricultural stakeholders. Within the urban group, there may be value in having subgroups to tackle outdoor vs. indoor uses due to vastly different transport mechanisms to the environment. BACWA's focus is primarily indoor uses.

- **Develop and implement systems that provide publicly available data on urban pesticide use and a robust understanding of that data (p. 56); Enhance health and environmental monitoring (p. 30).** BACWA supports enhancing data collection for urban pesticide use including use of more accurate, product-specific urban sales data and expanded pesticide monitoring. It is vital that DPR expand data collection on how unlicensed users use pesticides in urban areas. In particular, the understanding of the quantity of pesticides used as well as the location of pesticides used in urban contexts should be expanded. BACWA supports ensuring sufficient continued funding to DPR scientists for both ongoing surveillance monitoring (i.e., statewide POTW network) and special studies of specific wastewater user categories (e.g., residential, commercial, and industrial user types) to help link wastewater influent monitoring data to specific pesticide uses and products. These studies greatly enhance understanding of upstream uses and inform stakeholders about which products and uses need to be restricted to achieve residuals reduction goals. Monitoring data should be shared publicly via scientific journals or in state-managed water quality databases.
- **Conduct urban SPM outreach and require retail education (p. 61).** BACWA would like to partner with DPR to promote and magnify urban SPM messaging. We strongly agree with the statement that “The state should implement pesticide education requirements and programs in the retail sector,” (p. 61) and also agree that this retail education should be mandatory. BACWA and its member agencies invest significant resources – millions of dollars per year – on pollution prevention outreach to the public, professional organizations such as veterinary and medical associations, and to regulators such as DPR and USEPA. This outreach includes pesticides as well as trash, pharmaceuticals, metals, oil & grease, and emerging contaminants like PFAS. DPR does not need to start from scratch in conducting urban SPM outreach; it can leverage existing networks such as BACWA’s pollution prevention committee and the “IPM Advocates for Retail Stores” program housed within the California Stormwater Quality Association (CASQA). BACWA is currently a financial supporter of this CASQA program, which would greatly benefit from additional funding by pesticide manufacturers and retailers. BACWA could also assist with “piloting safer alternative products and practices,” as suggested in the SPM Roadmap (pg. 61).

BACWA is encouraged and enthusiastic about the SPM Roadmap and its inclusion of urban pest management as a state priority. BACWA would appreciate the opportunity to meet with DPR to discuss further how it can assist with the SPM Roadmap’s implementation.

Thank you for your consideration of our comments. If you have any questions, please contact BACWA’s Project Managers:

Autumn Ross
San Francisco Public Utilities Commission
(415) 695-7336
aross@sfgwater.org

Robert Wilson
City of Santa Rosa
(707) 543-4369
rwilson@srcity.org

Respectfully Submitted,

A handwritten signature in black ink that reads "Lorien Fono". The signature is written in a cursive, flowing style.

Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

cc: Karen Morrison, Chief Deputy Director, DPR
Aimee Norman, Chief, Integrated Pest Management Branch, DPR
Karen Mogus, Deputy Director, CA State Water Resources Control Board
Philip Crader, Assistant Deputy Director, CA State Water Resources Control Board
Tom Mumley, California RWQCB, SF Bay Region
Alessandra Moyer, California RWQCB, SF Bay Region
Rebecca Nordenholt, California RWQCB, SF Bay Region
James Parrish, California RWQCB, SF Bay Region
BACWA Executive Board
BACWA Pesticides Workgroup