



June 2, 2023

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Via Email: ProjectMillStudy@cdpr.ca.gov

Subject: BACWA Support for Mill Assessment Study Preliminary Recommendations and Implementation

Dear Julie Henderson and Karen Morrison:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the Department of Pesticide Regulation's (DPR's) [Mill Assessment Study: Preliminary Recommendations and Implementation Plan](#) prepared by Crowe LLP. 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.

BACWA Supports Implementation of the Sustainable Pest Management Roadmap

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. As long as pesticides are approved for uses that result in water quality impacts, wastewater agencies will continue to incur pesticides-related costs for pollution prevention activities, water quality monitoring, and mitigation of pesticide impacts.

Due to the potential for pesticides-related impacts to our member agencies, BACWA supports DPR's multi-year effort to develop the Sustainable Pest Management (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 support implementation of the SPM Roadmap.

BACWA supports key aspects of the Mill Fee implementation plan, such as:

- **BACWA supports Option F to provide funding for SPM programmatic needs and positive incentives that align with the SPM Roadmap.** By funding implementation of the SPM Roadmap, Option F could support research, grants, environmental and human health monitoring, registration of new alternative products, and other incentives. These actions would assist POTWs with preventing or managing pesticides that are conveyed to wastewater treatment plants via down-the-drain pathways. Ideally, Option F funding could also be used to educate target audiences such as veterinarians, doctors, and the general public about problematic pesticides that are conveyed via wastewater. This could result in direct behavior change and public support for future legislation that targets pesticides entering wastewater and the environment.
- **BACWA supports a higher Mill Fee for Priority Pesticides.** In comments to DPR related to implementation of the SPM Roadmap¹, BACWA expressed support for establishing a state-level prioritization process and advisory body for Priority Pesticides. We further suggested that pet flea control products, which are not removed by standard wastewater treatment processes, be considered for piloting an action plan for Priority Pesticides. Related to this, we support a future tiered rate structure where identified Priority Pesticides are charged a higher Mill Fee. Products such as flea and tick control pesticides exhibit ecosystem and water resources impacts. The greater the risk posed by continued use of these products, the greater the producer responsibility should be to assist with management and mitigation of these products at their end of life. If these costs are passed onto consumers, this would also be likely to result in desired behavior changes, reducing the frequency of use of these products.
- **BACWA supports the Extended Producer Responsibility model.** As a collective of publicly-owned utilities, BACWA understands and agrees with the use of Mill Fees to support the work of DPR. General funds are not a sustainable source of revenue and are not

¹ “Recommendations for Implementation of DPR’s Sustainable Pest Management Roadmap.” Letter from BACWA Executive Director Lorien Fono to DPR Director Julie Henderson, March 13, 2023. Available online at <https://bacwa.org/wp-content/uploads/2023/03/BACWA-DPR-SPM-letter-2023-03-13.pdf>

appropriate to support the work of DPR. We concur that much of DPRs work aligns with the Extended Producer Responsibility model, and that funding from Mill Fees should be utilized for this work.

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

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Respectfully Submitted,



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