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## SENT VIA ELECTRONIC MAIL

Members  
Joint Legislative Audit Committee  
1020 N Street, Room 107  
Sacramento, CA 95814

June 10, 2025

**Re: Evaluation of pesticide use laws**

Dear Chair Harabedian, Vice Chair Laird, and Members of the Committee:

I write in support of Assemblymember Damon Connolly (12<sup>th</sup> District) and his request that the Joint Legislative Audit Committee (“Committee”) approve an audit that examines “California’s enforcement of specified agricultural pesticide use laws and regulations.”<sup>1</sup> As Connolly notes in a letter to the Committee dated April 22, 2025, such an audit is consistent with the California State Legislature’s objectives to support “good governance, efficient use of state funds, effective enforcement, and the protection of human health and the environment.”<sup>2</sup>

I agree with Connolly that the timing for such an audit is appropriate, given state commitments including the Sustainable Pest Management roadmap, which necessitates a “transition away from the use of high-risk pesticides in agricultural and nonagricultural settings” and “adoption of safer pest management approaches.”<sup>3</sup> As Connolly points out, ensuring good governance under existing laws, which have been in place, largely unchanged, for over 75 years and maintain an uneasy division of labor between the California Department of Pesticide Regulation (CDPR) and County Agricultural Commissioners (CACs), is vital to fulfilling the promise of sustainable pest management.

While farmworkers are mentioned, briefly, in Connolly’s letter, and “interested persons” who live or work near pesticide application sites are noted as a potential check on CAC restricted materials permitting decisions,<sup>4</sup> farmworker interactions with CACs in their local enforcement capacity and DPR in its oversight, guidance, coordination, technical support, and enforcement roles do not feature prominently in the audit request.

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<sup>1</sup> Letter from Damon Connolly (Assemblymember, 12th District), Chair, Assembly Committee on Environmental Safety and Toxic Materials to Chair Harabedian, Vice Chair Laird, and Members of the Joint Legislative Audit Committee, California Legislature re: Evaluation of pesticide use laws (April 22, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> *Accelerating Sustainable Pest Management: A Roadmap for California*, SUSTAINABLE PEST MANAGEMENT WORK GROUP AND URBAN SUBGROUP 19, 39 (Jan. 2023).

<sup>4</sup> *Supra* note 1, at 2.

Instead, the focus of the audit request is, understandably, on evidence presented in reports<sup>5</sup> and a 2023 United States Environmental Protection Agency (EPA) Region 9 audit<sup>6</sup> that zero in on inconsistent CAC penalties, CAC capacity to carry out permit evaluations and alternatives analysis, and conflicts of interest that may arise when pest control advisors (PCAs) are employed by the pesticide industry.<sup>7</sup> These documents necessarily shape the scope of the proposed audit as well as recommendations that the California State Auditor is asked to identify.

Beyond the capacity of CACs to carry out their work or of CDPR to provide guidance and oversight, I respectfully encourage the Committee to broaden the scope of its audit to include interactions between CDPR and CAC and farmworkers as well as farm owners and operators that (1) unlawfully deny full and equal access to the benefits of pesticide regulatory programs and (2) have the effect of substantially impairing pesticide regulatory programs with respect to California's Latino and Mexican Indigenous farmworkers, their families, and their communities, in violation of state civil rights law.<sup>8</sup>

This request is based on substantial research carried out by UC Irvine School of Law's Center for Land, Environment & Natural Resources with a coalition of over 200 community-based organizations. Our evidence includes interviews with over 50 farmworkers and members of the scientific and regulatory community who research pesticide use in California, in addition to community testimony at a *People's Tribunal* held in Lindsay, California.<sup>9</sup> Our findings were made

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<sup>5</sup> *Id.* at notes 11-13 and accompanying text.

<sup>6</sup> *Id.* at note 17 and accompanying text.

<sup>7</sup> *Id.* at note 14-16 and accompanying text.

<sup>8</sup> Cal Gov't Code § 11135(a) *et seq.*; Cal. Code Regs. tit. 2, § 11154.

<sup>9</sup> *People's Tribunal on Pesticide Use and Civil Rights in California*, Lindsay CA (Oct. 13, 2023), <https://www.youtube.com/watch?v=YUYeZVwFTq4>. Tribunal speakers included residents of six counties – Kern, Tulare, Fresno, Ventura, Santa Cruz, and Monterey – as well as members of the scientific and legal community, including: Dr. Caroline Cox, Senior Scientist, Center for Environmental Health (retired); Dr. Irva Hertz-Picciotto, Professor, Department of Public Health Sciences and Chief, Division of Environmental and Occupational Health, UC Davis School of Medicine; Bianca Lopez, Co-Founder and Project Director, Valley Improvement Projects; Timothy Malloy, Professor of Law, UCLA School of Law; Dr. Gregg Macey, Director, Center for Land, Environment, and Natural Resources, UC Irvine School of Law; Nayamin Martinez, Executive Director, Central California Environmental Justice Network; Dr. Sarait Martinez, Executive Director, Centro Binacional para el Desarrollo Indígena Oaxaqueño; Asha Sharma, Organizing Co-Director, Pesticide Action Network North America; and Dr. Alexis Temkin, Senior Toxicologist, Environmental Working Group. Testimony was provided on September 12, 2023. It supplemented interview and focus group data gathered in Spring and Summer 2023. See People's Tribunal community testimony, *supra* note 1, at 31:25 – 52:50 (Monterey and Santa Cruz Counties), 53:00 – 1:11:45 (Ventura County), 1:26:48 – 1:58:20 (Kern, Tulare, and Fresno Counties); People's Tribunal scientific testimony at 24:30 – 30:35 (“The Department of Pesticide Regulation has failed to take advantage of California’s scientific expertise about pesticides”) (referencing UC Berkeley CHAMACOS “community studies” in California and related publications, such as Brenda Eskenazi et al., *Association of Lifetime Exposure to Glyphosate and Aminomethylphosphonic Acid (AMPA) with Liver Inflammation and Metabolic Syndrome at Young Adulthood: Findings from the CHAMACOS Study*, 131 ENVTL. HEALTH PERSPECT. 037001 (2023) (higher exposure to glyphosate during childhood linked to metabolic syndrome, increased risk for diabetes in children); Sharon K. Sagiv et al., *Prenatal Exposure to Organophosphate Pesticides and Functional Neuroimaging in Adolescents Living in Proximity to Pesticide Application*, 116 PROC. OF THE NATIONAL. ACAD. OF SCI. 18347 (2019) (higher exposure to organophosphates during pregnancy linked to changes in teen brain activity); and Sharon K. Sagiv et al., *Gestational Exposure to Organophosphate Pesticides and Longitudinally Assessed Behaviors Related to Attention-Deficit/Hyperactivity Disorder and Executive Function*, 190 AMER. J. OF EPIDEMIOLOGY. 2420 (2021) (higher exposure to insecticides during pregnancy linked to ADHD behaviors in pre-teens) as well as studies conducted by UCLA's Fielding School of Public Health that utilize California state data and cooperation with patient groups, such as Negar Omidakhsh et al., *Thyroid Cancer and Pesticide Use in a Central California Agricultural Area: A Case Control Study*, 107 J. OF CLINICAL ENDOCRINOLOGY & METABOLISM e3574 (2022) (living near applications of ten pesticides in Tulare, Kern, and Fresno Counties linked to higher risk of thyroid cancer); Shiwen Li et al., *Proximity to Residential and Workplace Pesticide Application and the Risk of Progression of Parkinson's Diseases in Central California*, 864 SCI. OF THE TOTAL ENVT. 160851 (2023) (living near farms that use any of ten pesticides linked to faster progression of

available to the public in an Advisory Opinion (February 15, 2024),<sup>10</sup> a peer-reviewed article published in *Environment* (October 15, 2024),<sup>11</sup> and a letter to the California Attorney General (October 17, 2024)<sup>12</sup> that considered our findings in light of a Civil Rights Department (CRD) rulemaking<sup>13</sup> that strengthened California civil rights law in response to the Governor's Executive Order N-16-22.<sup>14</sup> Each document is attached.

When CRD undertook its review of regulations that implement non-discrimination protections in state programs and rulemaking to strengthen California Government Code Section 11135,<sup>15</sup> its Director noted that “our understanding of what it means to provide full and equal access to government services has evolved in the past four decades, and so too have the methods and technologies we use to ensure that access.”<sup>16</sup> He stressed that California Government Code Section 11135 is based on the principle that “In 2023, just as in 1977, no public funds should be spent in a way that entrenches or results in unlawful discrimination.”<sup>17</sup>

This is precisely what happens as state funds support CDPR programs for pesticide use regulation and enforcement as well as County Departments of Agriculture that function as state regulatory bodies and receive enforcement funding from CDPR. Our research analyzes community testimony, which points to adverse and disproportionate impacts to members of protected classes by state programs as well as state-funded programs, and places community testimony in the context of state pesticide use and civil rights law as well as spatial patterns of pesticide use and vulnerability

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Parkinson's disease); and *Id.* (pregnant mothers living near farms that use any of nine pesticides linked to higher risk of their children developing brain tumors)). See also People's Tribunal scientific testimony at 1:18:30 – 1:26:30 (summarizing the results of thirty studies which detailed the impacts of pesticide exposure to neurodevelopment and brain-based outcomes, including cognition, memory, learning, executive function impairments, and behavioral change) (“Compelling evidence [from 27 studies] indicates that prenatal exposure [to organophosphates during pregnancy as well as childhood] at low levels is putting children at risk for cognitive and behavioral deficits and for neurodevelopmental disorders”).

<sup>10</sup> Robert Chacanaca, Caroline Farrell, Ann López, & Gregg Macey, *Advisory Opinion: People's Tribunal on Pesticide Use and Civil Rights in California* (Feb. 15, 2024) (enclosed).

<sup>11</sup> Gregg Macey, Caroline Farrell, Kayla Anderson, Angel Garcia, Yanelly Martinez, Jane Sellen, Alexis Temkin, and Mark Weller, *Pesticide Use and Civil Rights in Central California: Slow Violence and the State*, 66 ENVIRONMENT: SCIENCE AND POLICY FOR SUSTAINABLE DEVELOPMENT 6-24 (2024) (enclosed).

<sup>12</sup> Letter to California Attorney General and Secretary for Environmental Protection, CalEPA re: Follow-up, New Evidence of Civil Rights Violations in the State of California (Oct. 17, 2024) (enclosed).

<sup>13</sup> CAL. CIVIL RIGHTS DEPT. CIVIL RIGHTS COUNCIL, *Government Code Section 11135 et seq. Regulations Final Statement of Reasons* 153, 156 (Mar. 20, 2024), <https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2024/03/GC11135-Final-Statement-of-Reasons.pdf> (last visited June 10, 2025).

<sup>14</sup> STATE OF CAL. EXECUTIVE DEPT., *Executive Order N-16-22* 3 (Sept. 13, 2022), <https://www.gov.ca.gov/wp-content/uploads/2022/09/9.13.22-EO-N-16-22-Equity.pdf?emrc=c11513> (last visited June 10, 2025).

<sup>15</sup> California Government Code § 11135 provides that “No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.” Cal. Gov't Code § 11135(a). Section 11135 bans intentional discrimination as well as actions that have a negative, disparate impact on a protected group. Under California law, state-operated or -funded programs and activities cannot utilize criteria or methods of administration which have the purpose or effect of subjecting members of a protected class to discrimination or defeating or substantially impairing a program with respect to members of a protected class.

<sup>16</sup> CAL. CIVIL RIGHTS DEPT., *CRD Announces Civil Rights Rulemaking for State Agencies and State-Funded Programs* (Mar. 8, 2023), [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/03/2023.03.8\\_Gov.Code-11135\\_RegulationsPR.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/03/2023.03.8_Gov.Code-11135_RegulationsPR.pdf) (last visited June 10, 2025).

<sup>17</sup> *Id.*

indicators for California residents.<sup>18</sup> Relevant CDPR programs include Restricted Materials Permitting, Pesticide Illness Surveillance, Pesticide Notification, Worker Health and Communication, and Registration and Reevaluation.<sup>19</sup> We also considered CAC programs that are responsible for enforcing pesticide laws, regulations, and policies in six counties: Kern, Tulare, Fresno, Ventura, Santa Cruz, and Monterey. In each county, farmworkers and their families report daily practices that impair and defeat state-operated and -funded programs that are designed to protect public health and safety in areas of agricultural pesticide use.

In each county, CDPR and CACs: (1) Do not receive the vast majority of reports or complaints that they would otherwise receive from the Latino and Mexican Indigenous communities they serve; (2) Miss multiple opportunities to find that health hazards appear generally throughout those communities, triggering a field inspection and potentially canceling permits or specifying that no additional permits be issued; (3) Do not ensure that warnings, trainings, and other essential protections for Latino and Mexican Indigenous farmworkers are equally available; (4) Do not give adequate attention to local conditions including the effects that pesticides will have on Latino and Mexican Indigenous communities when granting permit approvals; and (5) Fail to reevaluate pesticides and whether pesticide use practices must change when they have reason to believe that they may cause unreasonable adverse effects to people or environment.

As Connolly's audit request letter states, CDPR and CACs are subject to myriad state laws and regulations, from determining whether a substantial adverse environmental impact may result from the use of a restricted material to determining whether there is a reasonable alternative to a restricted material to determining whether restricted material permit conditions are violated.<sup>20</sup> These and other roles are vital to ensuring good governance of shared regulatory authority among EPA, CDPR, and CACs. Yet among Latino and Mexican indigenous farmworkers and their communities, language and other barriers, including fear, isolation, misinformation, intimidation, and retaliation, result in breakdowns in notification, reporting, and complaint processing.

As a result, CACs and CDPR fail to investigate all reports of potentially significant adverse effects, fail to adequately assess the effectiveness of existing controls, fail to ensure that CACs conduct inspections to prevent misapplication or drift and possible contamination of workers or the public, and fail to ensure that CACs adequately investigate pesticide illnesses and injuries, revise their understanding of local conditions, or condition approval of restricted materials permits on appropriate mitigation measures. They unlawfully subject California residents to discrimination based on race, national origin, and ethnic group identification, among other factors that were revealed in testimony by farmworkers and their families.

Our findings "raise important questions regarding the regulation of pesticide use in California,"<sup>21</sup> including the extent to which existing laws, regulations, and policies are rendered ineffective or

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<sup>18</sup> *Supra* note 11.

<sup>19</sup> DPR has broad authority over pesticide use and its impacts in California: "DPR's strict oversight begins with pesticide product evaluation and registration and continues through statewide licensing of commercial applicators, dealers, consultants, and other pesticide professionals; evaluation of health impacts of pesticides through illness surveillance and risk assessment; environmental monitoring of air, water and soil; field enforcement (with county agricultural commissioners) of laws regulating pesticide use; residue testing of fresh produce; and encouraging development and adoption of least-toxic pest management practices through incentives and grants." *A Guide to Pesticide Regulation in California*, CAL. DEPT. OF PESTICIDE REGULATION 1 (2017).

<sup>20</sup> *Supra* note 1, at 2.

<sup>21</sup> *Supra* note 1, at 6.

wholly unavailable with respect to members of protected classes, including California's Latino and Mexican Indigenous farmworker communities.

Pesticide use practices in farmworker communities are among the most longstanding, carefully documented, and egregious denials of civil rights in our state.<sup>22</sup> Recent amendments to civil rights regulations under California Government Code Section 11135 make clear that California law anticipates, prohibits, and triggers mandatory remedial action to address discrimination, including by multiple state and local agencies that administer programs to ensure farmworker health and safety.

An audit of CDPR and CAC capabilities that fails to place agency programs in the context of applicable civil rights laws will further relegate the concerns of California Latino and Mexican Indigenous farmworker communities to insignificance and, once again, assign their civil rights to oblivion.

We look forward to working with the Committee to ensure a more complete scope of work for the proposed audit of California's enforcement of agricultural pesticide use laws and regulations.

Sincerely yours,



**Gregg Macey**

Director, Center for Land, Environment & Natural Resources, UC Irvine School of Law

cc.: Wesley Opp, Chief Consultant, Joint Committee on Legislative Audit, California State Assembly

Tram Truong, Principal Consultant, Joint Committee on Legislative Audit, California State Assembly

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<sup>22</sup> See, e.g., *Environmental Justice Compliance & Enforcement Working Group Fresno Initiative Report*, CAL. ENVTL. PROT. AGENCY (2015), <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Enforcement-Publications-2015yr-FresnoReport.pdf> (last visited June 10, 2025) (identifying areas of the state “that disproportionately experience pollution burdens, including pesticide exposure”); Victoria Clark, *Enforcement of Pesticide Regulation in California: A Case Study of the Experience with Methyl Bromide*, 31 GOLDEN GATE U. L. REV. 465, 482-483 (2001) (wherein CDPR states that it would attempt to resolve sources of ambiguity over its role vis-à-vis CACs to better prevent disproportionate exposure, and that the agency needed to design and implement performance standards for CACs to follow that would provide better protection for farmworkers through outreach, education, enhance illness reporting, and improved incident investigation). As made clear at a CDPR hearing on their proposed regulation of 1,3-dichloropropene, or 1,3-D (which is now banned in 40 countries), civil rights violations not only result in the denial of full and equal access to the benefits of regulatory programs or substantially impair those programs, but they also contribute to willful blindness to the residential and working conditions under which risk management decisions are made. As noted by an award-winning reporter who covered the proceedings, “speakers told regulators they were ignoring how pervasive pesticide exposure is...even away from the farm fields, making regulators’ assumptions about 40-hour work weeks moot. How they are exposed to pesticides from the womb to the grave. How workers begin their shifts hours before the proposed rule assumes, when weather conditions can keep fumigants near the ground and increase exposure.” Liza Gross, *Farmworkers and Allies Stage Die-in at California Pesticide Hearing*, Inside Climate News (Jan. 24, 2025), <https://insideclimatenews.org/news/24012025/farmworkers-allies-stage-die-in-during-california-pesticide-hearing/> (last visited June 10, 2025).