

# CEQA and Pesticides...

## How it all fits together...

### sort of...

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The background of the slide is a close-up photograph of a metal grate, likely from a storm drain or a similar industrial setting. The grate is made of dark, possibly black-painted, metal bars. It is covered with a layer of dark, moist soil and some small, light-colored debris. The lighting is somewhat dim, creating a gritty and industrial atmosphere. The grate is set within a larger metal frame, with some of the frame's edges visible.

Two seemingly separate regulatory realities...

- The California Environmental Quality Act and
- How pesticides are regulated in California

Both seem to operate separately from one another  
But do they have an intersection?

Passed in 1970



The same year that NEPA passed

- Requires public agencies to prepare an Environmental Impact Report (EIR) for any project that will have significant adverse impacts on the environment.
- The EIR process must consider alternatives, develop proposals to mitigate or avoid impacts to the extent feasible, and involve the public and other public agencies in the evaluation process.

# Pesticide Registration

- Separate USEPA and DPR programs
- harm to humans, wildlife, fish, and plants
- contamination of surface water or ground water
- the language that appears on each pesticide label



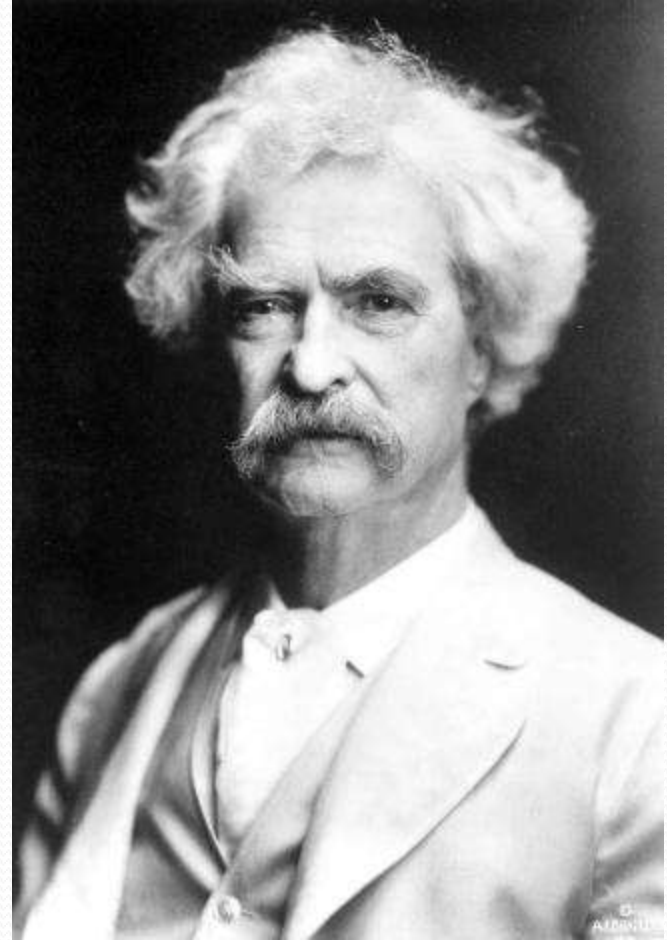
# Early Pest Control

- 2500 BC earliest recorded pest control...sulfur use by the Sumerians
- 1300 Marco Polo brings pyrethrum to Europe from Asia
- 1300-1800s:
  - sulfur
  - arsenic
  - tobacco
  - turpentine
  - lead arsenate
  - prayer
  - human sacrifice



# 19<sup>th</sup> and 20<sup>th</sup> Centuries

- **1873** DDT invented by P.H. Müller
- **1930s** DDT use in Europe as an insecticide
- **1940s** DDT use in the USA
- **1944** Phenoxy herbicides
- **1946** Organophosphate insecticide use in the USA
- **1940-1950s** Synthetic pesticide boom era



*Paul Hermann Müller  
Swiss Chemist, 1873*

# Boom Era...Synthetic Pesticides



- chlordane
- toxaphene
- aldrin
- dieldrin
- heptachlor
- parathion
- 2,4-D



# 1950s Synthetic Pesticides

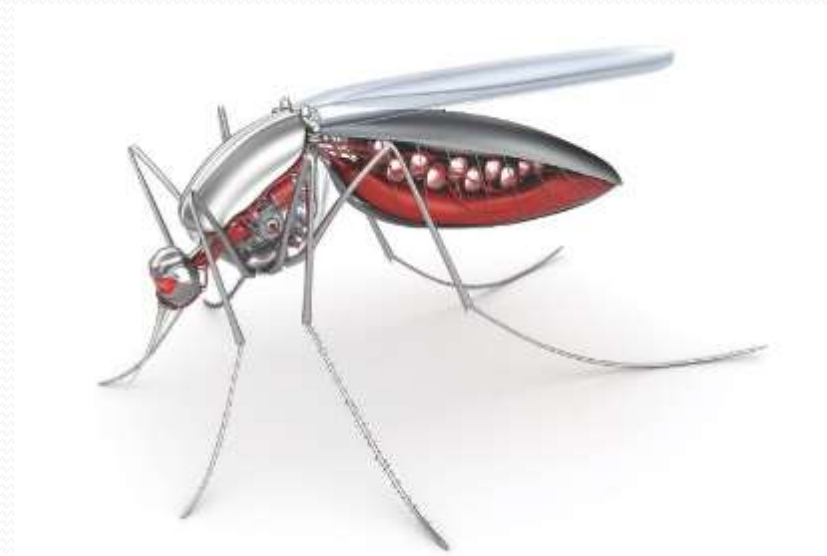
- Generally high mammalian toxicity
- Used in a wide variety of settings
- Long-term effects not well-understood or considered
- Minimal precautions



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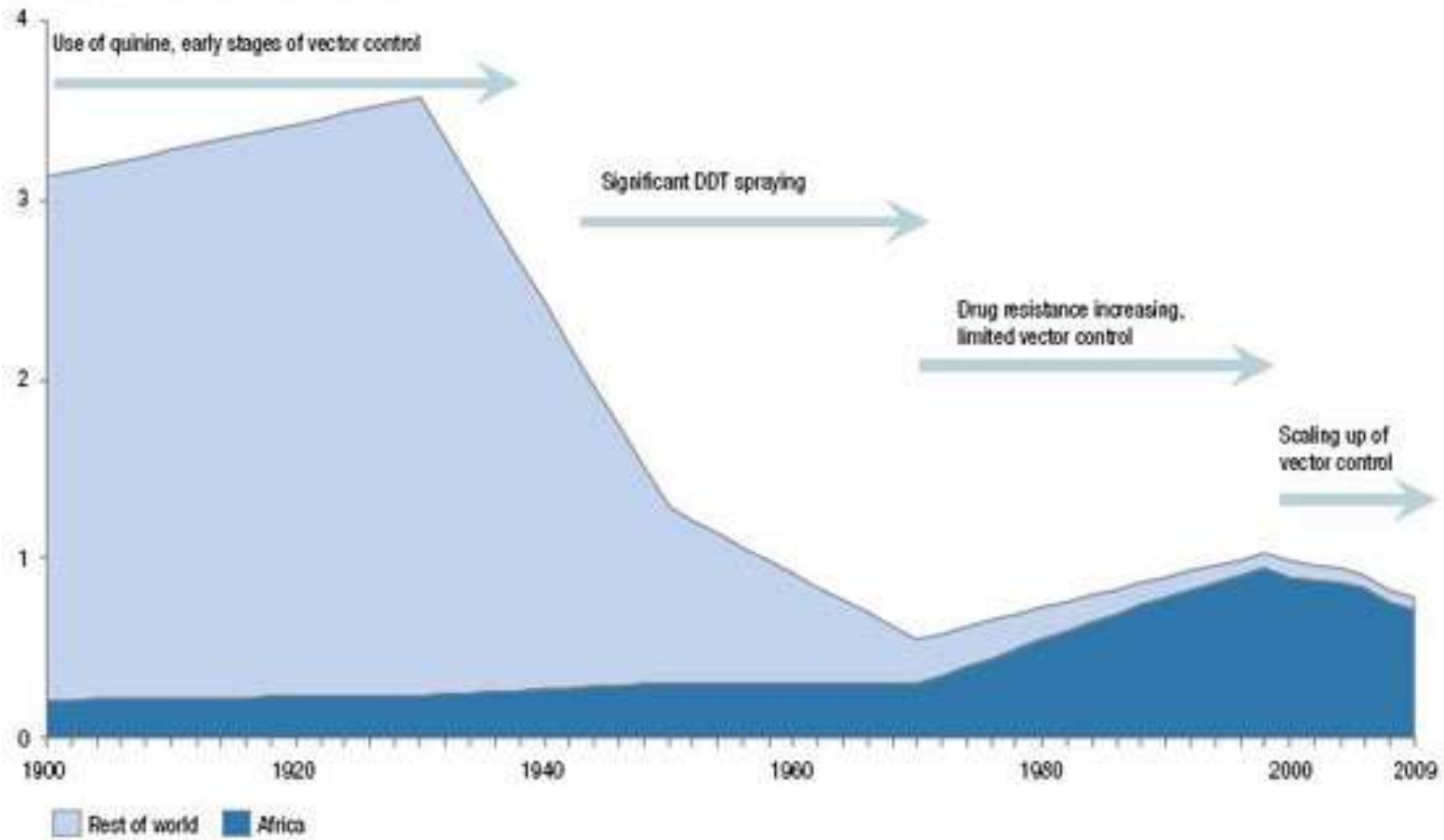


- In India when the DDT campaign began in 1953 there were 75 million malaria cases a year and 800,000 deaths.
- By 1966 there were fewer than a million annual cases of malaria and no deaths.
- In parts of Indonesia, 25% of the population was infected by malaria. When DDT was introduced, the rate fell to 1%.



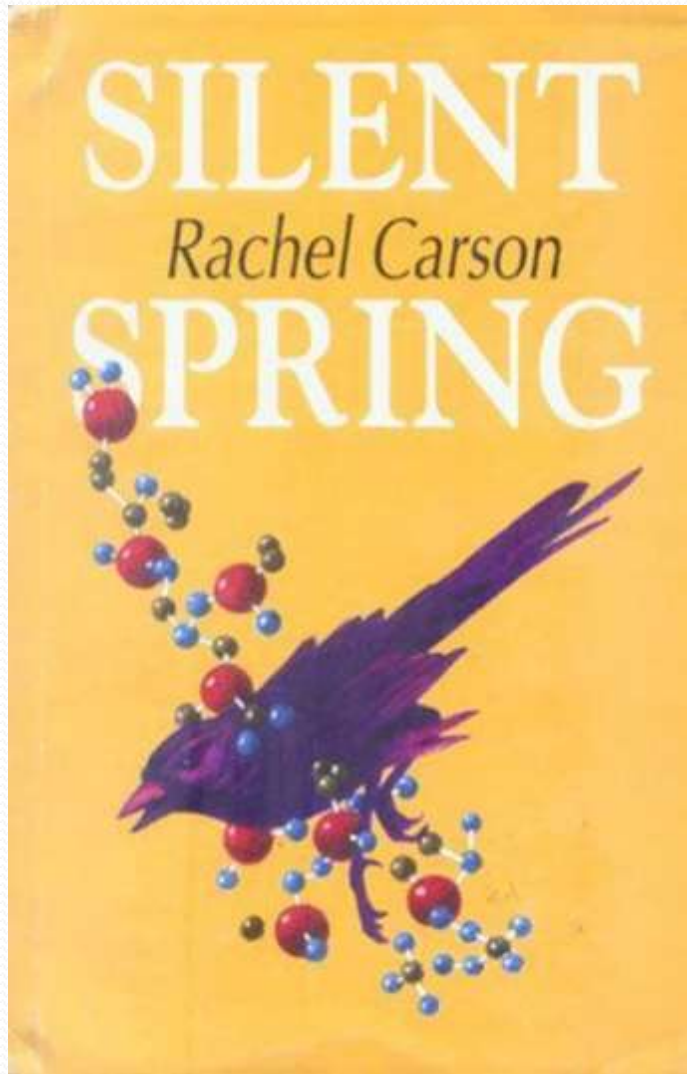
## World distribution of malaria deaths, early 19th century to 2010

Malaria-related annual deaths (millions)



Data for 1900–1998 from reference (12), data for 2000–2009 from reference (13)

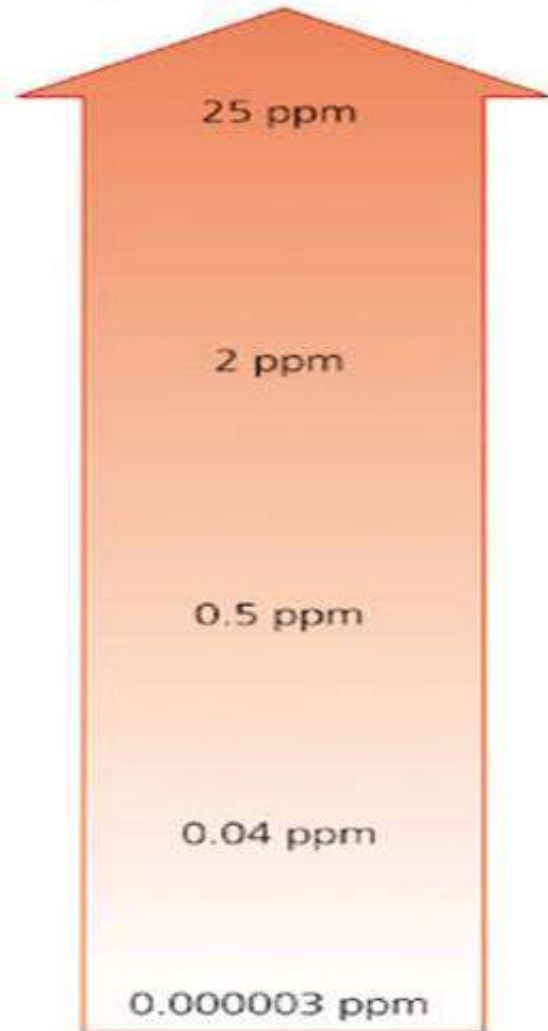




- Rachel Carson  
USFWS biologist
- Published in 1962
- Indictment of synthetic pesticide use
- Extremely popular and controversial



**DDT concentration  
(parts per million)**



"DDT is good for me-e-e!" ♪♪





- Environmental concerns re: DDT use provided momentum for the environmental movement of the 1960s-70
- Banned in the USA in the 1970s
- Its ban was also blamed for the increase in human malaria throughout the world...including parts of the U.S.

Actual advertisement from the 1950s ??



# FIFRA - 1947

*"A bill requiring color in some poisons to lessen the chance of housewives putting bug poison instead of baking powder into their biscuits became law today. President Truman signed the measure...."*

*New York Times on June  
26, 1947.*



# Timeline of Events



- **1962** Silent Spring published
- **1969** Santa Barbara Oil Spill
- **1969** The Cuyahoga River Fire
- **1970** The USEPA is formed
- **1970** NEPA and CEQA enacted
- **1972** DDT use banned.
- **1971** The Lorax by Dr. Seuss is published.

Timeli

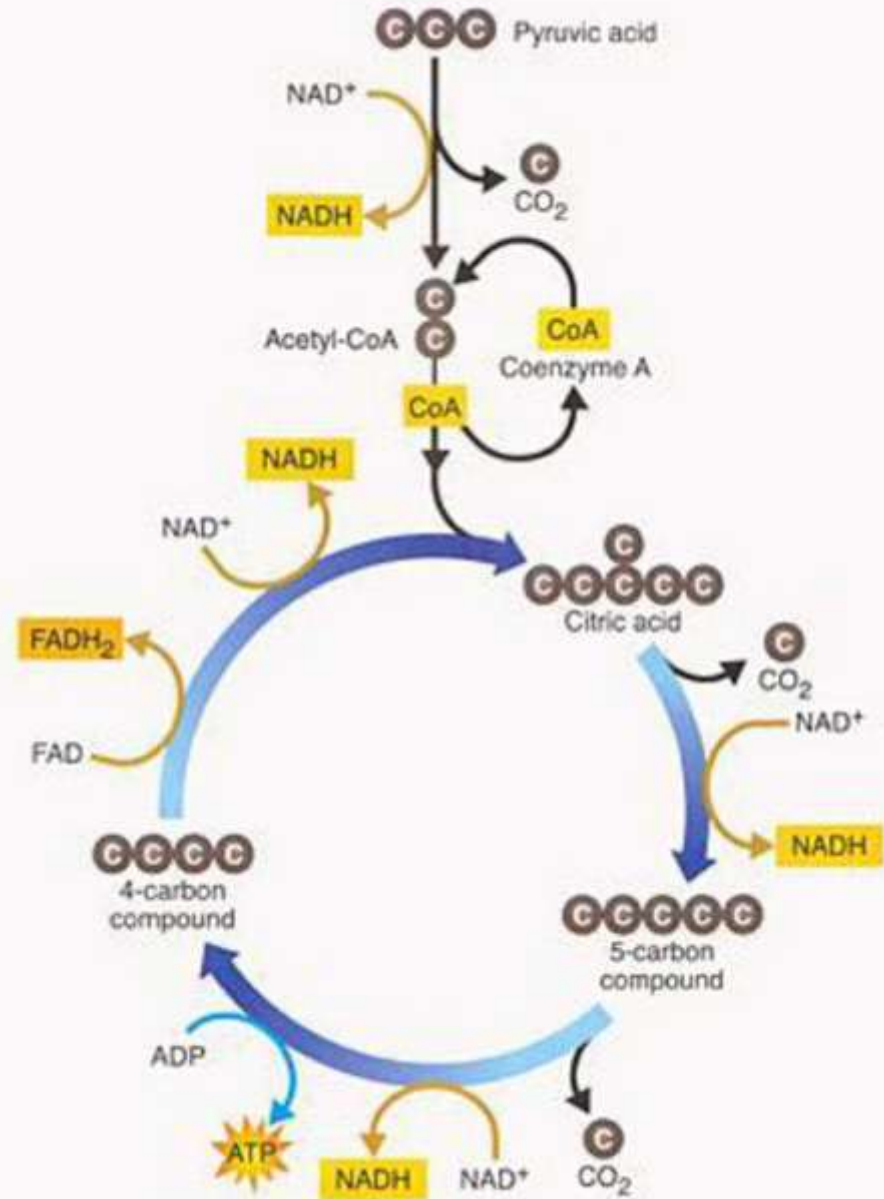


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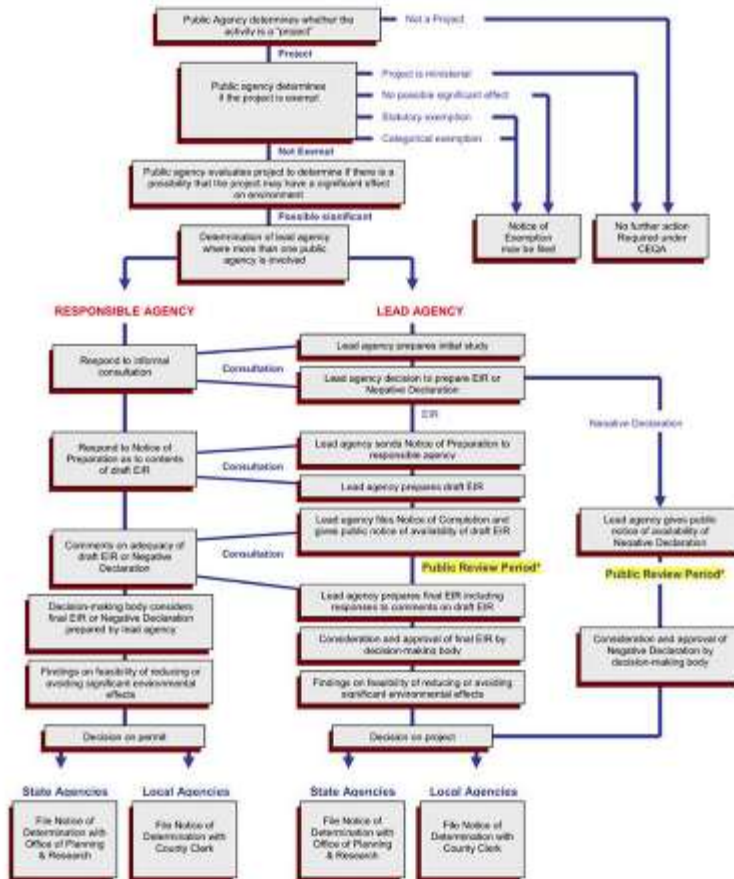
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- The EIR process must consider alternatives, develop proposals to mitigate or avoid impacts to the extent feasible, and involve the public and other public agencies in the evaluation process.



It's a complicated affair...



## CEQA Process Flow Chart



It's a complicated affair...

# Pesticide Registration examines...

- the ingredients of the pesticide
- the particular site or crop where it is to be used
- the amount, frequency, and timing of its use
- storage and disposal practices







# 1976 Attorney General's Opinion

- Roadside use of herbicides in Mendocino County
- County pesticide permits are subject to CEQA
- EIR would be required for restricted pesticide permits
- Counties issue tens of thousands of these permits annually



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BTW ...most pesticides are NOT restricted. 2,4-D is one of the few restricted herbicides ...



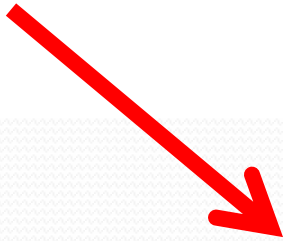
**WAIT...IT GETS MORE  
COMPLICATED**



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- Approximately 11,000 registrations each year



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Back then,  
CDFA  
regulated  
pesticides.  
DPR didn't  
exist until '91,

# The Resolution?



- 1977: the CA Legislature puts a moratorium on CEQA requirements for CA pesticide regulatory program.
- CDFA creates a team to start researching a programmatic EIR.
- One year later... the team reports back... “It can’t be done.”
- 1978 AB 3765 is passed.

- “Preparation of environmental impact reports ... for pesticide permits would be an unreasonable and expensive burden on California agriculture and health protection agencies.”  
— 1978 legislation (AB 3765)





# Functional Equivalency

- CDFA reworked their pesticide regulatory program to provide a “functional equivalent” to CEQA.
- Expanded data review...and included other agencies.
- Included public notification/comment period for registration.
- Notice of Intent requirement for restricted pesticides.
- A requirement for consideration of “*feasible alternatives and mitigation measures*” to pesticide use.
- Created the Pesticide Registration and Evaluation Committee.

# The Current State of Affairs

- DPR's Program has CEQA Equivalency
- Other public agencies pesticide use programs are not automatically CEQA equivalent.
  - EIRs
  - Negative Declarations
  - Notice of Exemption (Statutory or Categorical Exempt)
- Private entities using pesticides are not subject to CEQA unless gov't funded or permitted.

Is the regulatory process adequate?



# Is the process adequate?

- NPDES Aquatic Pesticide Permits
- Healthy Schools Act
- Legal Action by activist organizations
  - CBD
  - Pesticide Action Network
  - Earth Justice



**H<sub>2</sub>O4all**  
making a difference one drop at a time

**USA**



Questions?