



April 25, 2022

*Via Electronic and Overnight Mail*

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**Re: Comments on Proposed Control Measures to Protect Pollinator Health  
(DPR 22-001 Neonicotinoid Exposure Protection)**

Dear Ms. Otani:

Pollinator Stewardship Council and American Beekeeping Federation appreciate the opportunity to comment on the proposed control measures to protect pollinator health published by the California Department of Pesticide Regulation (DPR) on February 25, 2022.

Pollinator Stewardship Council is a non-profit organization of beekeepers founded in 2012 to defend managed and native pollinators vital to a sustainable and affordable food supply from the adverse impacts of pesticides. American Beekeeping Federation is the largest beekeeping organization in the United States. Collectively, the Pollinator Stewardship Council and American Beekeeping Federation bring decades of commercial and sideline beekeeping experience to our perspectives on issues involving pollinator health. As beekeepers, our interest is in helping DPR to develop informed policies and regulations that allow pollinators to thrive.

The proposed regulations DPR has made available for public review and comment are little different than the draft mitigation measures DPR circulated for public review in August 2020. Substantive changes to the proposed regulations include modified rate and timing restrictions for several crop groups; updated language exempting applications intended to control a quarantine pest or address a local emergency; a new exemption for applications made to agricultural commodities grown in enclosed spaces or exclusionary structures or netting; and the removal of restrictions limiting yearly applications.

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In our view, the minimal changes to proposed regulations do not address concerns and shortcomings detailed in our comments on the draft regulations. We therefore attach as Exhibit A hereto and reiterate our October 30, 2020 comments on the draft regulations, which set forth the following major problems associated with DPR's proposed approach for protecting pollinator health:

- 1) Seed treatments contribute the majority of neonicotinoid use in California, but their use and subsequent impacts are addressed by DPR's proposed regulations;
- 2) Adverse effects on honey bee queen viability are not solved by the proposed regulations;
- 3) The proposed distinctions between commercially pollinated crops and crops not hosting managed pollinators do not provide protection for pollinators;
- 4) Restricting applications to blooming plants is not sufficient to protect pollinators; and
- 5) DPR needs to include all systemic, persistent insecticides in these regulations, not just the four nitroguanidine neonicotinoids.

Systemic insecticides like the four nitroguanidine neonicotinoids are absorbed by plants and contaminate soil and ground water, which often results in chronic, low-level exposure to pollinators. Chronic exposure, even at low levels over time, have been proven to be as dangerous and impactful as acute exposure at high levels. DPR's proposed regulations do not address the danger posed to pollinators through low level chronic exposure over time.

We are also attaching as Exhibit B hereto a scientific review of the proposed regulations prepared by Professor James C. Nieh at U.C. San Diego. We urge DPR to address the significant issues and questions identified Dr. Nieh's review. Similarly, we ask DPR to review and consider the scientific studies listed in Exhibit C, which include the work of Dr. Henk Tennekes which illustrates the damage of low-level chronic exposure supported by the Druckrey-Kupfmuller equation. We are providing DPR with a thumb drive containing electronic .pdf copies of studies listed in Exhibit C.

Ultimately, the combination of toxicity, high water solubility, and persistence in the environment for these pesticides ensures that pollinators will experience both acute and chronic exposures through nectar, pollen, and water. Colony health will continue to be compromised. Our bees and our beekeeping operations are suffering from the widespread use of these pesticides. To best protect pollinators and California's agricultural economy, DPR should eliminate all agricultural and outdoor residential uses of systemic persistent insecticides, including neonicotinoids.

Ms. Lauren Otani

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Sincerely,

Steve Ellis, President  
Pollinator Stewardship Council

Dan Winter, President  
American Beekeeping Federation

Gregory C. Loarie  
Earthjustice  
*(Counsel for Pollinator Stewardship Council  
and American Beekeeping Federation)*

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## Exhibit C

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