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May 21, 2020

Sent via email: ab2588ei@arb.ca.gov

Greg Harris, Chief
Greenhouse Gas Toxics Emission Inventory Branch
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation

Dear Mr. Harris:

The signatories to this letter appreciate the opportunity to comment on the revisions to the AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines. Our organizations represent farmers, dairy farmers and ranchers, as well as agricultural businesses who process California farm products. Our members grow and process the nearly \$50 billion worth of agricultural products raised in California. The proposed changes to the guidelines will affect our members and we are submitting these comments to request clarification be included in the draft regulations.

The guidelines are proposing to add several chemicals that are registered and used as pesticides. California law provides regulatory jurisdiction over pesticides to the Department of Pesticide Regulation and it is important that this authority remain clear. It appears that the California Air Resources Board (CARB) intends to limit reporting of chemicals used as pesticides to situations when they are used by facilities subject to the "Hot Spots" reporting program for something other than as a pesticide. However, the notes included in Appendix A and C do not provide clarity on this point.

We request clarification on the reporting requirements around pesticides to ensure that there is not confusion regarding reporting requirements. This change will make it clear that pesticide use is not being regulated by CARB through its "Hot Spots" reporting program, which will help facilities subject to the program understand their reporting responsibilities.

Additionally, in Appendix E, CARB has created proposed requirements for Smaller Facilities, including Table A-3 outlining many proposed new activities that will have to report under this program. Item number 49 lists "Composting of Organic Waste," which is already regulated by CalRecycle, the State Water Resources Control Board, various air districts, the California Department of Food and Agriculture and a few federal agencies. There are many regulations that create barriers to composting and at the same time, we are trying to incentivize on-farm composting activities through programs such as the Healthy Soils program. Due to these conflicting activities, an interagency workgroup has been created to sort through the permitting conflicts as it relates to agriculture. We urge CARB to ensure that the Hot Spots regulation is integrated into that process. Information regarding the On-Farm Compost Workgroup can be found at <https://www.cdfa.ca.gov/healthysoils/ofcwg.html>.

Thank you for your time and consideration of these comments. We look forward to working with you as CARB works to update the guidelines for its "Hot Spots" reporting program.

Sincerely,



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