[Sent via email]

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Re: Nomination for the Community of La Viña to be Selected as an AB617 Community This Year

August 20, 2020

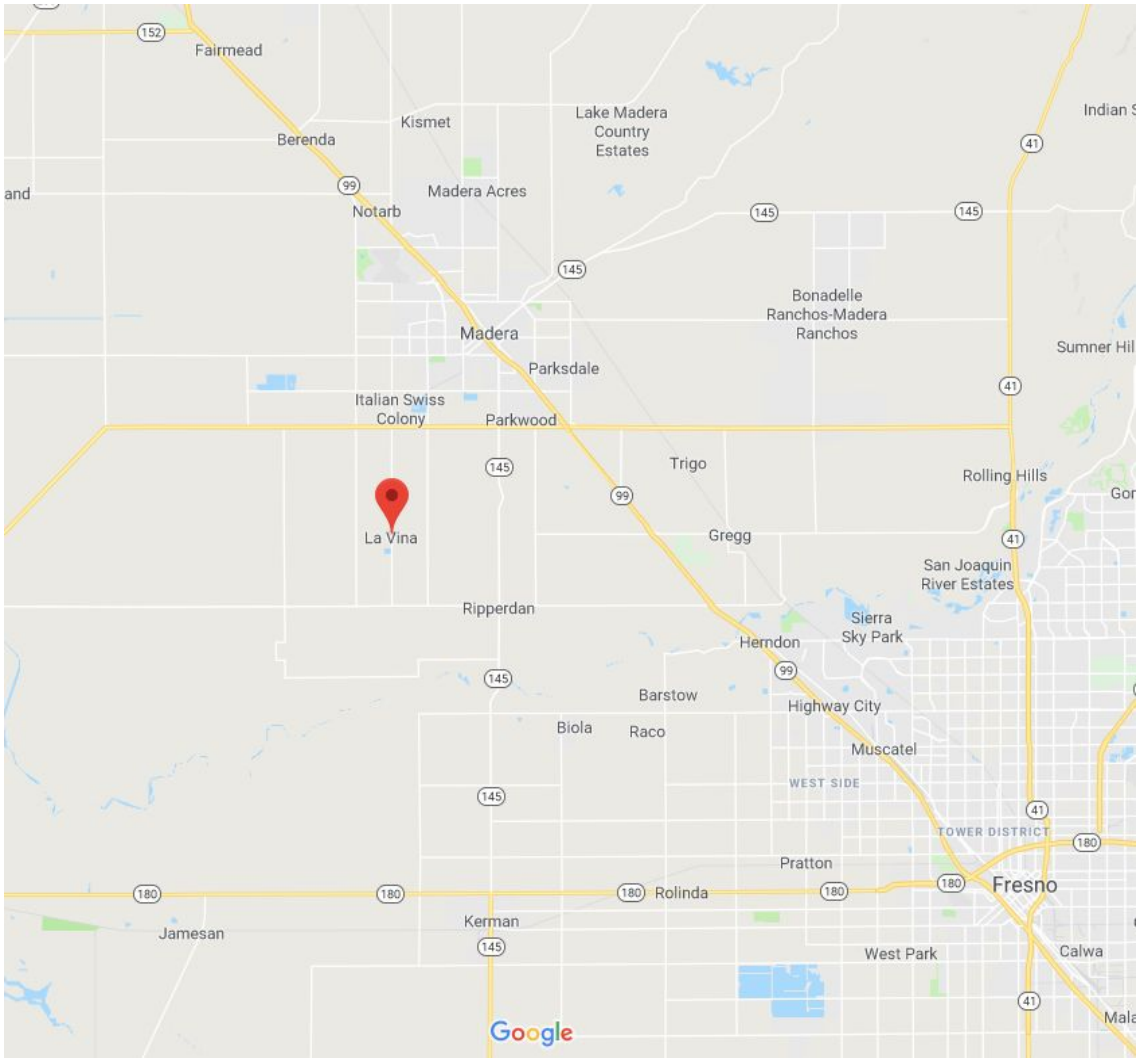
Good afternoon,

We are once again writing to nominate the community of La Viña for the AB617 program for the second consecutive year, and to update you on the current air quality concerns of the community. We are grateful for the opportunity to collaborate with the San Joaquin Valley Air Pollution Control District and the California Air Resources Board on ensuring that communities in need of air monitoring and pollution reduction plans are able to access these resources without needlessly competing with one another for access to breathable air during an unprecedented wildfire season and respiratory pandemic.

Some of the context provided below regarding the community's disproportionate pollution burden is information that we have provided to the SJVAPCD, Madera County, and to CARB through last year's AB617 nomination process, comment letters, public comments, and in-person and telephonic meetings with staff and elected officials over the course of the past year, much of which continues to go unaddressed. That said, we will also provide updated information regarding current conditions on the ground and recent data obtained from the Madera County Agricultural Commissioner.

I. Introduction to La Viña

As you may recall from our 2019 nomination, La Viña is a small Disadvantaged Unincorporated Community in Madera County in census tract 6039001000 between Road 24 and Road 23 ½ along Avenue 9. The vast majority of the population in this small community is Latinx, predominantly with familial roots in Mexico. The community was initially settled by farmworkers, and many residents still work in agriculture today. The most current American Community Survey data from 2017 reports that the community has a population of 288 people, 95.1% of whom have incomes below the poverty line[1]. That said, La Viña is most likely a severely undercounted community, since Madera County reports 178.6 connections to the small community water system they operate[2]. (Nearly all of these connections are single family homes or apartments with multiple residents.)



La Viña's location on Google Maps in relation to other communities and cities in the Central Valley.

[1] U.S. Census Bureau (2017). *American Community Survey 5-year estimates.* Retrieved from *Census Reporter Profile page for La Vina, CA*<http://censusreporter.org/profiles/16000US0640872-la-vina-ca/>
[2]Madera County MD-37 Water and Sewer Rate Study. Bartle Wells Associates. May 3, 2019.

II. Known Need for Air Quality Monitoring/Air Quality Concerns

The community is surrounded by almond and walnut orchards and vineyards, with no buffer whatsoever between sensitive land uses such as residences, play structures for children, and La Viña Elementary School. On the edges of the community, residents' homes line up to rows of almond and walnut trees which create air quality concerns for residents who are directly exposed to pesticides for much of the year in addition to the thick clouds of dust which cover the community during the nut harvesting season.

Residents report that crop-duster planes regularly spray pesticides directly over their homes en route to the fields without notice. Even when the planes are not spraying directly overhead, or when pesticides are applied from tractors, the proximity of the fields makes it impossible for the community to not be impacted by wind drift, which carries the pesticides into people's homes through their heating and cooling systems, and directly onto those outside. Residents share that the almond harvest wreaks additional havoc on the respiratory health and overall wellness of their community. Dust kicked up by the almond harvesting equipment plummeting through the fields clouds the community and enters homes, leaving residents no escape from breathing in dangerous particles.

According to their local elected official, La Viña is also one of the communities most impacted by COVID-19 in Madera County, and our organization works with residents who have tested positive, been hospitalized, and spent time in the ICU due to COVID-19. As the community battles the novel coronavirus, we've received reports of pesticide spraying in the fields lining up to people's homes causing nausea, achy bones, and headaches. Additionally, the almond harvest kicks into full swing this month, the community will be once again covered in a heavy cloud of dust, and folks with COVID-19, asthma, and other respiratory conditions struggle even more to breathe.

A. Data from CalEnviroScreen

Anecdotal reports from residents are consistent with CalEnviroScreen data at the census tract level. Census tract 6039001000 stands at the 95 percentile for PM2.5 with a concentration of 13.730 micrograms per meter cubed, and at the 91 percentile for pesticide application, with an estimated 1,606.395 pounds of active ingredients-- the most common of which are the toxic

1,3-Dichloropropene[3], Potassium N Methyldithiocarbamate[4], Chlorothalonil[5], Hydrogen Cyanamide[6], and Chlorpyrifos[7]-- used per square mile[8].

B. Department of Pesticide Regulation Data: Geographically Specific Information

However, while the CalEnviroScreen data listed above is certainly helpful and reflective of the air quality concerns that residents regularly report in La Viña, it most likely does not accurately reflect the disparate impacts that the community faces *within* the census tract they share with differently situated communities. For example, across Highway 99 from La Viña in the same census tract lies Madera Ranchos, a predominantly white and upper-middle class community that is also surrounded by agricultural land uses, yet faces significantly less pesticide exposure.

According to DPR data,[9] which presents a more localized picture of pesticide exposure by utilizing data from pesticide use reports, residents in La Viña are consistently exposed to more pesticides than their neighbors in Madera Ranchos. DPR's data regarding the poundage of pesticides applied each year to the La Viña township consistently hovers around 1million pounds per year (ranging from 888,088 lbs to 1,098,307 lbs in recent years)[10] while the data corresponding to their neighbors in Madera Ranchos' tends to hover around 300,000 pounds per year (ranging from 245,936 lbs to 370,672 in recent years)[11]. As a result, depending on the year, La Viña as a township is applied with anywhere between 2.5 and 4.3 times more pesticides than

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[3] 1,3 Dichloropropene. https://www.epa.gov/sites/production/files/2016-09/documents/1-3-dichloropropene.pdf

[4] RED Fact Sheet: Methyldithiocarbamate Salts - Metam Sodium/Potassium and MITC, US Environmental Protection Agency Office of Pesticide Programs. July 10, 2008. https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/fs_G-56_10-Jul-08.pdf

[5]Chlorothalonil-- toxicity, side effects, diseases, and environmental impacts, Pesticides.News. December 7, 2017. https://www.pesticides.news/2017-12-07-chlorothalonil-toxicity-side-effects-diseases-and-environmental-impacts.html

[6] "Hydrogen cyanamide* is used in agriculture as a plant growth regulator and is applied to many deciduous plants to stimulate uniform budbreak after dormancy, resulting in uniform flowering and maturity. Hydrogen cyanamide is highly toxic, and adverse health effects from contact include severe irritation and ulceration of the eyes, skin, and respiratory tract (*1,2*). The substance also inhibits aldehyde dehydrogenase and can produce acetaldehyde syndrome (e.g., vomiting, parasympathetic hyperactivity, dyspnea, hypotension, and confusion) when exposure coincides with alcohol use." Morbidity and Mortality Weekly Report: April 29, 2005. Update: Hydrogen Cyanamide-- Related Illnesses-- Italy 2002-2004. https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5416a3.htm

[7] "California Acts to Prohibit Chlorpyrifos Pesticide," Barnum, Alex and Fadipe, Charlotte. California Environmental Protection Agency. May 8, 2019. Accessed via: https://calepa.ca.gov/2019/05/08/california-acts-to-prohibit-chlorpyrifos-pesticide/

[8] CalEnviroScreen 3.0, California Office of Environmental Health Hazard Assessment. Accessed September 2019 at https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30

[9] Tracking California, Public Health Institute. Agricultural Pesticide Mapping Tool. Accessed September 2019 from www.trackingcalifornia.org/pesticides/pesticide-mapping-tool.

[10] DPR time series for Township #20M12S17E

[11] DPR time series for Township #20M11S19E

Madera Ranchos, an alarming racial and economic disparity not represented by the census tract data.

DPR data also includes a list of the 10 most heavily applied pesticides in each township section. In La Viña, toxic chemicals such as 1,3 Dichloropropene, Chlorpyrifos, Glyphosate, and Hydrogen Cyanamide appear on these lists among other harmful pesticides, herbicides, and fungicides.

As a result, it is no wonder that, at our community meetings with La Viña residents each month, community leaders share with us stories about community health concerns that they believe stem from environmental impacts including air quality. They reinforce that these issues are of utmost concern and a primary priority for their community, and have repeatedly brought up how nearly each household in the community is plagued by asthma, cancer, and other potentially lethal health concerns. These underlying, chronic health conditions which appear to be caused by industry's pollution of the environment make it even harder for the community to battle the COVID-19 pandemic. For instance, one resident shared, "this issue [of air quality] is a top priority for us. Because if you look around our community, just about every family is directly affected by asthma. If it's not the kids that have asthma, then it's the parents, or the grandparents. Everyone here has or knows someone who has asthma or some other condition."

C. Updated Pesticide Data from the Madera County Agricultural Commissioner

Following submission of a Public Records Act request in June, our organization received Notice of Intent reports from the Madera County Agricultural Commissioner on July 17th, 2020 between the months of February and June 2020. The information gleaned from these approved Notices of Intent confirm what CalEnviroScreen, the DPR data tool, and the community's residents tell us: dangerous, toxic chemicals such as Paraquat and 1,3 Dichloropropene are utilized in significant quantities nearby the community on a regular basis. For example, the Madera County Agricultural Commissioner approved a Notice of Intent to fumigate 1,072 gallons of 1,3 Dichloropropene on parcels adjacent to and bordering La Viña Elementary School on Wednesday, March 25th at 1:29pm. (The 2017 data available to us through DPR's data tool reported that over 21,000 pounds of the fumigant 1,3 Dichloropropene were applied to the parcels directly surrounding the homes and elementary school in the community during that year alone.)

III. Community Capacity and Commitment for Involvement in AB617

Despite the challenges, disparate air quality concerns, and health hazards that this community faces, it is a vibrant and cohesive community of hard-working families who are committed to protecting and improving the place they call home.

Our organization partners with a dedicated community group of about 40 La Viña residents, with whom we have been working for several years. This group has succeeded in pushing Madera County to apply for several grants to implement clean mobility infrastructure in the community, accomplish long-needed road repairs, and establish a resident sub-committee that holds working meetings with the County each month to discuss the path forward on community priorities. Beyond pursuing clean mobility infrastructure at the County level (which has remained a top priority for the community over the years), the community was also selected to benefit from the CPUC San Joaquin Valley Solar Energy Pilot, which will ensure that households reliant on propane or wood-burning for energy convert to electric, and will bring solar energy infrastructure to the community.

In addition to these successes and ongoing efforts, residents we work with in La Viña also established a list of policy changes they would like to see at the local level to achieve emissions reductions.[12] Furthermore, our organization and CCEJN are partnering with the community to potentially install air monitors.

Self Help Enterprises (SHE) also has a long-standing partnership with and presence in the community. SHE developed a multi-family housing apartment complex and a subdivision of single family homes in the community decades ago, and continues to regularly partner with the community on an ongoing basis for the operation and maintenance of a community center as well as for local, regional, and statewide advocacy work.

Given the unique needs for air monitoring and the capacity and commitment of residents to be involved in the creation of a pollution reduction plan, our organization urges the SJVAPCD and CARB to take this community into consideration as a recipient of the resources and programming AB617 has to offer. Please do not hesitate to reach out should you have any questions. Once again, we thank you for the opportunity to collaborate in developing localized solutions to air quality concerns in frontline communities, and we look forward to further discussing solutions with you and with La Viña residents.

Gratefully,

Madeline Harris
Policy Advocate

[12] We have attached this list to this nomination letter for your reference. The community initially shared this list of priorities with the SJVAPCD, CARB, DPR, and Madera County in February 2020.

[Sent via email]

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Jaime Holt, Communications Officer
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California Air Resources Board
Veronica Eady, Assistant Executive Officer
veronica.eady@arb.ca.gov

September 18, 2019

Good afternoon,

We are writing regarding the AB617 program nomination process and to bring to your attention the distinct air quality concerns of the community of La Viña, CA, which was included in our organization's AB617 nominations for this year. We are grateful for the opportunity to collaborate with the San Joaquin Valley Air Pollution Control District and the California Air Resources Board on ensuring that communities in need of air monitoring and pollution reduction plans are able to access these resources.

I. Introduction to La Viña

La Viña is a small Disadvantaged Unincorporated Community in Madera County in census tract 6039001000 between Road 24 and Road 23 ½ along Avenue 9. The vast majority of the population in this small community is "Hispanic"/Latinx, predominantly with familial roots in Mexico. The community was initially settled by farmworkers, and many residents still work in agriculture today. The most current American Community Survey data from 2017 reports that the community has a population of 288 people, 95.1% of whom have incomes below the poverty line[1]. That said, La Viña is most likely a severely undercounted community, since Madera County reports 178.6 connections to the small community water system they operate[2]. (Nearly all of these connections are single family homes or apartments with multiple residents.)

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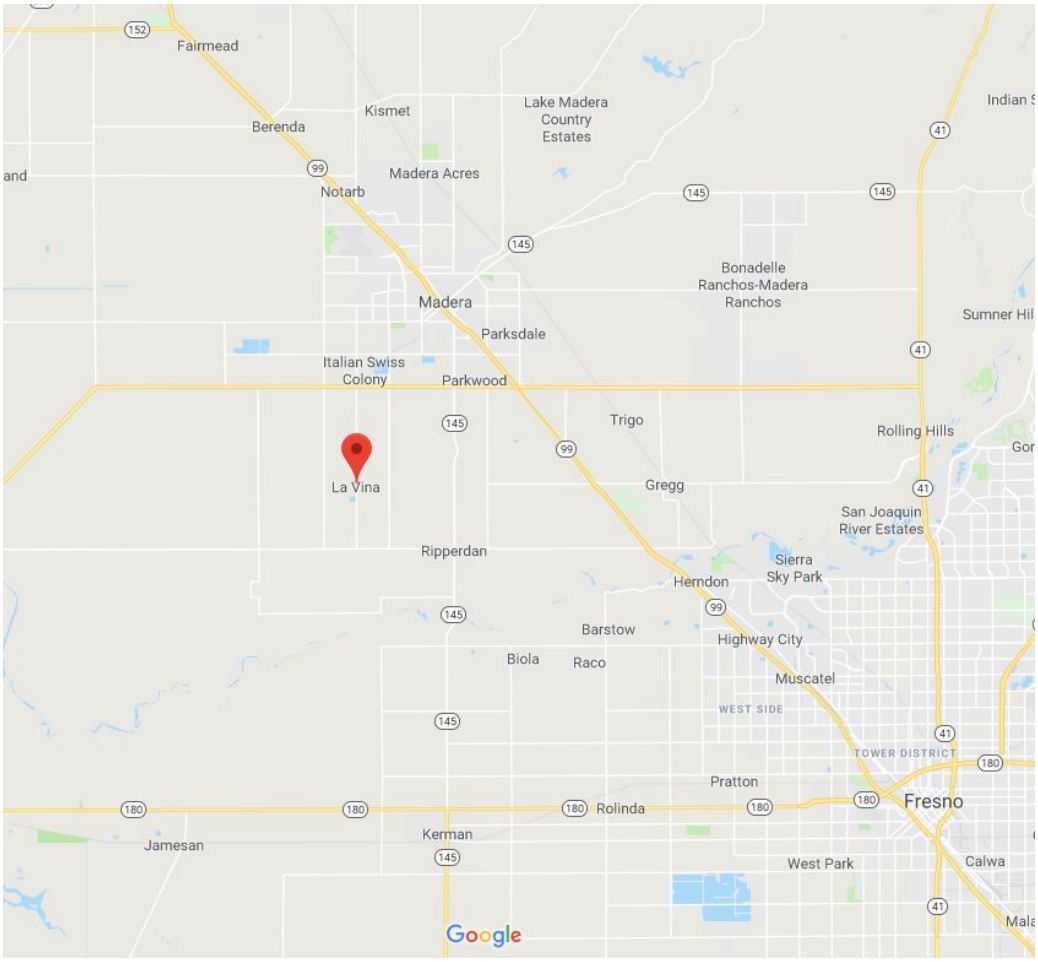

La Viña's location on Google Maps in relation to other communities and cities in the Central Valley.

II. Known Need for Air Quality Monitoring/Air Quality Concerns

As indicated by the community's name, it has been historically surrounded by vineyards. More recently, as grape fields were converted to more popular, yet water intensive, cash crops, the community became enclosed by almond and walnut orchards in addition to the remaining vineyards. On the edges of the community, residents' homes line up to rows of almond and walnut trees which create air quality concerns for residents who are directly exposed to pesticides for much of the year in addition to the thick clouds of dust which cover the community during the nut harvesting season.

Residents report that crop-duster planes regularly spray pesticides directly over their homes en route to the fields without notice. Even when the planes are not spraying directly overhead, the proximity of the fields makes it impossible for the community to not be impacted by wind drift, which carries the pesticides into people's homes through their heating and cooling systems, and directly onto those outside. Residents also shared that almond growers, in an effort to expand the

production season, have begun growing two varieties of almond trees around the community--one that is harvested beginning in the late summer, and another that is harvested in the early fall. As a result of the extended harvest season, the pesticide application season has been expanded as well, exposing La Viña residents to harmful dust particles and to pesticides for months on end each year and further exacerbating the air quality problems plaguing the community.

Residents share that the almond harvest wreaks additional havoc on the respiratory health and overall wellness of their community. Dust kicked up by the almond harvesting equipment plummeting through the fields clouds the community and enters homes, leaving residents no escape from breathing in dangerous particles. Since growers have extended the harvest season, residents inhale the dust for double the time that they used to each year.

A. Data from CalEnviroScreen

These anecdotal reports from residents are consistent with CalEnviroScreen data at the census tract level. Census tract 6039001000 stands at the 95 percentile for PM2.5 with a concentration of 13.730 micrograms per meter cubed, and at the 91 percentile for pesticide application, with an estimated 1,606.395 pounds of active ingredients-- the most common of which are the toxic 1,3-Dichloropropene[3], Potassium N Methyldithiocarbamate[4], Chlorothalonil[5], Hydrogen Cyanamide[6], and Chlorpyrifos[7]-- used per square mile[8].

B. Department of Pesticide Regulation Data: Geographically Specific Information

However, while the CalEnviroScreen data listed above is certainly helpful and reflective of the air quality concerns that residents regularly report in La Viña, it most likely does not accurately

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[8] CalEnviroScreen 3.0, California Office of Environmental Health Hazard Assessment. Accessed September 2019 at https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30

reflect the unique challenges that the community faces *within* a census tract that they share with differently situated communities. For example, across Highway 99 from La Viña in the same census tract lies Madera Ranchos, a predominantly white and upper-middle class community that is also surrounded by agricultural land uses, yet faces significantly less pesticide exposure.

According to DPR data,[9] which presents a more localized picture of pesticide exposure by utilizing data from pesticide use reports, residents in La Vina are consistently exposed to more pesticides than their neighbors in Madera Ranchos. DPR's data regarding the poundage of pesticides applied each year to the La Viña township consistently hovers around 1million pounds per year (ranging from 888,088 lbs to 1,098,307 lbs in recent years)[10] while the data corresponding to their neighbors in Madera Ranchos' tends to hover around 300,000 pounds per year (ranging from 245,936 lbs to 370,672 in recent years)[11]. As a result, depending on the year, La Viña as a township is applied with anywhere between 2.5 and 4.3 times more pesticides than Madera Ranchos, an alarming racial and economic disparity not represented by the census tract data.

DPR data also includes a list of the 10 most heavily applied pesticides in each township section. In La Viña, toxic chemicals such as 1,3 Dichloropropene, Chloripyrifos, Glyphosate, and Hydrogen Cyanamide appear on these lists among other harmful pesticides, herbicides, and fungicides.

As a result, it is no wonder that, at our community meetings with La Viña residents each month, community leaders share with us stories about community health concerns that they believe stem from environmental impacts including air quality. They reinforce that these issues are of utmost concern and a primary priority for their community, and have repeatedly brought up how nearly each household in the community is plagued by asthma, cancer, and other potentially lethal health concerns. For instance, one resident shared, "this issue [of air quality] is a top priority for us. Because if you look around our community, just about every family is directly affected by asthma. If it's not the kids that have asthma, then it's the parents, or the grandparents. Everyone here has or knows someone who has asthma or some other condition."

III. Community Capacity and Commitment for Involvement in AB617

[9] Tracking California, Public Health Institute. Agricultural Pesticide Mapping Tool. Accessed September 2019 from www.trackingcalifornia.org/pesticides/pesticide-mapping-tool.
[10] DPR time series for Township #20M12S17E
[11] DPR time series for Township #20M11S19E

Despite the challenges, disparate air quality concerns, and health hazards that this community faces, it is a vibrant and cohesive community of hard-working families who are committed to improving the place they call home.

A dedicated community group of about 40 La Viña residents who have been working with our organization for several years recently succeeded in pushing Madera County to invest in their community for the first time in decades, achieving long-needed road repairs and the establishment of a four-person resident committee that holds working meetings with the County each month to discuss the path forward on community priorities.

In addition to our organization, Self Help Enterprises has a long-standing partnership with and presence in the community. Self Help Enterprises developed a multi-family housing apartment complex and a subdivision of single family homes in the community decades ago, and continues to regularly partner with the community on an ongoing basis for the operation and maintenance of a community center as well as for local, regional, and statewide advocacy work.

Given the unique needs for air monitoring and the capacity and commitment of residents to be involved in the creation of a pollution reduction plan, our organization hopes that the SJVAPCD and CARB will take this community into consideration as a recipient of the resources and programming AB617 has to offer. Please do not hesitate to reach out should you have any questions. Once again, we thank you for the opportunity to collaborate in developing localized solutions to air quality concerns in the most affected communities, and we look forward to discussing solutions for La Viña further.

Sincerely,

Madeline Harris
Policy Advocate

Community List of Demands to Improve Air Quality in La Viña

1. Immediately institute a 1 mile buffer zone around the community to provide distance between the fields and the community. Leverage the Madera County land fallowing program (a local component of SGMA implementation) to incentivize or require growers surrounding the community to fallow the land adjacent to the community.

2. Urgently implement pesticide reduction strategies. 1 million pounds per year (in the township surrounding La Viña) is just too much! Regulate shifts to a more sustainable and agroecological way of growing that requires fewer pesticides. It doesn't have to be this way.

3. CARB and the San Joaquin Valley Regional Pollution Control District must select La VIña as an AB617 community next year.

4. The Madera County Ag Commissioner must come into compliance with CA Code section 6432(a) and not approve Notices of Intent near sensitive land uses where substantial adverse environmental impacts may occur.
    a. Compliance with these requirements should then, in effect, prohibit the use of all restricted materials in the area surrounding La Vina (DPR township # 20M12S17E).

5. The Madera County Ag Commissioner must also affirmatively and proactively investigate possible pesticide drift, rather than depending solely on a complaint-driven process. Other agencies (including CARB) should mandate, support, and fund this proactive enforcement. (CARB can fund pesticide-drift catching technology and staff time for ag commissioners to routinely check for pesticide drift in ag-adjacent communities, especially during timeframes relevant to NOIs). Investigation results and NOIs must also be immediately, publicly posted in English and Spanish (and/or any other relevant languages where other communities in the County are concerned).

6. Prohibit the use of crop dusters/aerial application in the township surrounding La Viña (and require growers surrounding La Viña to instead apply pesticides from tractors or using other emissions-mitigating methods) to prevent drift when it is windy. (The agricultural commissioner should also inspect the tractors used for pesticide application, because residents report that many tractors used for pesticide application have open cabins, exposing workers to toxins while applying.)

7. The Air District must immediately and permanently ban agricultural burning and domestic garbage burning, and enforce that ban through proactive inspection/investigation (*not* just complaint-driven). (For example, the air district should install and regularly check monitors in La Viña, and investigate proactively and contemporaneously, according to incoming monitor data. They should also go to the site in question *immediately* upon receiving a call to find the source of the burn in order to enforce this ban on burning.) Additionally, the air district should conduct robust outreach in the community to make complaint numbers/hotlines widely known and available for when burning incidents occur.

8. Better monitor and track bus, truck vehicle, and ag equipment emissions, and work with the community to identify and implement solutions as soon as possible.

9. CARB and the air district must commit to collaborating with Madera County and La Viña residents to prioritize this community for clean mobility funding (ie STEP, ATP, and Bikeway Incentives Grant funds).

10. CARB, OCAP, DPR, SJVAPCD, Madera County Ag Commissioner, and Madera County staff must agree to convene in the community in three months to bring updates on their work to meet follow through on these community demands and discuss additional next steps.