

African American Farmers of California
Ag Council
Almond Alliance
California Apple Commission
California Blueberry Commission
California Citrus Mutual
California Cotton Ginners and Growers
Association
California Fresh Fruit Association
California Tomato Growers Association
California Wild Rice Advisory Board
Fresno County Farm Bureau
Kings County Farm Bureau

Madera County Farm Bureau
Merced Farm Bureau
Milk Producers Council
Nisei Farmers League
Olive Growers Council of California
Olive Oil Commission of California
Raisin Bargaining Association
San Joaquin Farm Bureau
Ventura County Agriculture Association
Western Growers Association
Western Plant Health Association
Western Tree Nut Association

October 15, 2026

Areio Soltani
Planning, Rule Development and Implementation Division
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA. 91765

Re: ***Proposed Rule 1495 – Commodity Fumigation***

Dear Areio Soltani,

On behalf of the above listed organizations that grow, process and ship hundreds of commodities through our ports, we wish to provide comments on the South Coast Air Quality Management District (SCAQMD) Proposed Rule 1495 – Commodity Fumigation. As drafted, we have significant concerns from the applicability of the limits to the impact on imports and exports to and from countries that have phytosanitary restrictions and requirements based on the type of fumigant used. The proposed regulation could have serious repercussions as drafted. In many situations, the fumigations are necessary to eliminate pests and pathogens that could threaten agricultural ecosystems in importing countries. This process ensures compliance with international phytosanitary standards, preserving product quality and preventing economic losses due to pest infestations.

Overall, our biggest concern with the proposed rule is the rigidity of the specific limits applied to a facility. We believe this should be more flexible. For example, if a facility had exhaust flow rate of 5,000 cfm and a corresponding exhaust velocity higher than the 2,500 cubic the district used to model and develop the limits, could the facility use more fumigant? Many of our facilities have much higher exhaust velocities and in most cases each facility is analyzed by other air district on a case-by-case basis and individually modeled. We would encourage the SCAQMD to do that here.

Second, the regulation appears to only consider “emergency fumigations” as those required under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Fumigation is often a mandatory condition of market access rather than a discretionary practice. Certain importing countries require specific fumigants and treatment protocols, leaving exporters with limited flexibility. We would like to request that the District establish a compliance pathway for treatments required under international phytosanitary agreements. We are concerned that the regulation as drafted could limit the ability to meet importing-country requirements. Any disruption to fumigation availability could delay shipments, increase or even jeopardize market access.

The notification requirements in Section (h) of the rule for the Executive Officer to be notified at least 24 hours prior to the fumigation is duplicative of the current requirement to notify the County Ag Commissioner. In addition, the mandatory reporting within 72 hours after the fumigation is extraordinarily burdensome that serves very little purpose. We recommend utilizing the existing County Ag Commissioner process.

We are concerned with the fumigation emission limitations set forth in the rule. If they are based on worst case modeling, what rate did the aeration system exhaust the fumigant? Was it all in the first hour, or spread over time? Based on what is in the staff report, it appears to be continuous over a specified amount of time. This would appear to overestimate the emissions which we know decay as the fumigant is aerated and dispersed. The SCAQMD should explain how this estimate was derived, and can it be revised to reflect actual emissions over the time of the aeration? In addition, we recommend that limits be established on a facility basis, considering facility specific conditions.

With regards to the source test methods set forth in Section (f) of the rule, it only specifies Method 25, 25A, 25B or 25D which are for total gaseous organic compounds. These proposed methods are not suitable or appropriate methods for measuring sulfuric fluoride or phosphine. This needs to be addressed in the regulation.

In closing, we want to thank you for the opportunity to comment on the proposed regulation and look forward to seeing the next draft of the regulation. Should you have any questions regarding our comments, please feel free to contact me at (559)455-9272 or via email at roger@wtna.org.

Sincerely,

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