United States Department of Agriculture
Office of the Chief Economist
Office of Pest Management Policy
1400 Independence Avenue, SW
Washington, D.C. 20250-3810

November 9, 2026

Mr. Arieo Soltani
Program Supervisor
Planning, Rule Development, and Implementation
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: USDA Office of Pest Management Policy Comments on South Coast Air Quality Management District Proposed Rule 1495 – Commodity Fumigation

Dear Mr. Soltani:

Thank you for the opportunity to comment on South Coast Air Quality Management District's (SCAQMD) Proposed Rule 1495 – Commodity Fumigation, announced on September 18, 2026, at https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-1495. We value the efforts of the SCAQMD, the Los Angeles County Agricultural Commissioner, the California Air Resources Board (CARB), and the California Department of Pesticide Regulation to establish and monitor compliance with regulations on toxic air contaminants. We appreciate the time and effort SCAQMD has taken to keep stakeholders informed throughout this rulemaking process.

The USDA Office of Pest Management Policy (OPMP) was established by the Agricultural Research, Extension, and Education Reform Act of 1998. OPMP's primary responsibilities include outreach to agricultural producers that may be affected by pest management or pesticide policy and ensuring the coordination of activities of Federal and State agencies. Through communication and outreach, our goal is to ensure that the interests of agricultural producers are considered in policy related to pesticides and pest management and that such policies are designed to minimize impacts on agricultural producers while avoiding risks to human health and the environment.

Ports in the State of California, and the Los Angeles/Long Beach ports in particular, are critical to U.S. agricultural import and export activities. The State of California had the highest value of agricultural exports in 2025, compared to other states. The Los Angeles, CA Customs District, which includes the Los Angeles and Long Beach ports, recorded the third highest value of agricultural imports for any Customs District in 2025, with nearly $20 billion in agricultural imports. A significant portion of these imports and exports are raw commodities which may require fumigation at some point upon arrival or prior to export.

The damage from and management of invasive species in agriculture poses substantial costs to agricultural producers and taxpayers each year. Managing invasive species pre-invasion has proven to be vastly more cost-effective than post-invasion management. In recent decades, a large portion of methyl bromide fumigation has been eliminated or replaced by systems approaches or alternative fumigants, owing in large part to the research and regulatory efforts of the USDA Agricultural Research Service (ARS) and the USDA Animal Plant Health and Inspection Service (APHIS), respectively. But methyl bromide fumigation remains a critically important tool for agricultural trade and the protection of the U.S. food supply and national security.

Specific to the Proposed Rule 1495, OPMP is offering three recommendations. First, we recommend that SCAQMD coordinate with USDA APHIS to ensure that the rule reflects a thorough understanding of fumigation regulations specific to the Montreal Protocol agreements and FIFRA Section 18 Emergency Exemptions; current requirements related to import, export, and quarantine fumigations and the feasibility of prior reporting of these treatments; and how each of these activities may be related to the elevated methyl bromide readings collected by CARB in 2023 and 2024. This will help to design the rule, to the extent possible, to accommodate import, export, and quarantine fumigation needs now and into the future, while also achieving human health protections.

Second, we note that sulfuryl fluoride and phosphine are currently the two primary alternatives to methyl bromide for post-harvest commodity fumigations. To further regulate these three chemicals simultaneously requires careful consideration and analysis to avoid costly and potentially unanticipated impacts to agriculture and related industries. If regulation is needed for all three chemicals, we recommend separate rulemaking for each to provide the opportunity for SCAQMD to consider the various use and risk profiles of each chemical individually.

Finally, we note from Appendix A in the Preliminary Draft Staff Report that the emissions levels in the tables in the proposed rule were established based on three sets of parameters regarding release height and exit velocity. We recommend the SCAQMD consider an alternate path, either in lieu of or in addition to the current tables: conduct site-specific risk assessments for facilities that can provide data indicating their ability to achieve the necessary protections through current and proposed methods. Going forward, this could provide a path for existing facilities to update their risk profile through site-specific mitigations rather than relocate or shut down operations as receptor locations are likely to proliferate and/or locate closer to existing fumigation sites over time.

OPMP would welcome the opportunity to provide SCAQMD with additional information and context on the agricultural need for fumigation and policy design that could be equally protective of human health while also preserving the benefits of these uses for agricultural producers. Please contact Michelle Ranville, michelle.ranville@usda.gov, or me at julie.vanalstine@usda.gov if you would like to discuss further.

Sincerely,

Julie Van Alstine
Digitally signed by Julie Van Alstine
Date: 2026.11.09 10:18:59 -05'00'
Director, Office of Pest Management Policy