California Agricultural Commissioners and Sealers Association

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Department of Fish and Game

Department of Pesticide Regulation

Pesticide/Wildlife Incident Response Plan

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Pesticide/Wildlife Incident Response Plan

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Chapter 1

Pesticide/Wildlife Incident Response Plan

Chapter 1

Pesticide/Wildlife Incident Response Plan

Overview

Purpose

The Pesticide/Wildlife Incident Response Plan (PWIRP) is designed to foster greater communication, cooperation, and coordination of joint responsibilities resulting from incidents associated with pesticide use and wildlife.

Background

This PWIRP is the result of a 1995 Memorandum of Understanding between the California Agricultural Commissioners and Sealers Association, the Department of Fish and Game, and the Department of Pesticide Regulation.

Scope

The PWIRP outlines procedures and guidelines for the California Agricultural Commissioners and Sealers Association, Department of Fish and Game, and the Department of Pesticide Regulation when responding to incidents involving non-target fish and wildlife resources [wildlife (Fish and Game Code Section 711.2)].

Roles of the various agencies

The roles of the county agricultural commissioner, Department of Fish and Game, and the Department of Pesticide Regulation are discussed below.

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Role of the Department of Fish and Game	1-3
Role of the Department of Pesticide Regulation	1-4

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Pesticide/Wildlife Incident Response Plan, Continued

Role of the county agricultural commissioners

Local administration of the Department of Pesticide Regulation's (DPR's) pesticide regulatory program is the responsibility of the county agricultural commissioner (commissioner), with coordination and training provided by DPR. The commissioner has the responsibility and authority to:

Enforce pesticide laws and regulations;

Evaluate permit requests for the use of pesticides;

Monitor and inspect pesticide handling and use operations;

Investigate suspected pesticide misuse, episodes that may involve potential or actual human illness or injury, property damage, loss, or contamination;

Take enforcement action against violators; and

Investigate fish or wildlife kills alleged to be the result of the use or presence of a pesticide.

Commissioners determine the level of compliance with laws and regulations governing pesticide use and take appropriate enforcement action whenever necessary to ensure compliance. The commissioner works in cooperation with the Department of Fish and Game (DFG), DPR, and other agencies involved in carrying out these investigations.

Continued on next page

Pesticide/Wildlife Incident Response Plan, Continued

Role of the Department of Fish and Game

The Department of Fish and Game (DFG) has two roles:

- 1. Wardens from the seven DFG regions enforce the statutes and regulations of the Fish and Game Code and the California Code of Regulations, Title 14, to protect the fish and wildlife resources of the State of California.
- 2. The Pesticide Investigations Unit provides assistance to DFG Regional wardens, commissioners' staff, and DPR staff in the investigation of pesticide-related fish and wildlife losses.

Assistance of the Pesticide Investigations Unit may include:

Developing training programs for sample collection procedures;

Collecting samples from the site of an incident;

Performing necropsies and excision of tissue samples for pesticide residue analysis;

Conducting toxicity tests and chemical analyses;

Interpreting and providing written reports on sample analysis results; and Developing pesticide use mitigation strategies to protect non-target fish and wildlife from exposure to pesticides.

Continued on next page

Pesticide/Wildlife Incident Response Plan, Continued

Role of the Department of Pesticide Regulation The Department of Pesticide Regulation (DPR) is the lead agency for pesticide regulation in California. DPR regulates the registration, sale, and use of pesticides, in order to protect the public health and the environment pursuant to the Food and Agricultural Code.

The Director of DPR (Director) is responsible for enforcing Food and Agricultural Code Division 6 (Pest Control Operations), specific portions of Division 7 (Agricultural Chemicals), and specific portions of the California Code of Regulations, Title 3. One of the purposes of the Food and Agricultural Code is to protect the environment from harmful pesticides by prohibiting, regulating, or controlling their uses.

The Director is required to consider the effect of all pesticides upon the environment and take whatever steps are deemed necessary to protect the environment.

The Director shall consult with representatives from several agencies, including DFG, for fish and wildlife resources in establishing criteria or regulations relating to environmental injury and protection resulting from pesticide use.

Chapter 2

Notification Procedures

Chapter 2

Notification Procedures

Overview

Introduction

The following sections contain the notification procedures between the Department of Fish and Game (DFG) and the County Agricultural Commissioners (Commissioners)/Department of Pesticide Regulation (DPR).

In these procedures

The notification procedures contain the following topics.

Topic	See Page
Department of Fish and Game Procedures to Follow for the	2-2
Initial Report of Loss	
County Agricultural Commissioners/Department of Pesticide	2-3
Regulation Procedures to Follow for the Initial Report of Loss	

Comment

Whenever possible, representatives of all agencies work cooperatively on investigating the loss and keeping all parties notified of information obtained and divulged. It is imperative that the local DFG warden and the commissioner communicate directly on the investigation of fish and wildlife losses suspected from pesticide or other agricultural chemical usage.

A final summary report is to be prepared by the DFG's, Pesticide Investigations Unit, in consultation with the DFG warden, commissioner, and DPR's Pesticide Enforcement Branch.

The final summary report is sent to the:

- 1. DFG Regional Warden;
- 2. Commissioner; and
- 3. DPR's Pesticide Enforcement Branch.

Department of Fish and Game Procedures to Follow for the Initial Report of Loss

Introduction	This section contains the notification procedures for the DFG to follow.
Telephone report	The DFG warden (or other employee) will directly notify the commissioner of the county where the loss occurred.
	The DFG warden will also notify their Pesticide Investigations Unit that will, in turn, provide consultation on sample collection and transportation related to the investigation.
Written report	The warden's "Initial Fish and Wildlife Loss Report" is sent to DFG's regional office. A copy of the report is also sent to the commissioner and DFG's Pesticide Investigations Unit.

County Agricultural Commissioners/Department of Pesticide Regulation Procedures to Follow for the Initial Report of Loss

Introduction

This section contains the notification procedures for the Commissioners/DPR to follow.

Telephone report

The commissioner (or DPR employee) will directly notify the local office of the DFG warden (where the incident occurred). In the event the warden is unavailable, contact DFG's regional office or the Office of Spill Prevention and Response, CalTIP (Central Dispatch) telephone number, 1-888-334-2258 (1-888-DFG-CALTIP).

If the commissioner's office receives the initial notification, they will immediately contact DPR's regional office; if DPR receives the initial notification, they will immediately contact the local commissioner where the incident occurred.

The warden or other appropriate Fish and Wildlife personnel will notify DFG's regional office and the Pesticide Investigations Unit.

Written report

The commissioner will forward a written report to the DFG warden or DFG's regional office, or DPR's local regional office, if requested.

Chapter 3

Contacts

Chapter 3 Contacts

Overview

Introduction

Attached is a list of contacts for the County Agricultural Commissioner Offices, Department of Fish and Game, and the Department of Pesticide Regulation.

Attachments

Attached are the contacts for the agencies involved.

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County Agricultural Commissioner Offices	3-1
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Section 3-1

County Agricultural Commissioner Offices

COUNTY AGRICULTURAL COMMISSIONERS, and SEALERS of WEIGHTS and MEASURES Contact Information Updated on December 14, 2007

Co. Comm/Sealer	Address	Telephone/Fax	General County e-Mail/Office Hours
Alameda	224 W. Winton Ave, Rm 184	(510) 783-3928	dennis.bray@acgov.org
Dennis Bray	Havward, 94544	(510) 783-3928	M-F: 8-5
Amador	12200 Airport Road	(209) 223-6487	agriculture@co.amador.ca.us
Mike Boitano	Jackson, 95642-9527	(209) 223-3312	M-F: 8-5
Butte	316 Nelson Ave.	(530) 538-7381	butteag@buttecounty.net
Richard Price	Oroville, 95965-3318	(530) 538-7594	M-F : 8-Noon; 1-5
Calaveras	891 Mountain Ranch Rd	(209) 754-6504	agpublic@co.calaveras.ca.us
Mary Mutz	San Andreas, 95249-9709	(209) 754-6521	M-F: 8-Noon; 1-5
Colusa	100 Sunrise Blvd, Ste F	(530) 458-0580	ccag@countyofcolusa.org
Harry Krug	Colusa, 95932-3246	(530) 458-5000	M-F: 8:30-Noon; 1-5
Contra Costa	2366 A. Stanwell Circle	(925) 646-5250	emey_e@ag.account.us
Ed Meyer	Concord, 94520 - 4804	(925) 646-5732	M-F: 8-5
Del Norte	2650 Washington Blvd	(707) 464-7235	dnag@co.del-norte.ca.us
Ken Smith	Crescent City, 95531- 8627	(707) 465-6044	M-F ₃ 8-5
El Dorado/ Alpine	311 Fair Lane	(530) 621-5520	eldcag@co.el-dorado.ca.us
Bill Stephans	Placerville, 95667 - 4195	(530) 626-4756	M-F: 8-5
Fresno	1730 S. Maple Ave	(559) 456-7510	fresnoag@co.fresno.ca.us
Jerry Prieto, Jr.	Fresno, 93702-4596	(559) 456-7379	M-F: 8-5
Glenn	720 N Colusa Street, PO Box 351	(530) 934-6501	agcomm@countyofglenn.net
Mark Black	Willows, 95988	(530) 934-6503	M-F: 8-5
Humboldt	5630 S Broadway	(707) 445-7223	Jfalkenstrom@co.humboldt.ca.us
Vacant	Eureka, 95503	(707) 445-7220	M-F, 8-Noon; 1- 5
Imperial	150 S 9th Street	(760) 482-4314	agcomm@imperialcounty.net
Steve Birdsall	El Centro, 92243-2850	(760) 353-9420	M-F, 8-4
Inyo/Mono	County Srvs Bldg, 207 WSouth St	(760) 873-7860	inyomonoag@gmail.com
Georae Milovich	Bishop. 93514-3492	(760) 872-1610	M-F. 7:30-4:30
Kern	1001 S Mt. Vernon Ave	(661) 868-6300	agcomm@co.kern.ca.us
David Moore	Bakersfield, 93307-2857	(661) 868-6301	M-F, 8-5
Kings	680 N Campus Drive, Suite B	(559) 582-3211xt	agstaff@co.kings.ca.us
Tim Niswander	Hanford, 93230-5923	(559) 582-5251	M-F, 8-5
Lake	883 Lakeport Blvd	(707) 263-0217	lakecoag@co.lake.ca.us
Steve Hajik	Lakeport, 95453	(707) 263-1052	M:F, 8-5
Lassen	175 Russell Ave	(530) 251-8110	jdonnelly@co.lassen.ca.us
Jim Donnelly	Susanville, 96130-4299	(530) 257-6515	M-F, 8-5

Co. Comm/Sealer	Address	Telephone	General County e-Mail/Office Hours
Los Angeles	12300 Lower Azusa Rd	(626) 575-5451	losangag@acwm.co.la.ca.us
Kurt Floren	Arcadia, 91005	(626) 350-3242	M-Th, 7-5:30, Closed Fridays
Madera	332.Madera Ave	(559) 675-7876	commissioner@madera-county.com
Bob Rolan	Madera, 93637-5499	(559) 674-4071	M-F, 8-5
Marin	1682 Novato Blvd, 150-A	(415) 499-6700	marin.dept.ag@co.marin.ca.us
Stacy Carlsen	Novato, 94947-7021	(415) 499-7543	M-F, 9-3
Mariposa	5009 Fairgrounds Road/POBox 905	(209) 966-2075	agcomm@mariposacounty.org
Cathi Boze	Mariposa, 95338-0905	(209) 960-2056	M-F, 8-5
Mendocino	890 North Bush St	(707) 463-4208	agcomm@co.mendocino.ca.us
Dave Bengston	Ukiah, 95482-3745	(707) 463-0240	M-F, 8-Noon; 1-5
Merced	2139 Wardrobe Ave	(209) 385-7431	Ag@co.merced.ca.us
David Robinson	Merced, 95340-6495	(209) 725-3536	M-F. 8-5
Modoc	202 W 4th Street	(530) 233-6401	agcommissioner@modoccounty.us
JoeMoreo	Modoc	(530) 233 5542	M-F, 8-5
Monterey	1428 Abbott, Street	(831) 759-7325	agcomm@co.monterey.ca.us
Eric Lauritzen	Salinas, 93901	(831)759-2268	M-F, 8-5
Napa	1710 Soscol Ave, Suite 3	(707) 253-4357	agcommissioner@co.napa.ca.us
Dave Whitmer	Napa, 94559-1315	(707) 253-4881	M-F, 8-5
Nevada	255 S Auburn Street	(530) 273-2648	agdept@co.nevada.ca.us
Jeffrey Pylman	Grass Valley, 95945-7289	(530) 273-1713	M-F, 8-Noon; 1-4:30
Orange	1750 Douglass Road, Bldg D	(714) 447-7100	oc.agri.commissioner@rdmd.ocgov.com
Rick Le Feuvre	Anaheim, 92806-6031	(714) 567-6203	M-F, 8-5
Placer	11477 E Ave	(530) 889-7372	PlacerAg@placer.ca.gov
Christine Turner	Auburn, 95603-2799	(530) 823-1698	M-F, 8-5
Plumas/Sierra	208 Fairgrounds Road	(530) 283-6365	timgibson@countyofplumas.com
Tim Gibson-Acting	Quincy, 95971-9462	(530) 283-4210	M-F, 8-5
Riverside	4080 Lemon St, Rm 19/PO Box 1089	(951) 955-6365	agdept@co.riverside.ca.us
John Snyder	Riverside, 92502-1089	(951) 955-3012	M-F, 8-5
Sacramento	4137 Branch Center road	(916) 875-6603	agcomm@saccounty.net
Frank Carl	Sacramento, 95827-3897	(916) 875-6150	M-F, 7:30-4:30
San Benito	3224 Southside Road/PO Box 699	(831) 637-5344	SBenitAg@cdfa.ca.gov
Paul Matulich	Hollister, 95024	(831) 637-9015	M-F, 8-5
San Bernardino	777E Rialto Ave	(909) 387-2115	awm@awm.sbcounty.gov
John Gardner	San Bernardino, 92415-0720	(909) 387-2449	M-F, 7:30-5
San Diego	5555 Overland Ave, Bldg 3, Suite 3101	(858) 694-2741	sdcawm@sdcounty.ca.gov
Bob Atkins	San Diego, 92123-1256	(858) 565-7046	M-F, 8-5
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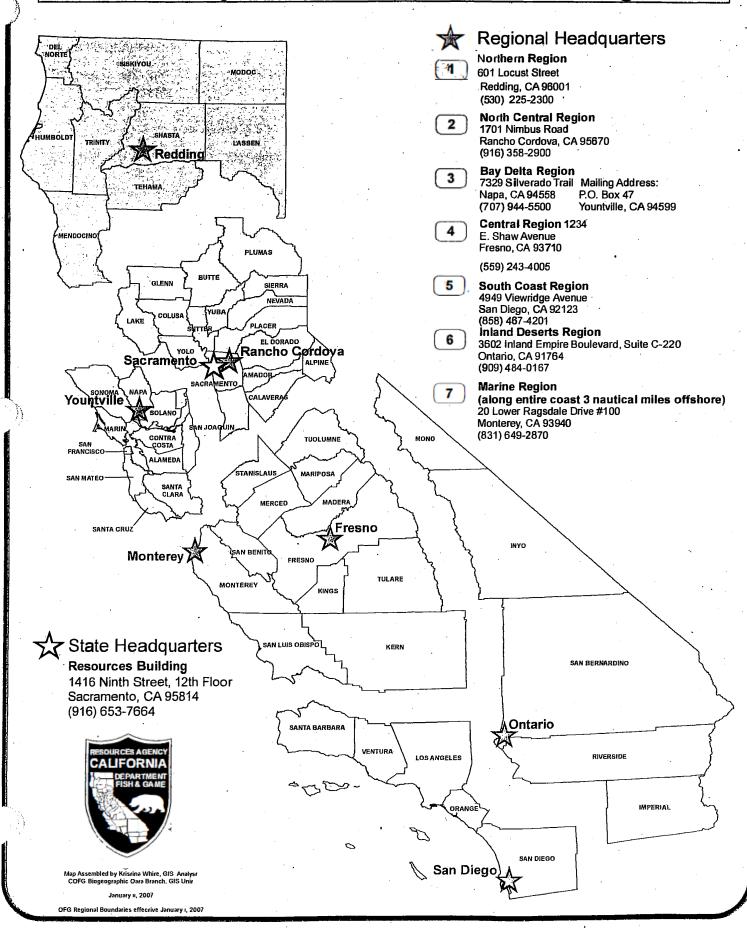
Co. Comm/Sealer	Address	Telephone/Fax	General County e-Mail/Office Hours
San Francisco	1390 Market Street, Suite	(415) 252-3830	Rajiv.Bhatia@sfdph.org
Vacant	1390 Market Street, Suite	(415) 52-3884	Carmen.Kern@sfdph.org
	San Francisco, 94102	(415) 252-3869	M-F, 8-5
San Joaquin	1868 E Hazelton Ave/PO	(209) 468-33,00	stocktonag2@co.san-joaguin.ca.us
Scott Hudson	Stockton, 95201-1809	(209) 468-3330	M-F, 8-5
San Luis Obispo	2156 Sierra Way, Suite A	(805) 781-5910	agcommslo@co.slo.ca.us
Robert Lilley	San Luis Obispo, 93401-	(805) 781-1035	M-F, 8-5
San Mateo	728 Heller Street/PO Box	(650) 363-4700	SMateoAG@co.sanmateo.ca.us
Gail Raabe	Redwood City, 94064-0999	(650) 367-0130	M-F, 8-5
Santa Barbara	263 Camino Del Remedio	(805) 681-5600	agcommissioner@co.santa-barbara.ca.us
Bill Gillette	Santa Barbara, 93110-133S	(805) 681-5603	M-F, 8-4:30
Santa Clara	1553 Berger Dr, Bldg 1	(408) 918-4600	Santa.clara@aem.sccgov.org
Greg Van Wassenhove	San Jose, 95112-2795	(408) 286-2460	M-F, 8-5
Santa Cruz	175 Westridge Drive	(831) 763-8080	Agc001@agdept.com
Ken Corbinshley	Watsonville 95076-2041	(831) 763-8255	M-F, 8-Noon; 1-6
Shasta	3179 Bechelli Lane, St 210	(530) 224-4949	shastaag@co.shasta.ca.us
Mary Pfeiffer	Redding, 96002-2041	(530) 224-4951	M-F, 8-5
Siskiyou	525 S Foothill Drive	(530) 841-4033	pgriffin@co.siskiyou.ca.us
Pat Griffin	Yreka, 96097-3090	(530) 842-6690	M-F, 8-5
Solano	501 Texas Street	(707) 784-1310	aqcomm48@solanocounty.com
Vacant	Fairfield, 94533	(707) 784-1330	M-F, 8-5
Sonoma	133 Aviation Blvd, Ste 11O	(707) 565-2371	SonomaAg@cdfa.ca.gov
Lisa Correia	Santa Rosa, 95403-2893	(707) 565-3850	M-F, 8-5
Stanislaus	3800 Cornucopia Way, Ste	(209) 525-4730	agcom50@co.stanislaus.ca.us
Dennis Gudgel	Modesto, 95358	(209) 525-4790	M-F,8-4:30
Sutter	142 -Garden Highway	(530) 822-7500	sutterag@co.sutter.ca.us
Mark Quisenberry	Yuba City, 95991-5512	(530) 822-7510	M-F, 8-5
Tehama	1760 Walnut Street/POBox	(530) 527-4504	RGurrola@tehamaag.net
Rick Gurrola	Red Bluff, 96080	(530) 529-1049	M-F, 8-Noon; 1-5
Trinity	173 Tom Bell Road/Box	(530) 623-1356	rnlockhart@trinitycounty.org
Mark Lockhart	Weaverville, 96093-1466	(530) 623-1391	M-F, 8-5
Tulare	4437 .S. Laspina Street	(559) 685-3323	gkunkel@co.tulare.ca.us
Gary Kunkel	Tulare, 93274	(559) 685-3335	M-F, 8-5
Tuolumne	22365 S Airport Rd (loc), 2 S	(209) 533-5691	Gcaseri@co.tuolumne.ca.us
Gary Caseri	Sonora, 95370-4617	(209) 533-5520	M-F, 8-5

Co. Comm/Sealer	Address	Telephone	General County e-Mail/Office Hours
Ventura- Agriculture	815 E Santa Barbara Street/PO Box	(805) 933-8415	Earl.McPhail@ventura.org
Earl McPhail	Santa Paula 93061-0889	(805) 525-8922	M-F, 7-4
Ventura - W & M	800 S Victoria Ave, # 1750	(805) 654-2444	jim.delperdanq@ventura.org
Jim Delperdang	Ventura·, 93009	(805) 654-5177	M-F, 7-5:30
Yolo	70 Cottonwood Street	(530) 666-8140	YoloAq@cdfa.ca.gov
Rick Landon	Woodland, 95695-2593	(530) 662-6094	M-F, 7-4
Yuba	915 8th Street, Ste 127	(530) 749-5400	YubaAg@co.yuba.ca.us
Louie B. Mendoza Jr.	Marysville, 95901	(530) 749-5404	M-F, 8-5
DPR Liaison	1001 I Street	(916) 445-3906	Jshattuck@cdpr.ca.gov
Jim Shattuck	Sacramento, 95814-2828	(916) 324-1452	M-F, 8-5
CDFA Liaison	1220 N Street, A-425	(916) 653-6649	Kmasuhara@cdfa.ca.gov
Kevin Masuhara	Sacramento, 95814	(916) 651-9079	M-F, 8-5

Section 3-2

Department of Fish and Game

California Department of Fish and Game Regions



DEPARTMENT OF Fish and Game 🗸

DFG Regions

1 - NORTHERN REGION

Serving Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity counties (530) 225-2300

2 - NORTH CENTRAL REGION *

Serving Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba counties (916) 358-2900

3 - BAY DELTA REGION *

Serving Alameda, Contra Costa, Marin, Napa, Sacramento, San Mateo, Santa Clara, Santa Cruz, San Francisco, San Joaquin, Solano, Sonoma, and Yolo counties (707) 944-5500

4 - CENTRAL REGION

Serving Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare and Tuolumne counties (559) 243-4005

5 - SOUTH COAST REGION

Serving Los Angeles, Orange, San Diego, Santa Barbara and Ventura counties (858) 467-4201

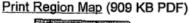
6 - INLAND DESERTS REGION

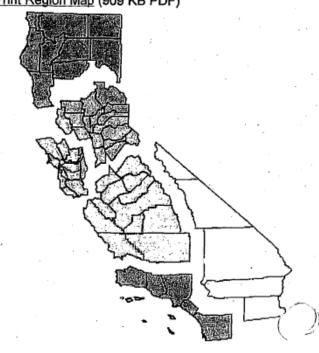
Serving Imperial, Inyo, Mono, Riverside and San Bernardino counties (909) 484-0167

7 - MARINE REGION

Serving the entire California coastline from border to border and three nautical miles out to sea (831) 649-2870

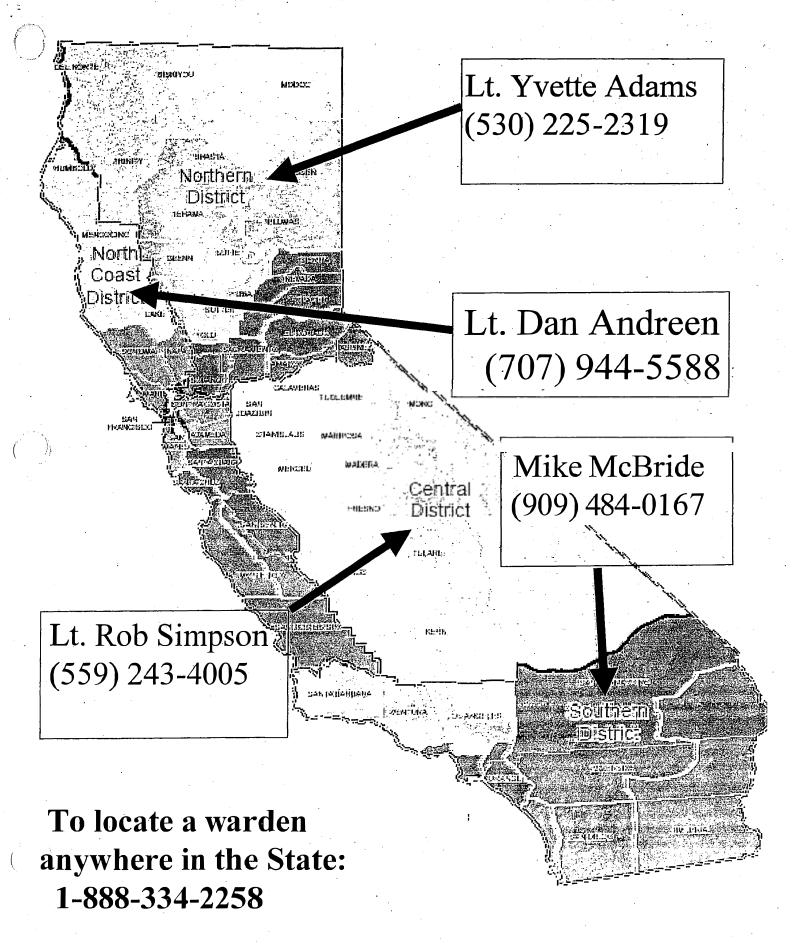
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*Note: Those portions of Sacramento, San Joaquin and Yolo counties that are south of I-80 and west of I-5 are in Region 3; the balance of those counties are in Region 2 (see detailed map).

LAW ENFORCEMENT DIVISIONS - 2007

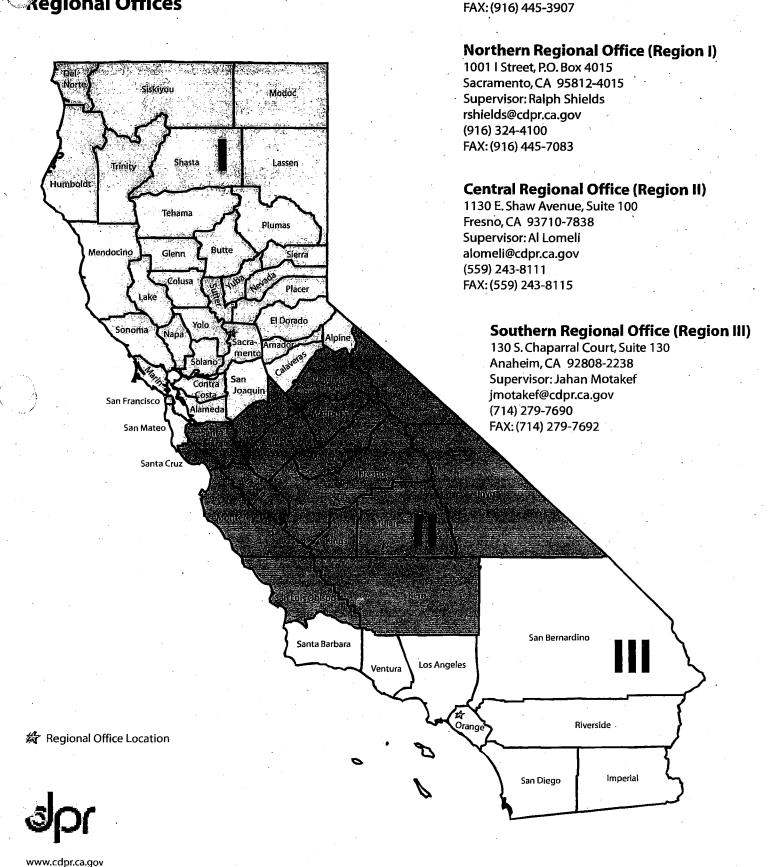


Section 3-3

Department of Pesticide Regulation

State of California Department of Pesticide Regulation Inforcement Branch Regional Offices

(rev. 8/28/07)



Sacramento Headquarters 1001 | Street, P.O. Box 4015

Sacramento, CA 95812-4015

Nan Gorder, Branch Chief

(916) 324-4100

Section A

Attachments

Memorandum of Understanding Between the Department of Fish and Game, the Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association Overview

Purpose	To ensure that pesticides registered in California are used in a manner that protects non-target fish and wildlife resources while recognizing the need for pest control.
Attachment	The Memorandum of Understanding is attached for review.

MEMBRANDUM DE UNDERSTANDING BETWEEN THE DEPARTMENT OF FISH AND GAME. THE DEPARTMENT DE PESTICIDE REGUALTION AND THE CALIFORNIA AGRICULTIRAL COMMISSIONERS AND SEALERS ASSOCIATION

BACKGROUND

The Department of Fish and Game (DFG), the Department of Pesticide Regulation (DPR), and the County Agricultural Commissioners (CACs) have responsibilities relating to the protection of fish and wildlife resources and the protection of the environment from the potentially adverse effects of pesticides. The three parties believe that the State will benefit by a unified and cooperative program to assure the protection of fish and wildlife and the environment related to the use of pesticides.

The purpose of this Memorandum of Understanding (MOU) between DFG, DFR, and the California Agricultural Commissioners and Sealers Association (CACASA) is to ensure that pesticides registered in California are used in a manner that protects non-target fish and wildlife resources while recognizing the need for pest control

SCOPE

This MOU is intended to assure that the respective authorities of DFG, DFR, and CACs relative to the protection of fish and wildlife resources from the potential adverse impacts of pesticides will be exercised in a coordinated and cohesive manner designed to eliminate overlap of activities, duplication of effort, and inconsistency of action to the benefit of the public, regulated industry, DFG, DFR, and CACs. To that end, this MOU establishes principles of agreement regarding activities of the signatory parties, identifies primary areas of responsibility and authority between the departments, provides methods and mechanisms necessary to assure ongoing coordination of activities relative to such purposes, and outlines a process for the resolution of interagency conflicts. This MOU also describes how the agencies will work cooperatively to achieve the goals of the respective departments.

STATUTORY AUTHORITIES

The DFG is the lead agency for protecting, conserving, and perpetuating fish and wildlife resources in California. The DFG manages all fish, wildlife, and plant resources and the habitats upon which they depend for their ecological values and their use and enjoyment by the public Sections 1301, 1600, 1700, 1802, 1900, and 2701 of the Fish and Game Code (FGC) list specific authorities and policies associated with the management of fish and wildlife resources in California by DFG, including threatened and endangered species of fish, wildlife, and plants.

DPR is the lead agency for pesticide regulation in California. The Food and Agricultural Code (FAC), as amended by the 1991 Governor's Reorganization Plan No.1, charges DPR with the responsibility of regulating pesticides for the protection of public health and the environment. Divisions 6 and 7 of the FAC are the statutory authority for regulating the registration, sale, and use of pesticides. The Director of DPR is responsible for enforcing Division 6 and specified portions of Division 7, and the regulations which are issued pursuant to them. FAC Section 11501 states that one of the purposes of Division 6 (Pest Control Operations) and Chapters 1-3.5 of Division 7 (Agricultural Chemicals) is to protect the environment from harmful pesticides by prohibiting, regulating, or controlling their uses. Section 14102 FAC requires that the Director consider the effect of all pesticides upon the environment and take whatever steps are deemed necessary to protect the environment. Section 14103 FAC states that in establishing criteria or regulations relating to environmental injury and protection the Director shall consult with representatives from several agencies, including DFG for fish and wildlife resources.

The local administration of DPR's pesticide regulatory program is the responsibility of the CACs with coordination and training provided by DPR. The CACs enforce pesticide laws and regulations and evaluate permit requests for the use of restricted pesticides. In addition, the CACs monitor and inspect pesticide handling and use operations, investigate suspected pesticide misuse, and take enforcement action against violators.

PRINCIPLES OF AGREEMENT

The DFG, DPR, and the CACASA agree that the use of certain pesticides may present a hazard to non-target fish and wildlife resources. In order to provide for better protection of fish and wildlife resources, DFG, DPR, and the CACASA mutually agree to:

- 1. Implement a formal notification system of pesticide incident monitoring to ensure mutual awareness of injuries and deaths of non-target fish and wildlife resources attributable to pesticides and suspected violations of pesticide laws or regulations. Establish formal procedures for coordinating investigations of incidents involving the injury or death of non-target fish and wildlife resources. Coordinate enforcement actions when violations are found. Coordinate any laboratory analyses necessary for the investigation of injuries and deaths of non-target fish and wildlife resources.
 - 2. Promote both technical and policy consultations concerning fish and wildlife resources issues and investigations involving pesticides through formal channels, such as the Pesticide Advisory Committee, the Pesticide Registration and Evaluation Committee, the Endangered Species Advisory Group, and meetings, as well as through informal staff exchanges of information. The agencies will provide technical assistance to each other upon request. Share information on pesticide

formulations and environmental fate and toxicity of pesticide active ingredients, inert ingredients, and breakdown products.

- A. A procedure will be established under which DPR will notify DFG of applications for registration of new products and notices of proposed and final registration decisions. A procedure will be established under which DPR will provide DFG with access to data and information on file with DPR. Procedures will be established to protect proprietary information.
- B. A procedure will be established under which DFG will provide DPR with any information they receive or develop on potential adverse effects of pesticides proposed for registration or currently registered pesticides. DPR will review any such information and respond appropriately as outlined in FAC Sections 12825 and 12826, and in CCR Title 3 Sections 6220 and 6221.
- 3. For purposes of enforcing FGC Section 5650, the use of an economic poison, as defined in FAC Section 12753, will not be considered a substance or material deleterious to fish, plant life, or bird life provided that the pesticide is used in full compliance with the label and any requirements established by the DPR or a CAC in the county where the application occurred.
- 4. DPR, in consultation with the Pesticide Investigations Unit of DFG, will:
 - A. Identify and regulate the use of economic poisons which may prove deleterious to non-target fish, plant life, or bird life when applied near or into waters of this state;
 - B. Identify mitigation measures for pesticide uses which are found to be deleterious to non-target fish and wildlife resources which will be published and distributed to the CACs as best management practices (BMP) or incorporated into regulation; and
 - C. Review any significant losses or detrimental effects to non-target fish and wildlife resources which may still arise from the use of these economic poisons and revise the mitigation program as necessary.
- 5. Develop an implementation plan to describe in detail procedures to implement specific sections of this MOU.

DISPUTE AND CONFLICT RESOLUTION

It is the desire of the parties to establish a speedy, efficient, and informal method for the resolution of interagency conflicts. Conflicts between DFG, DPR, and CACs which cannot otherwise be informally resolved

will be referred to the Director of DFG, the Director of DFG, and the president of the CACASA.

To assist the parties in resolving conflicts, one staff person will be appointed each by the Director of DFG, the Director of DPR, and the president of CACASA representing the interests of the signatories of this MOU.

This MOU shall become effective upon the date of final signature and shall continue in effect until modified by the mutual written consent of the parties or until terminated by any party upon a 30-day advance written notice to the other parties.

DEPARTMENT OF FISH AND GAME

Mr. Boyd Gibbons, Director

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DEPARTMENT OF PESTICIDE REGULATION

Mr./James W. Wells, Director

12/9/94

CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION

Mr. Gerald A. Benincasa, President

Date

X.

Section G-1

Glossary of Terms

Glossary of Terms

Agricultural use

The use of any pesticide or method or device for the control of plant or animal pests, or any other pests, or the use of any pesticide for the regulation of plant growth or defoliation of plants.

Agricultural use excludes the sale or use of pesticides in properly labeled packages or containers that are intended for any of the following:

- 1. Home use.
- 2. Use in structural pest control.
- 3. Industrial or institutional use.
- 4. The control of an animal pest under the written prescription of a veterinarian.
- 5. Local districts or other public agencies that have entered into and operate under a cooperative agreement with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, provided that any exemption under this subdivision is subject to the approval of the director of the Department of Pesticide Regulation as being required to carry out the purposes of Division 6 (Pest Control Operations).

Episode

Any event involving a pesticide that results in death (take) or injury to wildlife.

Incident

(See Episode.)

Person

Any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies of those entities.

Pest

Any of the following that is, or is liable to become dangerous or detrimental to the agricultural or nonagricultural environment to the state:

- 1. Any insect, predatory animal, rodent, nematode, or weed.
- 2. Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).
- 3. Anything that the Director of the Department of Pesticide Regulation, by regulation, declares to be a pest.

Glossary of Terms, Continued

Pest Control

The use or application of any pesticide. It also means the use of any substance, method, or device to do any of the following:

- 1. Control pests.
- 2. Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.
- 3. Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants.

Pesticide

Includes any of the following:

- 1. Any spray adjuvant.
- 2. Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment.

Wildlife

Means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

Section AA-1

Pesticide/Wildlife Incident Response Plan Agreement

Pesticide/Wildlife Incident Response Plan Agreement

The Pesticide/Wildlife Incident Response Plan shall become effective upon the date of final signature and shall continue in effect until modified by the mutual written consent of the parties or until terminated by any party upon a 30 day advance written notice to the other panties.

CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION

Mr. Enc Lauritzen, President

California Agricultural Commissioners and

Sealers Association

4/14 100 Date

DEPARTMENT OF FISH AND GAME

Robert C. Myst

Mr. Robert C. Hight, Director Department of Fish and Game 5-12-00

Date

DEPARTMENT OF PESTICIDE REGULATION

Mr. Paul E. Helliker, Director

Department of Pesticide Regulation

Date

Date