

California Agricultural Commissioners and Sealers
Association

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Department of Fish and Game

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Department of Pesticide Regulation

Pesticide/Wildlife Incident Response Plan

March 2008

Table of Contents

Pesticide/Wildlife Incident Response Plan

CHAPTER 1 – Pesticide/Wildlife Incident Response Plan

Overview	1-1
Role of the County Agricultural Commissioner	1-2
Role of the Department of Fish and Game	1-3
Role of the Department of Pesticide Regulation	1-4

CHAPTER 2 – Notification Procedures

Overview	2-1
Department of Fish and Game Procedures to Follow For the Initial Report of Loss	2-2
County Agricultural Commissioners/Department of Pesticide Regulation Procedures to Follow For the Initial Report of Loss	2-3

CHAPTER 3 – Contacts

Overview	3-1
County Agricultural Commissioner Offices	3-1
Department of Fish and Game	3-2
Department of Pesticide Regulation	3-3

ATTACHMENT

Overview	A-1
Memorandum of Understanding Between the Department of Fish and Game, The Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association	A-2

GLOSSARY OF TERMS	G-1
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PESTICIDE/WILDLIFE INCIDENT RESPONSE PLAN AGREEMENT	AA-1
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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.

Topic	See Page
Role of the County Agricultural Commissioner	1-2
Role of the Department of Fish and Game	1-3
Role of the Department of Pesticide Regulation	1-4

Continued on next page

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 Initial Report of Loss	2-2
County Agricultural Commissioners/Department of Pesticide Regulation Procedures to Follow for the Initial Report of Loss	2-3

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.

Agency	See Section
County Agricultural Commissioner Offices	3-1
Department of Fish and Game	3-2
Department of Pesticide Regulation	3-3

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

Co. Comm/Sealer	Address	Telephone	General County e-Mail/Office Hours
Los Angeles Kurt Floren	12300 Lower Azusa Rd Arcadia, 91005	(626) 575-5451 (626) 350-3242	losangag@acwm.co.la.ca.us M-Th, 7-5:30, Closed Fridays
Madera Bob Rolan	332.Madera Ave Madera, 93637-5499	(559) 675-7876 (559) 674-4071	commissioner@madera-county.com M-F, 8-5
Marin Stacy Carlsen	1682 Novato Blvd, 150-A Novato, 94947-7021	(415) 499-6700 (415) 499-7543	marin.dept.ag@co.marin.ca.us M-F, 9-3
Mariposa Cathi Boze	5009 Fairgrounds Road/POBox 905 Mariposa, 95338-0905	(209) 966-2075 (209) 960-2056	agcomm@mariposacounty.org M-F, 8-5
Mendocino Dave Bengston	890 North Bush St Ukiah, 95482-3745	(707) 463-4208 (707) 463-0240	agcomm@co.mendocino.ca.us M-F, 8-Noon; 1-5
Merced David Robinson	2139 Wardrobe Ave Merced, 95340-6495	(209) 385-7431 (209) 725-3536	Ag@co.merced.ca.us M-F, 8-5
Modoc JoeMoreo	202 W 4th Street Modoc	(530) 233-6401 (530) 233 5542	agcommissioner@modocounty.us M-F, 8-5
Monterey Eric Lauritzen	1428 Abbott, Street Salinas, 93901	(831) 759-7325 (831)759-2268	agcomm@co.monterey.ca.us M-F, 8-5
Napa Dave Whitmer	1710 Soscol Ave, Suite 3 Napa, 94559-1315	(707) 253-4357 (707) 253-4881	agcommissioner@co.napa.ca.us M-F, 8-5
Nevada Jeffrey Pylman	255 S Auburn Street Grass Valley, 95945-7289	(530) 273-2648 (530) 273-1713	agdept@co.nevada.ca.us M-F, 8-Noon; 1-4:30
Orange Rick Le Feuvre	1750 Douglass Road, Bldg D Anaheim, 92806-6031	(714) 447-7100 (714) 567-6203	oc.agri.commissioner@rdmd.ocgov.com M-F, 8-5
Placer Christine Turner	11477 E Ave Auburn, 95603-2799	(530) 889-7372 (530) 823-1698	PlacerAg@placer.ca.gov M-F, 8-5
Plumas/Sierra Tim Gibson-Acting	208 Fairgrounds Road Quincy, 95971-9462	(530) 283-6365 (530) 283-4210	timgibson@countyofplumas.com M-F, 8-5
Riverside John Snyder	4080 Lemon St, Rm 19/PO Box 1089 Riverside, 92502-1089	(951) 955-6365 (951) 955-3012	agdept@co.riverside.ca.us M-F, 8-5
Sacramento Frank Carl	4137 Branch Center road Sacramento, 95827-3897	(916) 875-6603 (916) 875-6150	agcomm@sacounty.net M-F, 7:30-4:30
San Benito Paul Matulich	3224 Southside Road/PO Box 699 Hollister, 95024	(831) 637-5344 (831) 637-9015	SBenitAg@cdfa.ca.gov M-F, 8-5
San Bernardino John Gardner	777E Rialto Ave San Bernardino, 92415-0720	(909) 387-2115 (909) 387-2449	awm@awm.sbcounty.gov M-F, 7:30-5
San Diego Bob Atkins	5555 Overland Ave, Bldg 3, Suite 3101 San Diego, 92123-1256	(858) 694-2741 (858) 565-7046	sdcawm@sdcounty.ca.gov M-F, 8-5

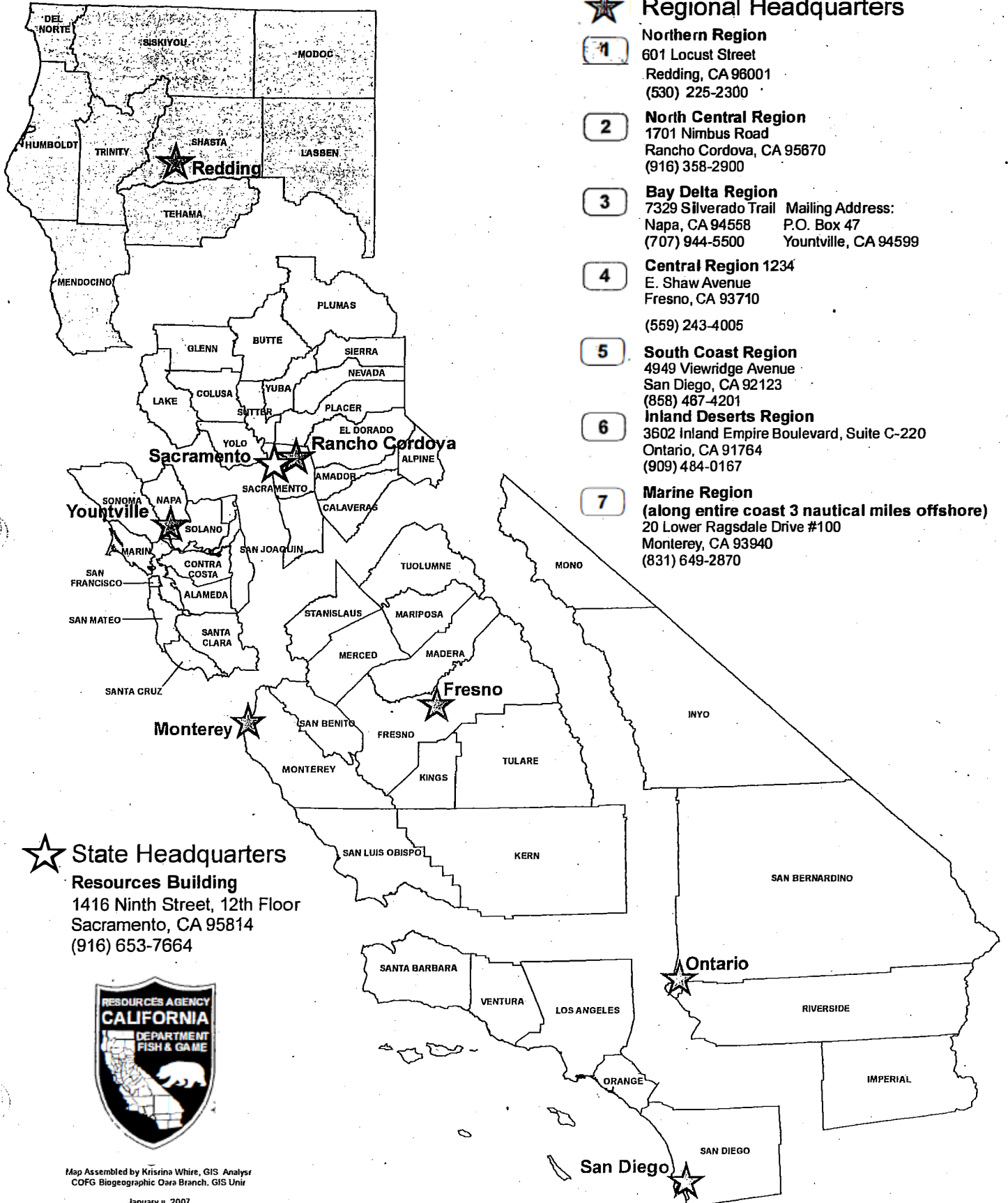
Co. Comm/Sealer	Address	Telephone/Fax	General County e-Mail/Office Hours
San Francisco Vacant	1390 Market Street, Suite 1390 Market Street, Suite San Francisco, 94102	(415) 252-3830 (415) 52-3884 (415) 252-3869	Rajiv.Bhatia@sfdph.org Carmen.Kern@sfdph.org M-F, 8-5
San Joaquin Scott Hudson	1868 E Hazelton Ave/PO Stockton, 95201-1809	(209) 468-33,00 (209) 468-3330	stocktonag2@co.san-joaquin.ca.us M-F, 8-5
San Luis Obispo Robert Lilley	2156 Sierra Way, Suite A San Luis Obispo, 93401-	(805) 781-5910 (805) 781-1035	agcommslo@co.slo.ca.us M-F, 8-5
San Mateo Gail Raabe	728 Heller Street/PO Box Redwood City, 94064-0999	(650) 363-4700 (650) 367-0130	SMateoAG@co.sanmateo.ca.us M-F, 8-5
Santa Barbara Bill Gillette	263 Camino Del Remedio Santa Barbara, 93110-133S	(805) 681-5600 (805) 681-5603	agcommissioner@co.santa-barbara.ca.us M-F, 8-4:30
Santa Clara Greg Van Wassenhove	1553 Berger Dr, Bldg 1 San Jose, 95112-2795	(408) 918-4600 (408) 286-2460	Santa.clara@aem.sccgov.org M-F, 8-5
Santa Cruz Ken Corbinshley	175 Westridge Drive Watsonville 95076-2041	(831) 763-8080 (831) 763-8255	Agc001@agdept.com M-F, 8-Noon; 1-6
Shasta Mary Pfeiffer	3179 Bechelli Lane, St 210 Redding, 96002-2041	(530) 224-4949 (530) 224-4951	shastaag@co.shasta.ca.us M-F, 8-5
Siskiyou Pat Griffin	525 S Foothill Drive Yreka, 96097-3090	(530) 841-4033 (530) 842-6690	pgriffin@co.siskiyou.ca.us M-F, 8-5
Solano Vacant	501 Texas Street Fairfield, 94533	(707) 784-1310 (707) 784-1330	agcomm48@solanocounty.com M-F, 8-5
Sonoma Lisa Correia	133 Aviation Blvd, Ste 110 Santa Rosa, 95403-2893	(707) 565-2371 (707) 565-3850	SonomaAg@cdfa.ca.gov M-F, 8-5
Stanislaus Dennis Gudgel	3800 Cornucopia Way, Ste Modesto, 95358	(209) 525-4730 (209) 525-4790	agcom50@co.stanislaus.ca.us M-F, 8-4:30
Sutter Mark Quisenberry	142 -Garden Highway Yuba City, 95991-5512	(530) 822-7500 (530) 822-7510	sutterag@co.sutter.ca.us M-F, 8-5
Tehama Rick Gurrola	1760 Walnut Street/POBox Red Bluff, 96080	(530) 527-4504 (530) 529-1049	RGurrola@tehamaag.net M-F, 8-Noon; 1-5
Trinity Mark Lockhart	173 Tom Bell Road/Box Weaverville, 96093-1466	(530) 623-1356 (530) 623-1391	rnlockhart@trinitycounty.org M-F, 8-5
Tulare Gary Kunkel	4437 .S. Laspina Street Tulare, 93274	(559) 685-3323 (559) 685-3335	zkunkel@co.tulare.ca.us M-F, 8-5
Tuolumne Gary Caseri	22365 S Airport Rd (loc), 2 S Sonora, 95370-4617	(209) 533-5691 (209) 533-5520	Ccaseri@co.tuolumne.ca.us M-F, 8-5

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

Section 3-2

Department of Fish and Game

California Department of Fish and Game Regions



★ Regional Headquarters

1

Northern Region
601 Locust Street
Redding, CA 96001
(530) 225-2300

2

North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900

3

Bay Delta Region
7329 Silverado Trail Mailing Address:
Napa, CA 94558 P.O. Box 47
(707) 944-5500 Yountville, CA 94599

4

Central Region 1234
E. Shaw Avenue
Fresno, CA 93710
(559) 243-4005

5

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

6

Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
(909) 484-0167

7

Marine Region
(along entire coast 3 nautical miles offshore)
20 Lower Ragsdale Drive #100
Monterey, CA 93940
(831) 649-2870

★ State Headquarters

Resources Building
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
(916) 653-7664



Map Assembled by Krisina Whire, GIS Analyst
COFG Biogeographic Data Branch, GIS Unit

January 11, 2007

OFG Regional Boundaries effective January 1, 2007

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

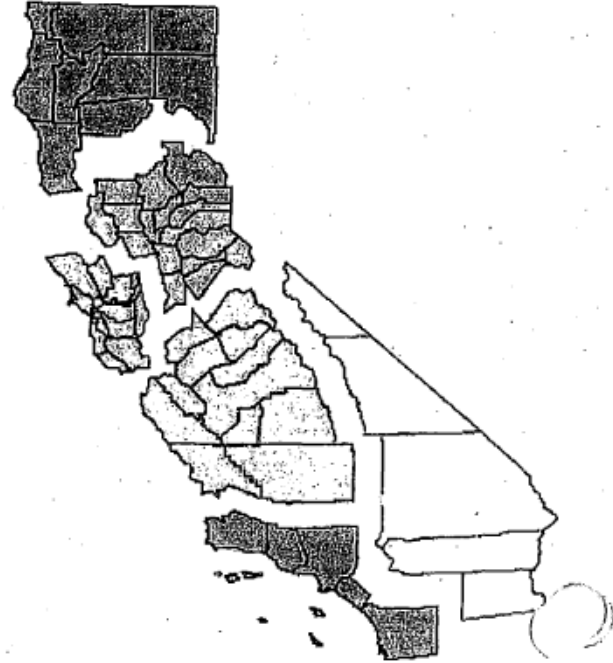
6 - INLAND DESERTS REGION

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

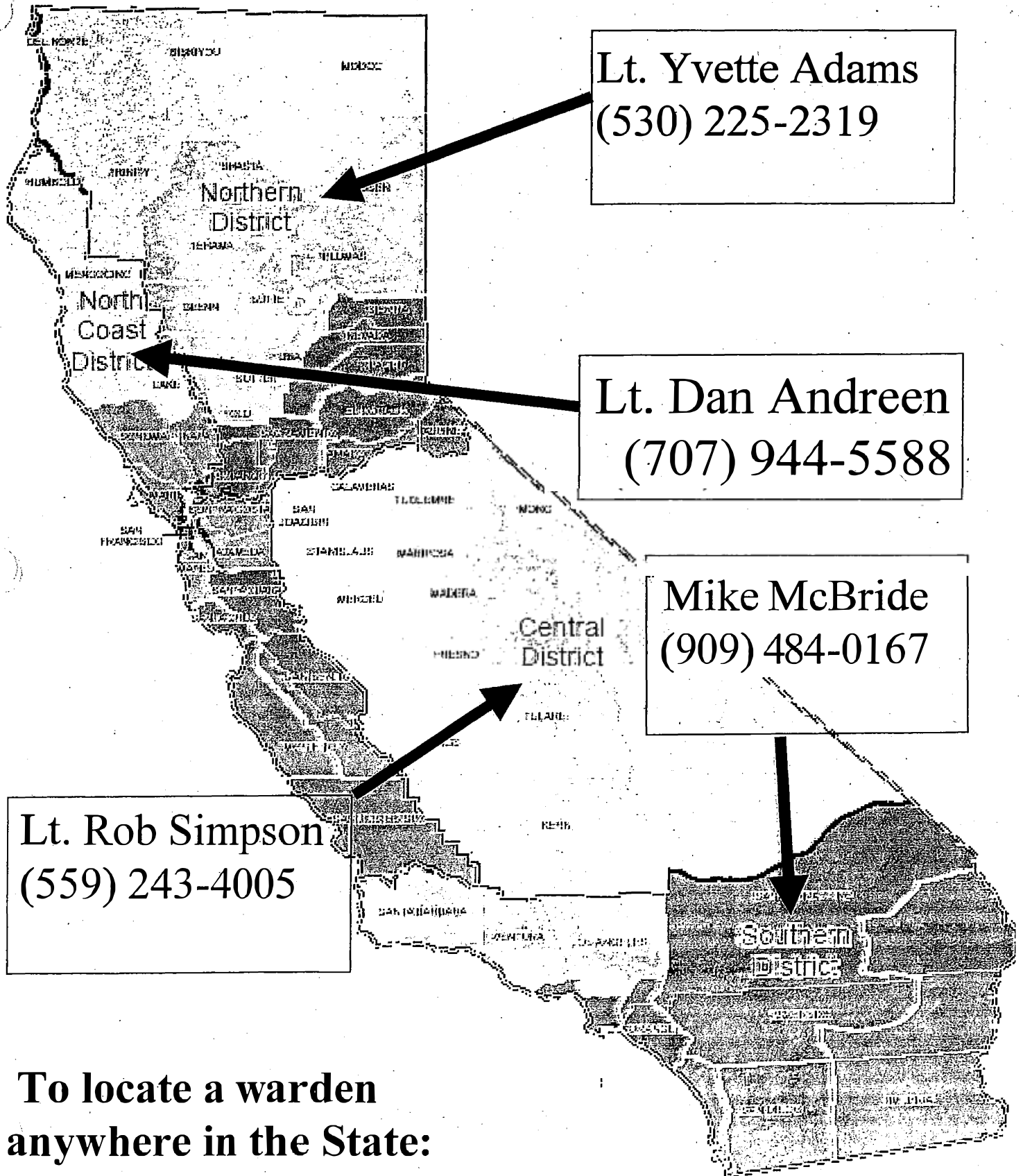
[Print Region Map \(909 KB PDF\)](#)



*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](#)).

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LAW ENFORCEMENT DIVISIONS - 2007



Lt. Yvette Adams
(530) 225-2319

Lt. Dan Andreen
(707) 944-5588

Mike McBride
(909) 484-0167

Lt. Rob Simpson
(559) 243-4005

To locate a warden
anywhere in the State:
1-888-334-2258

Section 3-3

Department of Pesticide Regulation

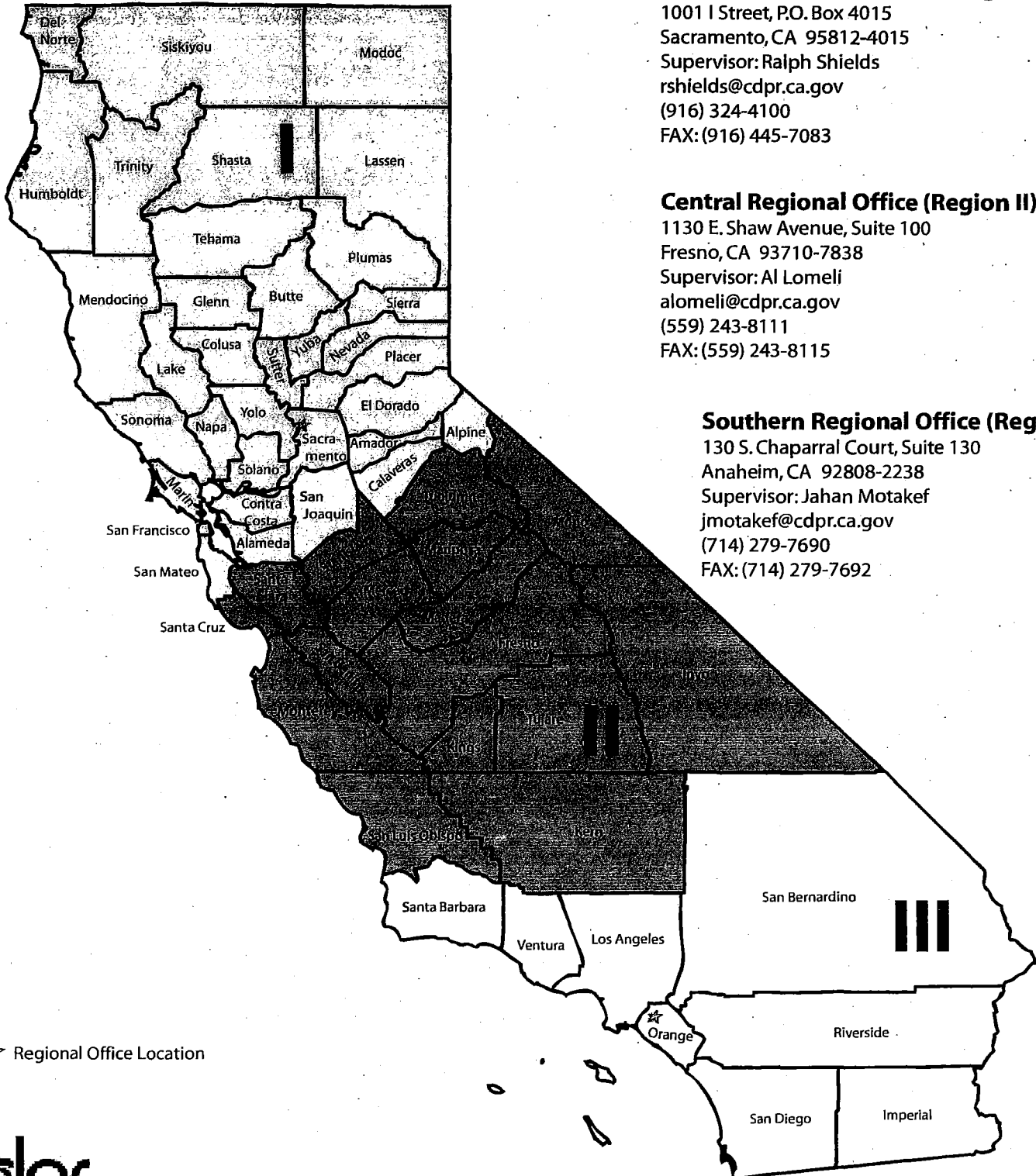
State of California
Department of Pesticide Regulation
Enforcement Branch
Regional Offices

Sacramento Headquarters
 1001 I Street, P.O. Box 4015
 Sacramento, CA 95812-4015
 Nan Gorder, Branch Chief
 (916) 324-4100
 FAX: (916) 445-3907

Northern Regional Office (Region I)
 1001 I Street, P.O. Box 4015
 Sacramento, CA 95812-4015
 Supervisor: Ralph Shields
 rshields@cdpr.ca.gov
 (916) 324-4100
 FAX: (916) 445-7083

Central Regional Office (Region II)
 1130 E. Shaw Avenue, Suite 100
 Fresno, CA 93710-7838
 Supervisor: Al Lomeli
 alomeli@cdpr.ca.gov
 (559) 243-8111
 FAX: (559) 243-8115

Southern Regional Office (Region III)
 130 S. Chaparral Court, Suite 130
 Anaheim, CA 92808-2238
 Supervisor: Jahan Motakef
 jmotakef@cdpr.ca.gov
 (714) 279-7690
 FAX: (714) 279-7692



★ Regional Office Location



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.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF FISH AND GAME,
THE DEPARTMENT OF PESTICIDE REGULATION, AND
THE CALIFORNIA AGRICULTURAL 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, DPR, 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, DPR, 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, DPR, 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

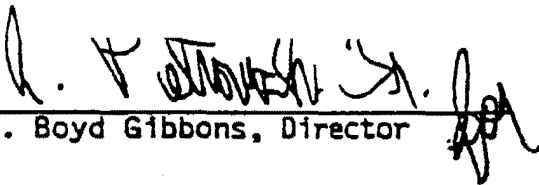
It is the desire of the parties to establish a speedy, efficient, and informal method for the resolution of interagency conflicts. Conflicts between DFG, DPR, and CACs which cannot otherwise be informally resolved

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.

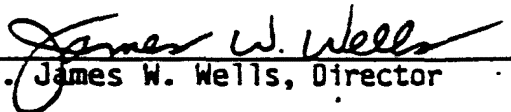
This MOU shall become effective upon the date of final signature and shall continue in effect until modified by the mutual written consent of the parties or until terminated by any party upon a 30-day advance written notice to the other parties.

DEPARTMENT OF FISH AND GAME


Mr. Boyd Gibbons, Director

12/21/94
Date

DEPARTMENT OF PESTICIDE REGULATION


Mr. James W. Wells, Director

12/9/94
Date

CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION


Mr. Gerald A. Benincasa, President

1/26/95
Date

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.

Continued on next page

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.

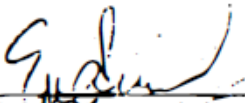
Section AA-1

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 parties.

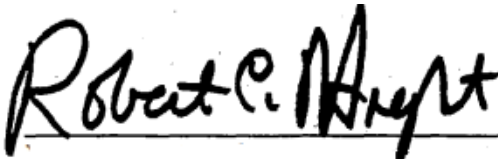
CALIFORNIA AGRICULTURAL COMMISSIONERS AND SEALERS ASSOCIATION



Mr. Eric Lauritzen, President
California Agricultural Commissioners and
Sealers Association

4/14/00
Date

DEPARTMENT OF FISH AND GAME



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

4/13/00
Date