



**Agricultural
Commissioner/Sealer
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 9, 2008

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Bill Appleby PHONE: 685-3323

SUBJECT: Amended Agreement with California Department of Pesticide Regulation.

REQUEST(S):

That the Board of Supervisors:

1. Ratify, approve, and authorize the Chairman to sign a \$98,908 amended agreement (Number 08-0050C) with the California Department of Pesticide Regulation for electronic submittal of pesticide use report records, retroactive to July 1, 2008 through June 30, 2009.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2008, and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the Chairman to sign Form CCC-307 (Contractor Certification Clauses).

SUMMARY:

Both pest control operators and growers are required by law to file use reports with the agricultural commissioner in the county where they make the applications. Demands for more realistic and comprehensive pesticide use data to accurately

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estimate dietary risk as well as exposure and potential risk to workers increased dramatically during the late 1980s. The Department of Pesticide Regulation (DPR) began the full use-reporting program in 1990 in response to these concerns. Under the program, all agricultural pesticide use must be reported monthly to the county agricultural commissioner who in turn reports the data to DPR. The reports must include the date and location where the application was made, and detail the kind and amount of pesticides used. If the pesticide is applied to a crop, the type of commodity must be specified. In addition, identification numbers (IDs) for the site and the pesticide user ("operator") are required. Planted acres are also required, which in combination with the treated acres, are useful in pesticide risk assessment. Before buying or using pesticides, every operator is required to obtain a unique operator ID from each county in which pest control work will be performed. Growers obtain a site ID from the county agricultural commissioner for each location and crop/commodity where pest control work will be performed, and it is recorded on the restricted material permit or other approved form.

California has a broad legal definition of "agricultural use," so the reporting requirements include pesticide applications to parks, golf courses, cemeteries, rangeland, pastures, and along roadside and railroad rights-of-way. In addition, all post harvest pesticide treatments of agricultural commodities must be reported, along with all pesticide treatments in poultry and fish production, as well as some livestock applications. Structural pest control operators, professional gardeners, and other nonagricultural pest control operators also must report all pesticide use. The primary exceptions to the full use reporting requirements are home and garden use and most industrial and institutional uses.

This "amended" Agreement is intended to render financial aid to the County for its ongoing program of electronically submitting to the California Department of Pesticide Regulation reports of pesticide applications made in Tulare County. The attached agreement continues this long-standing program for fiscal year 2008/2009.

The Board approved the "original" agreement on August 12, 2008 (Resolution No. 2008-0584 - Tulare County Agreement No. 23679), but was never fully executed by DPR. The amendment has been deemed necessary because of a change in the payment schedule.

This Contract is to be retroactively approved because of the late date received from the State.

FISCAL IMPACT/FINANCING:

The County will receive \$98,908 in state subvention funds if this agreement is approved. State revenues and the associated expenditures for this ongoing program have been included in the Agricultural Commissioner/Sealer's fiscal year 2008/2009 budget request. There is zero net county cost for this program.

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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Economic Well-Being Initiative to promote economic development opportunities, effective growth management and a quality standard of living, as well as the Safety and Security Initiative to provide for the safety and security of the public. This request to authorize a contract agreement with the California Department of Pesticide Regulation for electronic submittal of pesticide use report records will insure timely continuance of a long-standing program of protecting the County's agriculture-based economy by enforcing State laws and regulations regarding the safe and efficient use of pesticides. By regulating chemical pesticide usage and adequately coordinating enforcement, the agricultural industry will continue to have appropriate pesticides available for use. The welfare of the public, agricultural workers, and the environment will also be protected.

ALTERNATIVES:

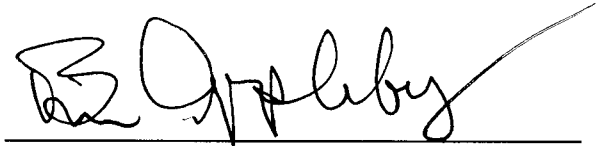
No action or disapproval would mean that the Agricultural Commissioner would not be able to receive financial aid from the California Department of Pesticide Regulation to offset costs incurred in carrying out this program.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has approved the agreement as to form.

ADMINISTRATIVE SIGN-OFF:

Gary Kunkel
Agricultural Commissioner
Sealer of Weights and Measures



By Bill Appleby, Assistant
Agricultural Commissioner/Sealer

Cc: Auditor/Controller
County Counsel
County Administrative Office (3)

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF)
Amended Agreement with California)
Department of Pesticide Regulation)

RESOLUTION NO. _____
AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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