

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION PROHIBITING COUNTY CONTRACTORS FROM PARTICIPATING IN INCENTIVE PROGRAMS OFFERED BY THE MANUFACTURER OR VENDOR OF ANY HERBICIDE OR PESTICIDE PRODUCTS WHEN PROVIDING VEGETATION MANAGEMENT SERVICES FOR COUNTY PROJECTS ON COUNTY LANDS

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, when managing vegetation on County lands, including parks, County departments utilize Integrated Pest Management (IPM), which is an ecosystem and science-based stewardship strategy that focuses on the efficient and long-term prevention of pests or their degradation of ecosystems through a combination of control methods; and

WHEREAS, IPM-based strategies involve the use, whenever feasible, of non-chemical alternative control methods, such as manual and mechanical control (i.e., hand labor or mowing) and biological control (i.e., grazing); and

WHEREAS, County departments also sometimes utilize chemical treatments (i.e., herbicides and pesticides) for vegetation management projects when non-chemical techniques are determined to be either ineffective or infeasible, and do so with the goal of removing only target organisms in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment, such as using herbicides with lower acute toxicity; and

WHEREAS, for any County vegetation management project(s) contemplating the use of herbicides or pesticides in an agricultural setting—which is defined by the California Food & Agricultural Code to include (among other things) park lands—County departments are required by law to obtain a written pest control recommendations (“PCRs”) from a state-licensed pest control advisor (“PCA”); and

WHEREAS, PCAs are licensed through the California Department of Pesticide Regulation (“CDPR”), which requires that all PCAs meet minimum qualifications established by law (California Code of Regulations, Title 3, Section 6550), pass certain examinations, and are registered with the San Mateo County Agricultural Commissioner to provide written PCRs within San Mateo County; and

WHEREAS, in accordance with State law, the County’s contracted PCA’s are tasked with making recommendations and issuing PCRs for herbicide or pesticide use in agricultural settings based on the target species and work locations; and

WHEREAS, when herbicides or pesticides are applied in County parks and other County-owned or -controlled agriculture settings by contracted applicators or qualified County staff, County departments identify in writing which specific herbicide and/or pesticides are to be used based on the relevant PCR (a copy of which is provided to each herbicide/pesticide applicator), and contractors or County staff then purchase the specified material from a State-licensed pest control dealer or broker and apply only those herbicide and/or pesticide products as specified in the PCR; and

WHEREAS, public stakeholders have expressed concerns that, despite the above County practices and State law requirements, the County’s vegetation management

contractors may overutilize herbicide or pesticide products in County projects because they financially benefit from incentive and/or loyalty programs offered by herbicide/pesticide manufacturers and vendors; and

WHEREAS, to address the public's expressed concerns, this Board supports adopting the following policies and practices further regulating participation by County contractors in incentive and/or loyalty programs offered by herbicide and/or pesticide product manufacturers and vendors while performing vegetation management services on County-owned or -controlled lands: (i) updating County department policies and procedures to provide that vegetation management contractors shall not participate in incentive programs offered by the manufacturer or vendor of any herbicide or pesticide product(s) when providing services for County vegetation management projects on County-owned or -controlled lands, and (ii) requiring that all County contracts for the delivery of vegetation management services include language, to be approved by the County Attorney, prohibiting contractors from participating in incentive programs offered by the manufacturer or vendor of any herbicide or pesticide product(s) when providing services on County vegetation management projects on County-owned or -controlled lands.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that all County Departments whose vegetation management projects include the application of herbicide and/or pesticide products on County-owned or -controlled lands are directed to update their policies and procedures, and include provisions in their contracts for vegetation management services, as approved by the County Attorney, prohibiting County contractors from participating in incentive programs offered by the manufacturer

or vendor of any herbicide and/or pesticide product(s) when providing contracted services for County vegetation management projects on County-owned or -controlled lands.

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