

**LAS VIRGENES – MALIBU COUNCIL OF GOVERNMENTS
GOVERNING BOARD MEETING**

Tuesday, May 21, 2019, 8:30 a.m.

CALABASAS LIBRARY

Founders Hall Multipurpose Room
200 Civic Center Way, Calabasas, CA 91302

AGENDA

1. CALL TO ORDER

Governing Board Members:

Alicia Weintraub, Calabasas, President
Denis Weber, Agoura Hills, Vice President
Ned Davis, Westlake Village
Karen Farrer, Malibu
Stuart Siegel, Hidden Hills

2. APPROVAL OF THE AGENDA

3. PUBLIC COMMENT PERIOD

Members of the public may address the Governing Board on any subject on or off the agenda by raising their hand and being recognized by the President of the Governing Board. Speakers shall limit their comments to three minutes.

Pursuant to California Government Code Section 54954.2, the Governing Board is prohibited from discussing or taking immediate action on any item not on the agenda unless it can be demonstrated that the item is of an emergency nature, or the need to take action arose subsequent to the posting of the agenda.

4. CONSENT CALENDAR

Consent Calendar items will be approved in one motion unless removed for separate discussion or action.

- A. Approval of March 19, 2019 Draft Meeting Notes – Attachment
- B. May 2019 Executive Director's Report – Attachment
- C. May 2019 Financial Statement – Attachment
- D. Appointment Metro San Fernando Valley Service Council – Attachment

Recommended Action: Approve Consent Calendar

5. INFORMATION ITEMS

- A. **Briefing on the Climate Emergency Movement, the City of LA's Involvement, and Opportunities for the COG** – Andy Shrader, Director of Environmental Affairs, Water Policy & Sustainability, Councilmember Paul Koretz, City of Los Angeles, will be in attendance to make the presentation.
Recommended Action: No action is needed as this is an information item.

6. ACTION ITEMS

- A. **Adoption of the Multi-Jurisdiction Hazard Mitigation Plan** – Attachment
Recommended Action: Adopt the COG's Hazard Mitigation Plan.
- B. **Los Angeles County Homeless Grant Statement of Work** – Attachment
Recommended Action: Approve the Statement of Work for the second year Los Angeles County Homeless Grant.
- C. **AB 1788 (Bloom) California Ecosystems Protection Act** – Attachment
The City of Malibu is requesting support for this legislation, which will ban second generation anticoagulant rodenticides.
Recommended Action: There is no staff recommendation.

7. LEGISLATIVE UPDATE

- A. League of Cities
B. Updates from Area Legislators

8. COMMENTS AND REQUEST FOR FUTURE AGENDA ITEMS

9. FUTURE MEETING DATES

Technical Advisory Committee: June 5, 2019, 8:30 a.m.
Governing Board: June 18, 2019, 8:30 a.m.

10. ADJOURNMENT

**Draft Meeting Notes
Governing Board Meeting
March 19, 2019**

Item 1 – Call to Order: Following the SCAG Regional Council election, the meeting was called to order by President Weintraub at 8:44 a.m. The meeting was held at Calabasas Library, Founders Hall Multipurpose Room.

Roll Call of Governing Board members present:

Alicia Weintraub, Calabasas, President
Denis Weber, Agoura Hills, Vice President
Ned Davis, Westlake Village
Karen Farrer, Malibu
Stuart Siegel, Hidden Hills

Item 2 – Approval of Agenda: There was a motion and second to approve the agenda. Motion carried unanimously.

Item 3 – Public Comment Period: Former Calabasas City Councilmember and COG Governing Board member Dennis Washburn commented on SCAG, stormwater and homelessness issues. Newly elected SCAG Regional Council District 44 representative and Calabasas Mayor David Shapiro addressed the COG and thanked everyone for their support.

Item 4 – Consent Calendar: 4.A Meeting Notes from February 19, 2019; 4.B March 2019 Executive Director’s Report; 4.C March 2019 Financial Statement; 4.D Appointments to Metro Technical Advisory Committee; and 4.E Approval of Cal OES Reimbursement Resolution for Hazard Mitigation Plan Grant. Terry Dipple highlighted his Executive Director’s Report. Following his report, there was a motion and second to approve the items on the consent calendar. Motion carried unanimously.

Item 5.A – Homeless Resources Update: Susan Duenas, Malibu Public Safety Manager, Meredith Berkson, Los Angeles County Homeless Initiative and Kris Freed, LA Family Housing were in attendance and provided an update on homeless resources. Lt. Chuck Becerra also provided information from the Sheriff’s Department. No action was taken by the Governing Board.

Item 5.B – AQMD Proposed Sales Tax: AQMD representatives Philip Crabbe and Leeor Alperin were in attendance and made a presentation on AQMD’s proposal for legislation to allow AQMD to place a sales tax measure on the ballot to fund initiatives to benefit air quality. No action was taken by the Governing Board.

Item 5.C – Metro NextGen Bus Study: Robert Calix, Metro, was in attendance and made a presentation on Metro’s NextGen Bus Study. No action was taken by the Governing Board.

Item 6.A – League of Cities: Jeff Kiernan provided an update from the League of Cities.

Item 6.B – Updates from Area Legislators: Jeremy Wolf, District Director for Senator Henry Stern, Tim Pershing, district representative for Assemblymember Bloom and Tessa Charnofsky, area director for Supervisor Kuehl each provided a legislative update from their office.

Item 7 – Comments and Request for Future Agenda Items: Karen Swift, Metro, requested support for Metro’s Congestion Management Plan efforts. Governing Board member Siegel asked Lt. Becerra about the recent string of residential burglaries.

Item 8 – Future Meeting Dates: President Weintraub noted the meeting dates.

Item 9 – Adjournment: President Weintraub adjourned the meeting at 10:11 a.m.

Respectfully submitted,

Terry Dipple
Executive Director

Also in attendance at the March 19, 2019 Governing Board meeting:

Rob de Geus, City Manager, Westlake Village
Reva Feldman, City Manager, Malibu
Kerry Kallman, City Manager, Hidden Hills
Dr. Gary Lysik, City Manager, Calabasas
Greg Ramirez, City Manager, Agoura Hills
Terry Dipple, Executive Director
Kelly Honig, City Council, Westlake Village
Jeff Kiernan, League of Cities
Jeremy Wolf, Senator Stern
Tim Pershing, Assemblymember Bloom
Tessa Charnofsky, Supervisor Kuehl
David Shapiro, Mayor, Calabasas
Lt. Chuck Becerra, Lost Hills Sheriffs Station
Leeor Alperin, AQMD
Philip Crabbe, AQMD
Karen Swift, Metro
Robert Calix, Metro
Susan Duenas, Public Safety Manager, Malibu
Meredith Berkson, LA County Homeless Initiative Team
Kris Freed, LA Family Housing
Jessica Arden, City Engineer, Westlake Village
Mary Strenn, ICMA
Robert Wong, CalTrans
Ryan Embree

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Executive Director's Report

OVERVIEW

The purpose of this memorandum is to update the Governing Board on the status of COG projects and other items of interest.

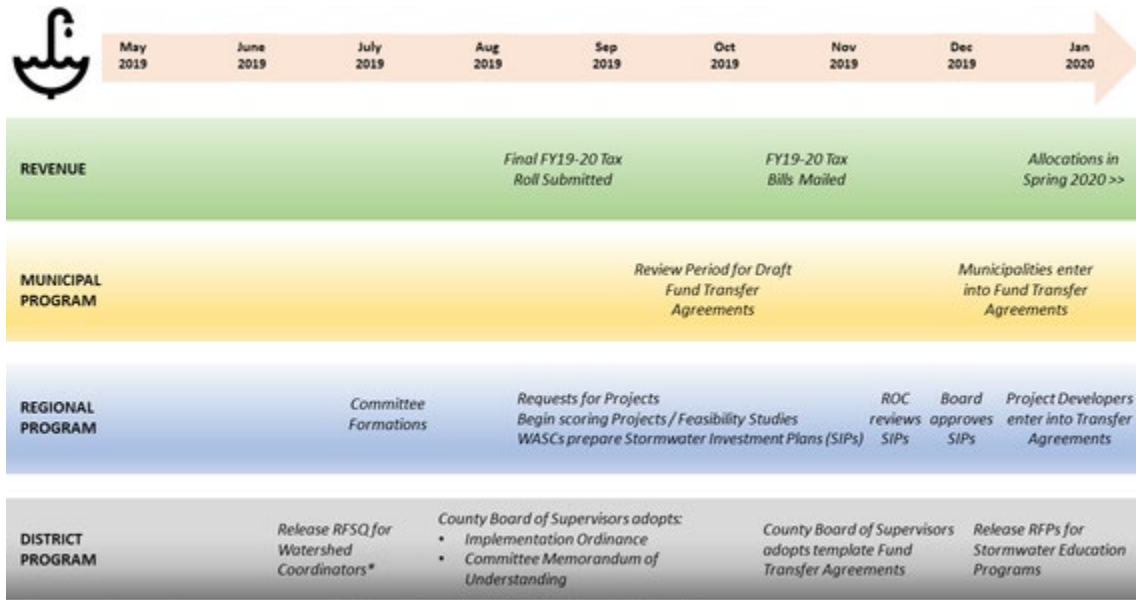
Hazard Mitigation Plan – The Final FEMA and Cal OES-approved HMP has been approved by all of the COG cities, and is on the May 21, 2019 COG agenda for adoption by the Governing Board.

Measure M Project List – The COG's Highway Working Group held a meeting on April 24, 2019 that was attended by Metro staff to discuss Metro's Measure Up program, which is looking at arterial performance monitoring. Fanny Pan, the Measure M lead from Metro also attended to advise cities to begin submitting the necessary paperwork for projects on the COG's Measure M 5-Year Project List that was approved by the Metro Board, in January. In addition, the group discussed possible Measure M projects with Metro staff. I am following up with the COG cities to identify projects that may be eligible for Measure M funding and then add those projects to the COG's 5-Year Project List. In addition, the COG will receive \$12.5 million in our 6th year of Measure M: \$2.4 million for Active Transportation and \$10.07 million for Highways. The new projects must be reviewed by Metro Highway staff for eligibility and then approved by the COG and submitted to Metro before the end of September 2019.

Homeless Initiative – Kris Reed, LA Family Housing and Meredith Berkson, LA County Homeless Initiative Team, attended the COG's Homeless Working Group meeting on May 16, 2019 to update the city representatives on homeless issues and resources available to the COG cities. Alicia Weintraub, COG President, was also present. Following the meeting, Meredith and Kris participated in a video interview conducted by Calabasas media staff for Calabasas TV.

Safe, Clean Water Program – Below, is an implementation timeline for the collection and initial allocation of Measure W funds that will come to the cities and region. Also included is information about committee formation and Stormwater Investment Plans. As you will recall, 40% of funds will be allocated directly to municipalities. Draft Fund Transfer Agreements are under development by Flood Control District staff and are expected to be available for public review and comment by the fall. The Board of Supervisors' appointments of Watershed Area Steering Committee Agency/Community members are in process. Board of Supervisor's action to formally

appoint members is expected in early summer, 2019. The Committees are expected to begin meeting in late-summer 2019.



*Funded by Regional Program

SCW Implementation Timeline

The Safe, Clean Water Program will provide local, dedicated funding to increase our local water supply, improve water quality, and protect public health. The Program will generate approximately \$300 million per year from a special parcel tax of 2.5 cents per square foot of impermeable surface area on private property within the L.A. County Flood Control District. Cities will receive 40% of the funds collected and 50% will stay in the region and be allocated for projects by the Watershed Area Steering Committees, of which all of the COG cities will be represented.

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: May 2019 COG Financial Summary

SUMMARY

All of the revenue and expenditures are in accordance with the COG's 18/19 adopted budget.

18/19 Expected Revenue

Dues	100,000.00
FEMA Grant	52,500.00
Metro (admin & planning)	57,250.00
Metro (for consultant)	<u>95,663.00</u>
Total Expected Revenue	305,413.00

18/19 Expenditures to Date

Liability Insurance 18/19	-3,605.45
Terry Dipple – 7/18 Ex. Dir.	-10,833.33
Maureen Micheline 7/18 Metro	-7,732.80
Terry Dipple – 7/18 retro	-833.34
Terry Dipple – 8/18 Ex. Dir.	-11,666.67
Maureen Micheline 8/18 Metro	-7,732.80
Terry Dipple – 9/18 Ex. Dir.	-11,666.67
Maureen Micheline 9/18 Metro	-7,732.80
Terry Dipple – 10/18 Ex. Dir.	-11,666.67
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Terry Dipple – 12/18 Ex. Dir.	-11,666.67
Maureen Micheline 12/18 Metro	-7,732.80
Terry Dipple – 1/19 Ex. Dir.	-11,666.67
Maureen Micheline 1/19 Metro	-8,042.11
Terry Dipple – 2/19 Ex. Dir.	-11,666.67
Maureen Micheline 2/19 Metro	-8,042.11
Terry Dipple – 3/19 Ex. Dir.	-11,666.67
Maureen Micheline 3/19 Metro	-8,042.11
Terry Dipple – 4/19 Ex. Dir.	-11,666.67
Maureen Micheline 4/19 Metro	<u>-8,042.11</u>
Total Expenditures	-198,837.39

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Appointment to Metro San Fernando Valley Service Council

OVERVIEW

The purpose of this memorandum is to provide the Governing Board with information regarding the COG's appointment to the Metro San Fernando Valley Service Council.

RECOMMENDATION

Approve the reappointment of Dennis Washburn as the COG's representative to the Metro San Fernando Valley Service Council.

BACKGROUND

The San Fernando Valley Service Council was formed in 2003, and is comprised of members nominated by Los Angeles County Supervisors Sheila Kuehl (3rd District) and Kathryn Barger (5th District), the Mayor of Los Angeles (4), the Las Virgenes-Malibu Council of Governments and the East Valley cities cluster of Burbank, Glendale, and San Fernando, and appointed by Metro's Board of Directors. The region includes the valley area of the City of Los Angeles and the cities of Agoura Hills, Burbank, Calabasas, Glendale, Hidden Hills, San Fernando, and Westlake Village.

The purpose of Metro Service Councils is to improve bus service, and promote service coordination with municipal and local transit providers. The Service Councils are composed of representatives that should use public transit within the region they represent. Representatives should have an understanding of the mobility needs of their community and a knowledge and appreciation of their region's history. One of the Service Council's primary responsibilities is to receive community input on proposed service modifications, and to render decisions on proposed bus route changes considering staff's recommendations and public comments. Metro Service Councils (MSC) will be responsible for approving all proposed permanent route changes, excluding turnaround and out of service route modifications, which exceed a cumulative \$100,000 annual operating cost change. In addition, all major service level changes that require public hearings will be brought to the MSC for approval.

Dennis Washburn, former Calabasas City Councilmember and COG Governing Board member, was appointed as the COG representative to the Metro San Fernando Valley Service Council in

June 2016 and his term expires June 30, 2019. He has regularly attended Service Council meetings and has requested to be reappointed. Prior to his appointment, the COG had difficulty finding a member of the public that was interested in serving on the Service Council and for a while the COG did not have a representative.

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Multi-Jurisdictional Hazard Mitigation Plan

OVERVIEW

The purpose of this memorandum is to provide the Governing Board with information regarding the COG's Multi-Jurisdictional Hazard Mitigation Plan.

RECOMMENDATION

Adopt the Multi-Jurisdictional Hazard Mitigation Plan.

BACKGROUND

In 2005, the Las Virgenes-Malibu Council of Governments recognized its member cities experience similar hazards and voted to combine their efforts in developing a (HMP) for its member cities. The original HMP was completed in 2007 and was updated in 2012. The Governing Board again voted in 2017 to have the COG preparing an update of the plan. All three efforts were completed with the aid of a FEMA grant. The cost for the current HMP was \$70,000 for which the FEMA grant covered 75% of the cost. The cities agreed to each contribute \$3,500 to cover the remaining balance of \$17,500.

The Draft HMP was reviewed by all of the COG cities in September 2018. Revisions were suggested to the consultant and the Final HMP was submitted to Cal OES who completed a joint-review with FEMA, in December 2018. FEMA provided comments that were incorporated into the HMP by the consultant and it was resubmitted later in the month. In January 2019, the HMP was reviewed and approved by Cal OES and FEMA. The HMP is consistent with the State of California's FEMA-approved mitigation plan and meets all of the requirements of the Disaster Mitigation Act of 2000. All of the cities received a hard copy of the HMP along with an electronic version and all of the COG cities have approved the HMP. The HMP is presented for adoption by the Governing Board. By preparing and obtaining Cal OES and FEMA approval of the HMP, the COG cities are eligible for federal mitigation funding after disasters and to apply for mitigation grants before disasters strike.

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Statement of Work for Second Year Homeless Initiative Grant

OVERVIEW

The purpose of this memorandum is to update the Governing Board on the Statement of Work for the second year of the \$30,000 grant from the L.A. County Homeless Initiative.

RECOMMENDATION

Approve the COG's Statement of Work for the second-year grant from Los Angeles County in the amount of \$30,000.

BACKGROUND

Last year, the Governing Board approved allocating the first-year Los Angeles County homelessness grant in the amount of \$30,000 to the City of Malibu, who in turn, agreed to facilitate and coordinate homeless resources and information between the COG cities. The Woolsey Fire and other issues have made it difficult for Malibu to continue and there is a feeling that COG Executive Director should be the one coordinating and facilitating assistance to COG cities, regional agencies and service providers on homeless services and issues, such as rapid re-housing, permanent supportive housing and mental health issues. In addition to Malibu staff, the Executive Director has also served as a liaison on behalf of LVMCOG at regional and County meetings, events, and activities, disseminated information and handled requests for information from the Governing Board, Technical Advisory Committee, member cities, County Homeless Initiative Team, and homeless service providers.

The second-year funding amount for the COG is \$30,000 and is based on the number of cities within each Subregion. The attached Statement of Work for the funding reflects the Executive Director's direct involvement in coordinating and facilitating information and resources with the COG cities and continuing to serve as a liaison on behalf of COG at regional and County meetings, events, and activities, disseminated information and handled requests for information from the Governing Board, Technical Advisory Committee, member cities, County Homeless Initiative Team, and homeless service providers.

STATEMENT OF WORK
Las Virgenes-Malibu Council of Government
REGIONAL HOMELESSNESS COORDINATION SERVICES

Section I. Overview

On June 13, 2017, the County of Los Angeles Board of Supervisors (Board) approved Measure H funding allocations in support of the County's Homeless Initiative (HI) strategies to combat homelessness in the County. Along with approving the funding allocations, the Board also motioned to allocate funding for regional homelessness coordination services at Council of Government level for coordination between cities in the Los Angeles Continuum of Care.

Las Virgenes-Malibu Council of Governments (LVMCOG) member cities include Agoura Hills, Calabasas, Hidden Hills, Malibu and Westlake Village. The LVMCOG Governing Board is comprised of elected officials from each of the LVMCOG's member cities and serves as the primary governing body taking actions to support endeavors aimed at maximizing the quality of life and productivity of the region.

Section II. Objective

The objective of the regional coordination of homeless services is to provide for better homelessness services coordination between the County, LVMCOG member cities, Regional Homeless Service Providers and others. The regional coordination will also support the implementation and support of the County's Homeless Initiative strategies and programs to combat homelessness in the region, as directed by the LVMCOG Governing Board.

Section III. Tasks/Deliverables

Task 1: Coordination with Cities

On behalf of LVMCOG, the LVMCOG Executive Director will:

- A. Facilitate discussion with the five LVMCOG city managers on homeless issues, as needed.
- B. Prepare and disseminate information and handle request for information from the LVMCOG Governing Board, LVMCOG Technical Advisory Committee, County Homeless Initiative Team, and homeless service providers.
- C. Review key legislation related to homelessness, make recommendations and disseminate recommendations to member cities.

D. Coordinate with the member cities, on a quarterly basis, to explore and discuss topics relevant to homelessness in the COG region, as well as share information and resources.

E. Present information to the Governing Board, Technical Advisory Committee and member cities regarding homelessness priorities, including rapid re-housing, permanent supportive housing, landlord incentives, rental subsidies, housing retention, additional shelters, and programs that preserve and promote affordable housing.

F. Plan and coordinate collaborative projects and activities related to the Homeless Programs with guidance from the LVMCOG Governing Board and Technical Advisory Committee, such as: first responders training, continuing to update a Homeless Issues Guide to assist cities in assisting homeless individuals and addressing various community impacts related to homelessness.

G. Provide information and assistance to member cities/agencies and service providers on homeless services and issues, such as: rapid re-housing, permanent supportive housing, and mental health issues

H. Provide support and input in implementing Measure H and the County's approved strategies and programs to combat homelessness, unless it conflicts with local policies.

I. Provide input and recommendations to the County in preparation of the annual Cities' Summit to Combat Homelessness.

Deliverable 1: Final Report on Coordination with Cities

LVMCOG will provide a quarterly report on Task 1 and shall describe the outcomes of Task 2 Coordination with member cities.

Task 2: Coordination with Cities, Service Providers and Community Stakeholders

On behalf of LVMCOG, the LVMCOG Executive Director will work with regional homeless organizations and coalitions to support the coordination of homeless services in the region including but not be limited to:

A. Engage with the County of Los Angeles, as needed, to identify partnerships, potential collaboration, and opportunities to implement programs and services funded by Measure H (County of Los Angeles).

B. Serve as liaison between LVMCOG, County, and the business and interfaith groups located in the five-member cities, as directed by the Governing Board.

C. Identify and maintain database of Service Planning Area stakeholders in homeless services and their policies.

D. Identify or help to identify and support community leaders in the public and private sectors who can support city-level planning or regional ongoing homelessness coordination efforts.

E. Work with Chambers of Commerce, to educate businesses on the County's strategies and regional homeless issues. Convene meetings with Chambers of Commerce, as needed.

F. Create and maintain a list of local homeless resources and programs for distribution amongst service providers and community stakeholders.

Deliverable 2: Quarterly Report on Coordination with Cities, Service Providers and Community Stakeholders

LVMCOG will provide a quarterly report on Task 2, which shall describe the outcomes of Task 2, Coordination with Cities, Service Providers and Community Stakeholders.

Memorandum

DATE: May 21, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: AB 1788 (Bloom) California Ecosystems Protection Act of 2019

OVERVIEW

The purpose of this memorandum is to provide the Governing Board with information on the request from the City of Malibu to support AB 1788 (Bloom).

RECOMMENDATION

There is no staff recommendation.

Attachment: Fact Sheet and Legislative Counsel's Digest for AB 1788 (Bloom) California Ecosystems Protection Act of 2019

AB 1788 (Bloom)
California Ecosystems Protection Act
Fact Sheet

PROBLEM

Regulations enacted in 2014 by the California Department of Pesticide Regulation (DPR) to minimize harm from one subset of rodenticides—Second Generation Anticoagulant Rodenticides (SGARs)—by prohibiting their use by consumers, have proven ineffective. Necropsy data performed by the California Department of Fish and Wildlife and other scientists have demonstrated that these toxins have been poisoning California ecosystems, and continue to pose a rampant threat to children, pets, and wildlife. First generation anticoagulant rodenticides (FGARs) are also harmful, though non-target lethal poisoning is more widespread with SGARs. To reduce the impacts of SGARs and FGARs, this legislation will ban SGARs throughout the state and ban use of FGARs on all state-owned properties.

While SGARs are now banned for consumer use, licensed pest control applicators were given an exemption in 2014 that allowed their continued use of these rodenticides. Upper-level predators that consume poisoned rodents—hawks, owls, bobcats, foxes, mountain lions, and others—are frequently secondarily poisoned. Wildlife are also poisoned when they directly consume the bait, as are children and household pets.

EPA's ecological incident report documents anticoagulant rodenticide residues in 27 avian species and 17 mammalian species. 70 to 95% of certain populations of other predator species, such as the northern spotted owl, bobcats, mountain lions, have been found to be exposed to anticoagulant rodenticides in California. Exposure levels have been noted in other species of owls, hawks, eagles, vultures, foxes, raccoons, coyotes, bobcats, and others. Notably, poisonings and deaths in California have been documented in multiple at-risk species: Fishers (a candidate for listing under the Federal ESA); San Joaquin kit foxes (Federal Endangered and California Threatened) the northern spotted owl (Federal Threatened), and the Humboldt marten (California Endangered).

This unintentional poisoning decreases California's ability to control rodent infestations because it kills the natural predators that feed on rats, mice, gophers, ground squirrels, and other rodents. Additionally, new studies have shown that anticoagulant rodenticides can not only cause death but also significant "sublethal" effects—including impacts on genes that regulate the immune system.

Rodenticides, including anticoagulants, also pose an unreasonable risk to children. Between 1999 and 2009, the American Association of Poison Control Centers (AAPCC) received reports of an average of 17,000 human exposures to rodenticides each year, with 85% of these exposures, (i.e., approximately 15,000 per year), occurring to children less than 6 years of age. Between 1999 and 2003, an average of

3,617 of these cases per year were treated in a health care facility, and an average of 17 were treated in an Intensive Care Unit.

Rodenticides, including anticoagulants, pose an unreasonable risk to pets and domestic animals as well. Between 1999 and 2009, data indicate that rodenticides caused about 160 severe (death or major effect) domestic animal incidents each year, which EPA believes is a significant underestimate. 50,696 reports of dog poisonings occurred in 2014 according to the AAPCC.

SUMMARY

AB 1788 seeks to take stronger measures to protect children, pets, and wildlife from unintentional rodenticide poisoning by banning the use and sale of 2nd generation anticoagulant rodenticides statewide and the use of 1st generation anticoagulant rodenticides on state-owned property.

EXISTING LAW

July 2014 the Department of Pesticide Regulation instituted a regulation that banned the sale of SGARs to consumers. Additionally, it specified that only licensed exterminators could use SGARs and set new standards and requirements for the application of SGARs.

AB 2657 (Bloom) bans all use of SGARs in state wildlife areas, state parks and other state wildlife sensitive areas. It was signed by the Governor in 2014.

BACKGROUND

Existing laws, including the more restrictive July 2014 DPR rules banning consumer use of SGARs, have been found inadequate for the purposes for which they were intended, protecting wildlife from exposure. Data on wildlife exposure collected by the Department of Fish & Wildlife (DFW) before and after July 2014 show no improvement. Furthermore, a comprehensive study by DFW focusing on 111 mountain lions in 2016 detected FGARs in 73% from 33 counties and SGARs in 92% from 35 counties. This clearly illustrates the widespread disastrous consequences of the continuing use of anticoagulant rodenticides.

SPONSORS

Animal Legal Defense Fund
Center for Biological Diversity
Raptors Are The Solution (RATS)

**Introduced by Assembly Member Bloom
(Coauthor: Assembly Member Friedman)**

February 22, 2019

An act to amend Section 12978.7 of, and to add Section 12978.8 to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1788, as amended, Bloom. Pesticides: use of anticoagulants.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law prohibits the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, as defined. Existing law exempts from this prohibition the use of these pesticides for agricultural activities, as defined. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor.

This bill would create the California Ecosystems Protection Act of 2019 and expand this prohibition *against the use of a pesticide containing specified anticoagulants in wildlife habitat areas* to the entire state. ~~The bill would also authorize the use of a pesticide containing a specified anticoagulant if the local health authority determines that an emergency pest infestation poses an immediate threat to public health. The bill would require the county agricultural commissioner to grant permission for licensed pest control operators, upon application, to use an anticoagulant for the limited time frame of the public health emergency. The bill would authorize the county agricultural commissioner to impose additional conditions for public health emergency applications of an anticoagulant.~~ The bill would expand the exemption for agricultural activities to include activities conducted in certain locations and would also exempt from its provisions the use of pesticides by any governmental agency employee who uses pesticides for public health activities and a mosquito or vector control district that uses pesticides to protect the public health.

The bill would also prohibit the use of any pesticide that contains one or more specifically identified anticoagulants on state-owned property.

By imposing additional duties on county agricultural commissioners, and expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

(a) The Legislature finds and declares all of the following:

(1) Wildlife, including birds of prey, mountain lions, bobcats, fishers, foxes, coyotes, and endangered species such as the northern spotted owl, pacific fisher, and San Joaquin kit fox, are an irreplaceable part of California's natural ecosystems. As predators of small mammals, they play an important role in regulating and controlling the population of rodents throughout the state to improve public health and welfare.

(2) Millions of people annually visit California for the purposes of viewing and photographing wildlife, and these visits contribute millions of dollars to California's economy.

(3) Urban areas are increasingly being used by predatory mammals and birds of prey and the public enjoys seeing them and values these animals and the ecosystem services they provide.

(4) The ecosystem services provided by native wildlife predators are a public trust, just like clean air and water. We, as California residents, are obligated to conserve these wildlife populations for future generations of Californians.

(5) Scientific research and state studies have found rodenticides in over 75 percent of animals tested. These rodenticides lead to direct mortality and chronic long-term health impacts for natural predators, nontarget organisms, and endangered species and further steps are needed to reduce rodenticide exposure in nontarget animals.

(6) While all anticoagulant rodenticides have a harmful impact on nontarget animals, second generation anticoagulant rodenticides (SGARs) are particularly dangerous to nontarget wildlife as SGARs are higher potency than prior generations and a single dose has a half-life of more than 100 days in a rodent's liver. Due to high toxicity and concern for impact on nontarget wildlife, Department of Pesticide Regulation banned consumer sales and use of SGARs in 2014, restricting their purchase and use to certified pesticide applicators.

(7) Despite the 2014 regulations issued by the Department of Pesticide Regulation, scientific research and state studies have found no significant reduction in the number of nontarget wildlife with detectable levels of SGARs in their system. From 2014 through 2018, the Department of Fish and Wildlife found SGARs in more than 90 percent of tested mountain lions, 88 percent of

tested bobcats, 85 percent of protected Pacific fishers tested, and 70 of northern spotted owls tested. Such data indicates that a consumer sales and use ban of SGARs has been insufficient to reduce rodenticide exposure in nontarget animals and further steps must be taken.

(8) Rodenticides can be counterproductive to rodent control by poisoning, harming, and killing natural predators that help regulate rodent populations throughout California.

(b) It is the intent of the Legislature in enacting this act to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in California.

(c) This act shall be known, and may be cited, as the California Ecosystems Protection Act of 2019.

SEC. 2.

Section 12978.7 of the Food and Agricultural Code is amended to read:

12978.7.

(a) Except as provided in subdivision (c), (d), ~~(e), or (f)~~, *or (e)*, the use of any pesticide that contains one or more of the following anticoagulants is prohibited in this state:

(1) Brodifacoum.

(2) Bromadiolone.

(3) Difenacoum.

(4) Difethialone.

(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).

~~(c)(1) This section does not apply to the use of a pesticide that contains an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a) if the local health authority determines that an emergency pest infestation poses an immediate threat to public health.~~

~~(2) In the event that the local health authority determines that there is a public health emergency, the county agricultural commissioner shall grant permission for licensed pest control operators, upon application, to use an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a). That permission shall be granted for the limited time frame of the public health emergency.~~

~~(3) The county agricultural commissioner may impose additional conditions for public health emergency applications of an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a).~~

~~(d)~~

(c) This section does not apply to either of the following:

(1) The use of pesticides used by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses pesticides for public health activities.

(2) A mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code, that uses pesticides to protect the public health.

~~(e)~~

(d) (1) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

(2) For purposes of paragraph (1), “agricultural activities” include activities conducted in any of the following locations:

(A) A warehouse used to store foods for human or animal consumption.

(B) An agricultural food production site, including, but not limited to, a slaughterhouse and cannery.

(C) A factory, brewery, or winery.

~~(f)~~

(e) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 3.

Section 12978.8 is added to the Food and Agricultural Code, to read:

12978.8.

(a) Except as provided in subdivision (d), the use of any pesticide that contains one or more of the following anticoagulants is prohibited on any state-owned property in California:

(1) Chlorophacinone.

(2) Diphacinone.

(3) Warfarin.

(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).

(c) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

(d) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

