

# **Pesticide Drift Annex**



**Approved**  
**Modoc County Disaster Council**  
**April 2016**  
**Revised, June 14, 2016**

# Pesticide Drift Annex

## Table of Contents

### 1. Purpose and Scope

#### 1.1 Purpose

The Pesticide Drift Protocol has been added to the Modoc County Emergency Operations Plan to meet the minimum standard pesticide drift protocols outlined in 2003, California SB 391, Pesticide Regulation. This protocol is to address the uniqueness of pesticide drift and supplement the Hazardous Material Annex.

#### 1.2 Scope

The policies, procedures, and provisions of this annex are applicable to all agencies and individuals having responsibility for the regulation of pesticides, emergency preparedness, response, recovery, and/or mitigation in the OA.

### 2. Situation and Assumptions

#### 2.1 Assumptions

- All first responders and follow-on emergency response personnel are properly trained to the level of emergency response actions required for their assigned positions at the incident site.
- Pesticide Drift incidents could require a multi-agency, multi-jurisdictional response.
- Hazmat response operations are conducted in accordance with all applicable laws, ordinances, codes and agency policy.

### 3. Concept of Operations

#### 3.1 Overview

The County Agricultural Commissioner will develop a list of the most heavily used agricultural chemicals, particularly identifying those fumigants which are known to drift or volatilize and are applied at high rates per acre. This list will be available upon request to the local volunteer fire agencies and the Modoc County CUPA (Certified Unified Program Agency). The list of chemicals will be cross referenced by trade name and/or synonym. Material Safety Data Sheets (MSDS) will also be made available.

If the agency responding to an incident in Modoc County suspects a pesticide is involved, the Agricultural Commissioner must be contacted. The Incident Commander (IC) in coordination with the Agricultural Commissioner will determine if it is a pesticide drift incident. The following criteria will be used to determine if an incident is to be considered a pesticide drift incident for response purposes.

- It is a pesticide used in production of an agricultural commodity (such as hay).
- The chemical exposure affects an individual(s) not performing work as an employee of the business.

### **3.2 Protocols**

The following protocols should be used in a pesticide drift incident:

- The response team should identify the pesticide causing the pesticide drift incident through information provided by the Agricultural Commissioner on pesticides of the highest volume and the agricultural commodity they may be applied to. Information on the suspected pesticide will be relayed to physicians for appropriate treatment.
- If there is an evacuation, the IC in coordination with the Agricultural Commissioner will identify areas of safe refuge where further pesticide exposure will not occur. Specific agency responsibilities for responding to calls, notifying residents and coordinating evacuation are delineated to the Emergency Operations Center.
- Emergency shelter locations and procedures are delineated in the Care & Shelter Annex.
- The Response Team will need to be aware that individuals who do not speak English may not understand requests for decontamination or evacuation. The AT&T Language Line translation service should be used to assist with language issues, the phone number is 1-888-855-0811. There are free mobile apps on smart phones that also translates.
- The Response Team and or Modoc County Public Health Agency will provide information to exposed individuals of medical aid and where to receive care within 24 hours of the exposure and up to a week after the exposure.

### **4. Appendices and References**

- California Department of Pesticide Regulation: [www.cdpr.ca.gov](http://www.cdpr.ca.gov)
- Reimbursements for Pesticide Drift

## REIMBURSING MEDICAL COSTS OF PERSONS INJURED IN PESTICIDE INCIDENTS

January 2005

New rules require violators to pay certain medical costs

Beginning in 2005, if a pesticide use violation causes illness or injury, violators will be legally responsible to pay certain medical costs of victims.

The new requirement was passed and signed into law in 2004 (Senate Bill 391, Florez). The new law squarely places the financial burden to pay for acute medical costs on those businesses that are responsible for the harm. It also increases penalties the Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners (CACs) can impose for pesticide violations.

The law was prompted by several incidents in which large numbers of persons living near agricultural fields were made ill by pesticide drift. Many were without medical insurance, and did not have the means to pay for medical treatment themselves.

### WILL THE NEW LAW CHANGE THE ROLE OF PESTICIDE ENFORCEMENT?

The new law places the financial burden to pay for acute medical costs on those that are responsible for the harm when they violate pesticide rules.

No. The CACs enforce pesticide laws locally and are responsible for investigating pesticide illnesses and incidents in their jurisdictions.

After determining whether pesticide laws were violated, a CAC has a variety of enforcement options including administrative civil penalties. The law also increases the level of civil penalty authority for CACs.

The major emphasis of the law involves the responsibility of the violator to pay for medical costs.

Under the new law, if a pesticide use violation causes illness or injury, the penalty action a CAC issues will also include a statement notifying the violator of his or her responsibility to pay the uncompensated medical costs of those who suffered acute illness or injury and sought immediate medical treatment (Section 12997.5[a] [b], Food and Agricultural Code [FAC]).

There is no obligation, expectation or authority for the CAC to oversee the reimbursement process.

*(continued on page 2)*

## REIMBURSING MEDICAL COSTS OF PERSONS INJURED IN PESTICIDE INCIDENTS

January 2005

New rules require violators to pay certain medical costs

Beginning in 2005, if a pesticide use violation causes illness or injury, violators will be legally responsible to pay certain medical costs of victims.

The new requirement was passed and signed into law in 2004 (Senate Bill 391, Florez). The new law squarely places the financial burden to pay for acute medical costs on those businesses that are responsible for the harm. It also increases penalties the Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners (CACs) can impose for pesticide violations.

The law was prompted by several incidents in which large numbers of persons living near agricultural fields were made ill by pesticide drift. Many were without medical insurance, and did not have the means to pay for medical treatment themselves.

### WILL THE NEW LAW CHANGE THE ROLE OF PESTICIDE ENFORCEMENT?

The new law places the financial burden to pay for acute medical costs on those that are responsible for the harm when they violate pesticide rules.

No. The CACs enforce pesticide laws locally and are responsible for investigating pesticide illnesses and incidents in their jurisdictions.

After determining whether pesticide laws were violated, a CAC has a variety of enforcement options including administrative civil penalties. The law also increases the level of civil penalty authority for CACs.

The major emphasis of the law involves the responsibility of the violator to pay for medical costs.

Under the new law, if a pesticide use violation causes illness or injury, the penalty action a CAC issues will also include a statement notifying the violator of his or her responsibility to pay the uncompensated medical costs of those who suffered acute illness or injury and sought immediate medical treatment (Section 12997.5[a] [b], Food and Agricultural Code [FAC]).

There is no obligation, expectation or authority for the CAC to oversee the reimbursement process.

*(continued on page 2)*