

Origin Bulk Citrus Compliance Agreement No: _____

[Pursuant to Food and Agricultural Code Sections 5705 and 6045 et seq.]

Parties:

1. Kern County Agricultural Commissioner ("CAC").

Contact: Ed Greynolds

1001 South Mount Vernon Avenue

Bakersfield, CA 93307

Telephone: (661) 868-6300, Facsimile: (661) 868-6301

2. California Department of Food and Agriculture ("CDFA").

3. Name of Grower: _____

(subsequently referred to as "Grower")

Mailing Address: _____ City: _____ Zip: _____

Physical Location: _____ City: _____ Zip: _____

Background:

Pierce's Disease presents a clear and present danger to a vital industry in the State of California. Movement of the vector, glassy-winged sharpshooter (GWSS), via movement of bulk citrus is a possible channel for this vector of Pierce's Disease to move from established locations to new locations.

Pursuant to Article 8 (commencing with Section 6045) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code (Act), CDFA administers a cooperative effort between public entities, which are responsible to contain GWSS and Pierce's Disease. CAC is such a public entity, with additional authority and responsibility conferred by the Food and Agricultural Code.

Pursuant to Food and Agricultural Code Section 5705, either or both CDFA and CAC may enter into Compliance Agreements with Growers pursuant to statutory standards, as a means of carrying out the statutory responsibilities set out hereinabove. CAC is willing to permit such movement pursuant to Food and Agricultural Code Section 6045 et seq. if Grower complies with CAC's reasonable time, place, and means restrictions as set forth in this agreement and its attachments. CDFA, in its capacity as administrator of the Pierce's Disease Control Program, enters into this agreement on behalf of destination counties pursuant to Food and Agricultural Code Sections 5705 and 6045 et seq.

Grower operates in CAC's jurisdiction and is in the business of producing citrus fruit. Grower may or may not operate within 5 miles of an infestation. However, the Grower wishes to take preventative measures to insure that it may continue to move its bulk citrus into areas not known to be infested. Grower is, therefore, willing to enter into a Compliance Agreement pursuant to Food and Agricultural Code Section 5705.

Agreement:

- A.** Subject to the monitoring requirements set out in Exhibit B, CAC will permit Grower to self-execute the Origin Bulk Citrus Compliance Requirements, attached as Exhibit A and incorporated into this agreement by reference as if fully set out. These attachments and exhibits checked below are binding:

	Exhibit A:	Origin Bulk Citrus Requirements
	Exhibit B:	Origin County Agricultural Commissioner Responsibilities
	Exhibit C:	Origin Bulk Citrus Movement Risk Mitigation Strategies
	Exhibit X1:	Program Management Practices for Aerial Spray Treatments
	Exhibit X2:	Program Management Practices for Ground/Foliar Spray and Soil Treatments
	Exhibit X3:	Program Management Practices for Hazardous Materials Spills

- B.** In exchange for CAC's promise contained in sub-paragraph "A" above, Grower agrees to:
1. Handle, process, and/or move regulated stock in accordance with the Compliance Requirements;
 2. Follow CAC's instructions, whether written or in the form of a verbal communication from an authorized representative, for the use of any and all GWSS permits and certificates; and,
 3. Maintain and make such records, as CAC requires accessible for inspection upon reasonable notice by CAC. These records shall be maintained for a period of the later of two years or the resolution of any outstanding claims;
- C.** Agreement becomes effective on signing and shall remain in effect until canceled by either party or thirty days notice to the other at the address of either appearing above. However, CAC or CDFA may accelerate the notice to immediate for cause, including but not limited to discovery of glassy-winged sharpshooter in bulk citrus or Grower's abandonment of the procedures outline in the attached Exhibits.
- D.** Grower assumes all liability, if any, arising from the manner in which Grower applies treatments.
- F.** If any provision of this agreement is invalidated the balance of this Agreement's provisions shall continue in full force and effect unless the Agreement is cancelled by CAC or CDFA in accordance with sub-paragraph C.

NOTICE: Any signatory or employee of any signatory who violates the terms of this Compliance Agreement may be subject to civil penalties pursuant to California Food and Agricultural Code Section 5705. Any violation of Sections 3650 through 3660, California Code of Regulations, may result in civil or criminal penalties or both.

Signed in the County of _____ in the State of California on _____.
(date)

_____. Grower, by:

Manager/Owner (print)

(signature)

Telephone: (____) _____

Facsimile: (____) _____

Email Address: _____

CAC, by:

Authorized Representative (print)

(signature)

Approved on:

(date)

CDFA, by:

Authorized Representative (print)

(signature)

Origin Bulk Citrus Requirements

Exhibit "A"

April 6, 2016

1. Grower/representative shall notify the origin County Agricultural Commissioner (CAC), no later than 72 hours prior to harvest, of their intent to ship bulk citrus fruit from an infested area.
2. Grower shall allow the CAC onto premises to monitor compliance of this agreement.
3. Grower/representative shall inspect bins as they are loaded and remove all bins containing viable life stages of glassy-winged sharpshooter (GWSS). Bins found with GWSS will be reconditioned to remove the viable life stages.
4. Grower/representative shall inform the origin CAC of any yellow-tagged diverted bulk citrus fruit shipments from the destination county, including its final disposition.
5. Grower/representative shall ensure that yellow compliance certificate tags are used in the following manner:
 - a. Compliance certificate tags shall accompany all bulk citrus fruit shipments from infested areas when destined to or when transiting through any non-infested area, or area under active control.
 - b. Compliance certification tags shall accompany all bulk citrus fruit shipments from an infested area when the grove is found free from GWSS based upon trapping or visual surveys by the CAC and/or the Department.
 - c. Compliance certification tags shall accompany bulk citrus fruit shipments when originating from infested groves within infested areas that are harvested, handled, or treated in a manner to eliminate vectors.
 - d. The compliance certificate tag shall remain with the assigned citrus fruit shipment from origin to destination.
 - e. Grower/representative shall retain the grower's copy of the compliance certification tag.
6. Compliance certificate tags are not required on bulk citrus fruit shipments originating from non-infested counties or non-infested areas in partially infested counties regardless of destination.
7. The CAC has the authority to revoke compliance agreements when provisions of the regulations are not met. The CAC may reinstate compliance agreements when the conditions of the regulation are satisfied.
8. Grower/representative will ensure all management practices and mitigation measures are consistent with the California Department of Food and Agriculture's (CDFA) Statewide Pest Prevention Program Final Programmatic Environmental Impact Report. The following pesticides can be used for control of glassy-winged sharpshooter in bulk citrus:

Active Ingredient	Product
acetamiprid	Assail 30 SG®
acetamiprid	Assail 70 WP®
cyfluthrin	Baythroid XL®
fenpropathrin	Danitol 2.4 EC Spray®
pyrethrins	PyGanic Crop Protection EC 1.4®
cyfluthrin	Renounce 20 WP®

Origin Bulk Citrus
County Agricultural Commissioners (CAC) Responsibilities
Exhibit “B”
April 6, 2016

1. Origin CAC shall issue yellow compliance certification tags to grower/representative operating under compliance agreement. In addition, origin CAC shall:
 - a. Educate growers on proper use of compliance certification tags.
 - b. Enforce proper use of compliance certification tags
 - c. If necessary, notify the destination CAC of bulk citrus fruit shipments to facilitate inspections at destination.
2. Origin CAC shall monitor those groves within an infested area before and during harvest where grower/shipper has requested authorization to ship bulk citrus fruit to or through non-infested areas, or areas under active control.
3. Origin CAC shall monitor the bulk citrus to be shipped from infested areas to ensure that it is harvested, handled, or treated in a manner approved by the Department or CAC to eliminate live GWSS.
4. When bulk citrus shipments are found infested with live GWSS, the origin CAC shall verify that additional mitigation measures, to eliminate viable GWSS life stages, are implemented by the grower/representative.
5. The CAC has the authority to revoke compliance agreements when provisions of the regulations are not met. The CAC may reinstate compliance agreements when the conditions of the regulations are satisfied.
6. The CAC shall provide direction to growers/representatives to ensure all management practices and mitigation measures are consistent with the California Department of Food and Agriculture’s (CDFA) Statewide Pest Prevention Program Final Programmatic Environmental Impact Report.

**Origin Bulk Citrus Movement
Risk Mitigation Strategies
Exhibit “C”
April 6, 2016**

The following risk mitigation strategies are suggestions to assist the grower/shipper in preventing glassy-winged sharpshooter from infesting loads of bulk citrus:

- 1) Under the monitoring of the origin County Agricultural Commissioner (CAC), citrus is treated in a manner approved to eliminate adult/nymph GWSS.
- 2) Mechanically brush and protect citrus from infestation by vectors; or
- 3) Post harvest treatment of citrus; or
- 4) Use of other means to eliminate GWSS adults/nymphs from bins of fruit approved by the CAC.
- 5) Distribute industry produced pamphlets or educational cards to field personnel, regarding the artificial spread of GWSS.
- 6) Ensure all management practices and mitigation measures are consistent with the California Department of Food and Agriculture's (CDFA) Statewide Pest Prevention Program Final Programmatic Environmental Impact Report.

Pierce's Disease Control Program
Exhibit # X1
Program Management Practices For Aerial Spray Treatments

Program Management Practices

The following management practices (MPs) will be implemented when conducting aerial spray treatments.

1. Use appropriate aerial spray treatment procedures

- Do not spray in urban/residential areas.
- Do not make direct application to water bodies.
- Use driplless nozzles if available.
- Verify the calibration of the contractor's spray equipment before the start of each treatment campaign.
- Make sure that the aircraft pilot is in radio communication with Proposed Program personnel on the ground, to verify wind speed and direction and location of non-target sites, including water bodies, people, vehicles, and buildings.
- Supervise mixing and loading of the aircraft.

2. Conduct a site Assessment

- Verify site to be treated.
- Take note of site conditions, such as soil texture, slope, water bodies, host plants, irrigation, and storm drains.
- Identify and make plans to avoid streamside management areas and surface water.
- Consider integrated pest management methods designed to minimize the scale and number of pesticide applications. Consider multiple measures such as biological control, host removal, and physical barriers, such as plant screening.

3. Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities

- Calibrate spray equipment per label instructions.
- Perform equipment screening tests and tank sampling when appropriate.
- Use dedicated specific equipment for specific products when appropriate.
- Ensure equipment is cleaned properly per the manufacturer's specifications and pesticide label directions.
- Select the appropriate nozzle to ensure proper coverage.
- Maintain an equipment log to track calibration, cleaning, and repairs.
- Conduct visual inspections of equipment before use. Check all equipment for leaking hoses, connections, and nozzles.
- Monitor the operation of nozzles during the application.
- Discontinue use immediately if equipment malfunctions or fails to pass screening tests.

4. Follow pesticide application laws and regulations, and label directions

- Read pesticide label.
- Ensure staff is trained to properly apply pesticide.
- Be aware of any regulations or internal procedures before applications.
- Use appropriate application methods and rates.
- Mix and load chemicals in areas where spills can be contained. Limit mixing and loading in the field.
- Provide annual safety training for all treatment personnel.

Pierce's Disease Control Program
Exhibit # X1
Program Management Practices For Aerial Spray Treatments

5. Apply chemicals only under favorable weather conditions

- Monitor wind conditions. Delay or do not apply foliar sprays if wind speeds are over 10 miles per hour.
- Check weather service prior to application. Delay or do not apply foliar treatments if there is a 40% or higher chance of rain forecast to occur 24 hours before or after the planned application.

6. Follow integrated pest management and drift reduction techniques

- Use buffer zones where applicable to protect sensitive areas, such as bodies of water, critical habitat for threatened and endangered species, and other identified sensitive areas.
- Use low pressure application equipment if applicable.

7. Clean equipment and dispose of rinse water per label directions

- Rinse equipment according to manufacturer's label instructions.
- Discharge rinse water only in areas that are part of the application site or at a certified waste treatment facility.
- Dispose of surplus chemical and containers according to label instructions.

8. Follow appropriate product storage procedures

- Ensure proper storage of all pesticides per label instructions.
- Ensure all pesticides removed from their original container are properly sealed for use within a service container.
- Seal all service containers within a tool box.
- Lock tool boxes when unattended.

Special Instructions: _____

Printed name (Owner/Manager)

Signature

Date

Failure to comply with stipulations outlined above may result in civil penalties pursuant to California Food and Agricultural Code Section 5705 and/or revocation of this Agreement.

Pierce's Disease Control Program
Exhibit # X2
Program Management Practices for Ground/Foliar Spray and Soil Treatments

Program Management Practices

The following management practices (MPs) will be implemented when conducting ground spray or soil treatments.

1. Conduct a site Assessment

- Verify site to be treated.
- Take note of site conditions, such as soil texture, slope, water bodies, host plants, irrigation, and storm drains.
- Identify and make plans to avoid streamside management areas and surface water.

2. Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities

- Calibrate spray equipment per label instructions.
- Perform equipment screening tests and tank sampling when appropriate.
- Use dedicated specific equipment for specific products when appropriate.
- Ensure equipment is cleaned properly per the manufacturer's specifications and pesticide label directions.
- Select the appropriate nozzle to ensure proper coverage.
- Maintain an equipment log to track calibration, cleaning, and repairs.
- Conduct visual inspections of equipment before use. Check all equipment for leaking hoses, connections, and nozzles.
- Monitor the operation of nozzles during the application.
- Discontinue use immediately if equipment malfunctions or fails to pass screening tests.

3. Follow appropriate ground-rig foliar treatment procedures

- Avoid direct applications to water bodies.
- Maintain a 30-foot buffer around water bodies per National Pollutant Discharge Elimination System (NPDES) permit.
- Use dripless nozzles or fan-type nozzles at low psi if available.
- Spray guns, wands and nozzles should be selected for the type of plant material being sprayed, and to ensure pesticide coverage on all upper and lower leaf surfaces.
- Assess spray coverage by using water sensitive cards as needed.
- When using a blower boom, direct the blower boom to the precise angle needed to treat host plants.
- Ensure the spray boom is equipped with an electric on/off switch to treat the precise target areas where host plants occur.
- Monitor wind conditions. Delay or do not apply foliar sprays if wind speeds are over 10 miles per hour.
- Perform ground-rig foliar treatments at low pressure, to reduce the quantity of fine droplet particles where applicable.
- Allow only staff or private entities under contract to perform ground-rig spot treatments.
- Check weather service prior to application. Delay foliar treatments if there is a 40% or higher chance of rain forecast to occur 24 hours before or after the planned application.

4. Follow pesticide application laws and regulations, and label directions

- Read pesticide label.
- Ensure staff is trained to properly apply pesticide.
- Be aware of any regulations or internal procedures before applications.
- Use appropriate application methods and rates.
- Mix and load chemicals in areas where spills can be contained. Limit mixing and loading in the field.
- Provide annual safety training for all treatment personnel.

Pierce's Disease Control Program
Exhibit # X2
Program Management Practices for Ground/Foliar Spray and Soil Treatments

5. Follow appropriate low-pressure backpack treatment procedures

- Avoid direct applications to water bodies.
- Maintain a 30-foot buffer from water bodies per NPDES permit. Use dripless nozzles where applicable.
- Direct the nozzle at the target to minimize drift.
- Monitor wind conditions. Delay or do not apply foliar sprays if wind speeds are over 10 miles per hour.
- Allow only trained staff to perform backpack spot treatments.
- Monitor weather conditions. Delay foliar treatments if there is a 40% or higher chance of rain forecast to occur 24 hours.

6. Train personnel in proper use of pesticides

- Conduct training for personnel in the safe and proper mixing, loading, and application of pesticides, in compliance with both federal and State pesticide regulations and the product label.
- Require employees who supervise the handling and application of pesticides maintain a Qualified Applicator Certificate, issued by CDPR or have County License for Pesticide Regulation.

7. Enforce runoff and drift prevention

- Carefully monitor and evaluate weather conditions within potential treatment areas to determine the effectiveness of control applications immediately before deciding whether to proceed with a treatment and during the course of treatment.
 - Monitor weather conditions before and during applications.
 - Comply with NPDES Permit.

8. Clean equipment and dispose of rinse water per label directions

- Rinse equipment according to manufacturer's label instructions.
- Discharge rinse water only in areas that are part of the application site or at a certified waste treatment facility.
- Dispose of surplus chemical and containers according to label instructions.

9. Follow appropriate product storage procedures

- Ensure proper storage of all pesticides per label instructions.
- Ensure all pesticides removed from their original container are properly sealed for use within a service container.
- Seal all service containers within a tool box.
- Lock tool boxes when unattended.

Special Instructions: _____

Printed name (Owner/Manager)

Signature

Date

Failure to comply with stipulations outlined above may result in civil penalties pursuant to California Food and Agricultural Code Section 5705 and/or revocation of this Agreement.

Pierce's Disease Control Program
Exhibit # X3
Program Management Practices for Hazardous Materials Spills

Program Management Practices

The following management practices (MPs) would be implemented to protect human health and the environment from accidental spills of pesticides during a spray or drench application.

1. Implement a Spill Contingency Plan

- Contain spill immediately to minimize the risk of further pesticide exposure to people, animals, and the environment.
- Be prepared to respond to pesticide spills.
- Provide clean-up of small spills (50 gallons or less) and properly dispose residual materials. For larger spills notify the Chemical Transportation Emergency Center at 800-424-9300.
- Use common sense in determining the appropriate action in the event of an accidental crash of a spray rig, tanker, or aircraft.
- Call an ambulance in the event of a spill involving severe personal injury.
- Remove anyone exposed to pesticides to a safe location. If applicable, remove their clothing and wash contaminated skin with soap and water.
- Do not move a seriously injured person unless it is absolutely essential because of the risk of further injury.
- Do not leave injured or incapacitated persons until proper medical assistance arrives.
- Provide a pesticide label and/or material safety data sheet for medical personnel.
- Call the fire department and notify department personnel of the presence of pesticides for a spill involving fire, if a fire hazard exists. Eliminate all sources of ignition (electric motors, gasoline engines, or smoking) to prevent fire or explosion.
- Contact the California Highway Patrol by calling 911 for a spill occurring on a highway.
- Call local police or the county sheriff for a spill occurring off-road.
- Stop the leak and contain the spill.
- For minor spills of 50 gallons or less:
 - Wear rubber boots, coveralls, rubber gloves, and eye protection.
 - Confine the leak or spill to the smallest area possible by using natural terrain, soil, or absorbent material.
 - Shovel contaminated material into a leak-proof container.
 - Do not hose down the area.
 - Work carefully and safely; do not hurry.
 - Dispose contaminated material in the same manner as for excess pesticides or hazardous wastes.
- For major spills of 50 gallons or more:
 - Follow the steps listed for all above and include the additional number below.
 - If the spill is too big, or uncertainty exists as to the appropriate action, notify the Chemical Transportation Emergency Center at 800-424-9300.

Pierce's Disease Control Program
Exhibit # X3
Program Management Practices for Hazardous Materials Spills

2. Use a safety and cleanup materials checklist

- Follow a checklist for safety and cleanup materials to accompany mixing-loading vehicles during treatment activities, which should include the following:
 - For Safety: a first-aid kit; a fire extinguisher (516, type A-B-C), and goggles.
 - For Clean-up: one shovel, large heavy-duty plastic bags, rubber boots, disposable coveralls, water, rubber gloves, a broom and dust pan, liquid detergent, several bags of "kitty litter" or other absorbent materials.

3. Implement decontamination

- Decontaminate paved surfaces per site specific protocols.
- Shovel contaminated material into a leak-proof metal drum for final disposal.

4. Follow appropriate disposal procedures

- Dispose all materials that have been contaminated by spillage or exposed to large volumes of pesticides, including cloth, soil, and wood that cannot be decontaminated, in the same manner as done for excess pesticides.
- Store contaminated absorbent material and materials that cannot be decontaminated in a leak-proof container and dispose the container at a Class I landfill.

Special Instructions: _____

Printed name (Owner/Manager)

Signature

Date

Failure to comply with stipulations outlined above may result in civil penalties pursuant to California Food and Agricultural Code Section 5705 and/or revocation of this Agreement.