MARIPOSA COUNTY RESOLUTION NO. 79-206

RESOLVED, by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, that:

WHEREAS, Assembly Bill 3765 requires the Director of the California Department of Food and Agriculture to submit to the Secretary of the State Resources Agency the Department's Pesticide Regulatory Program for certification as being functionally equivalent to the California Environmental Quality Act; and,

WHEREAS, on November 1, 1979, the Director of the California Department of Food and Agriculture did so submit proposed regulations concerning economic poisons for such certification; and,

WHEREAS, the costs of implementation and enforcement of the proposed regulations to local government will be exorbitant and without equitable return of benefit to the public interest; and,

WHEREAS, the proposed regulations fail to specify the source of funding for local governments regarding the costs of implementation and enforcement; and,

WHEREAS, said proposed regulations will have significant economic impact on the County of Mariposa notwithstanding the fact Mariposa County is not a prime producer of field crops; and,

WHEREAS, the proposed regulations fail to specify the responsible agency in the event liability litigation were to result from the actions of the Agricultural Commissioner in issuing or denying a restricted materials permit and crop damage or loss occurred; and,
WHEREAS, the proposed regulations do not provide additional protection for the public health, safety, welfare, and the environment but only create a bureaucratic quagmire of "red tape" and unnecessary paper work in an effort to comply with California Environmental Quality Act based on a questionable interpretation of legislative intent; and

WHEREAS, the program regulations become effective January 1, 1980, without the availability of necessary funding, staffing, or resources and, in regard to such a situation, local government would be unable to implement and enforce the proposed regulations after their effective date, and as a result local government would experience performance liability by actions initiated by the California Department of Food and Agriculture and certain special interest groups; and

WHEREAS, present regulations are adequate to ensure the protection of persons, wildlife, and the environment in general;

NOW, THEREFORE, this Board hereby determines and orders that the Mariposa County Board of Supervisors believes that in the event conflicts exist between the timely use of pesticides by the main industry in California and the California Environmental Quality Act, such conflicts should be resolved at the legislative level of government and not by the administrative staffs of the State bureaucracy.

AND, THEREFORE, this Board further determines and orders that the Mariposa County Board of Supervisors supports reasonable and logical pesticide regulations that serve the public interest in the proper and safe uses of pesticides and believes that a full legislative review of the proposed
regulations is necessary including an economic impact report reflecting local government costs and the costs to production agriculture and the consumer.

AND, THEREFORE, this Board further determines and orders that the Mariposa County Board of Supervisors believes that any prospective regulations consider and differentiate between counties who are prime producers of field crops and rural mountain counties such as the County of Mariposa.

AND, THEREFORE, this Board further determines and orders that copies of this resolution be sent to the Governor, Senator Ken Maddy, Assemblyman Jim Costa, the Director of Agriculture, and the Chairpersons of the Boards of Supervisors of the 58 counties of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 18th day of December, 1979, by the following vote;

AYES: Clark, Dalton, Erickson, Moffitt, Taber.
NOES: None.
ABSTAINED: None.
ABSENT: None.

APPROVED AS TO FORM:

NEIL B. VAN WINKLE, County Counsel/
Administrative Assistant to the Board
DATED: December 26, 1979

ATTEST:
JOAN J. LYNN, Clerk of the Board