
Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Mosquito Control to Organic Crops

POLICY NUMBER: 4090

4090.1 For the purposes of this policy, the following definitions and terms will apply:

4090.1.1 Act. The Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501 et seq.).

4090.1.2 Certified Organic Producer. A crop or livestock production, wild-crop harvesting or handling operation, or portion of such operation that is certified by an accredited certifying agent as utilizing a system of organic production or handling as described by the Act and the regulations in the Code of Federal Regulations, Title 7, Part 205.

4090.1.3 NOP. National Organic Program, as described in the Code of Federal Regulations, Title 7 (7 CFR), Part 205. The NOP is under the purview of the U.S. Department of Agriculture (USDA). In California, NOP enforcement is the responsibility of the California Department of Food and Agriculture and the county agricultural commissioners' offices.

4090.1.4 OMRI. Organic Materials Review Institute is a national nonprofit organization that determines which input products are allowed for use in organic production and processing. OMRI Listed—or approved—products may be used on operations that are certified organic under the USDA National Organic Program.

4090.1.5 Organic. Refers to an agricultural product produced in accordance with the Organic Foods Production Act of 1990, as amended and the regulations in the Code of Federal Regulations, Title 7, Part 205.

4090.1.6 Organic Producer. A producer who is either a Certified Organic Producer or a Transitional Organic Producer.

4090.1.7 Transitional Organic Producer. A producer who is in the three (3)-year transitional period from conventional production to organic production.

4090.2 The District recognizes that legitimate organic agricultural operations, in order to obtain and maintain their status as a certified organic producer under NOP, must comply with the following land requirements.

4090.2.1 Have been managed in accordance with the provisions of 7 CFR sections 205.203 through 205.206;

4090.2.2 Have had no prohibited substances, as listed in 7 CFR section 205.105, applied to it for a period of 3 years immediately preceding harvest of the crop; and

4090.2.3 Have distinct, defined boundaries and buffer zones such as runoff diversions to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under organic management.

4090.3 Pesticides, such as those considered “OMRI listed”, that are “NOP allowed substances” can be significantly more expensive than the conventional public health pesticides the District normally uses (e.g., NOP prohibited substances, including public health pesticides that are not OMRI listed).

4090.4 The District will accommodate requests from Certified Organic Producers or Transitional Organic Producers under the following conditions:

4090.4.1 The requester has entered into an agreement to reimburse the District for any additional cost involved in using pesticides allowed under the NOP. Such agreement must be signed by the requester and received by the District *as specified in section 4090.6* prior to the time the District must initiate action to control the mosquitoes in the organic producer’s field/crop/site.

4090.4.1.1 Under this agreement, the District will assume the cost of any public health pesticide it would normally apply in similar settings.

4090.4.2 The requester has made arrangements with the District, in advance, for the District to be reimbursed for the increased costs of using pesticides allowed under the NOP.

4090.5 Each year, 2 months prior to the start of the mosquito control season, the District will send, via certified mail, a notification letter to organic producers of record asking if the organic producer wishes to enter into an agreement as described in 4090.4.1.

4090.6 A Memorandum of Understanding (MOU, also Agreement) between the District and the Organic Producer which details the Agreement will be sent to Organic Producers of record along with the notification letter requesting a response to either accept or decline the agreement. If the Organic Producer accepts the agreement he/she must sign and return the ~~notification letter~~ MOU to the District by the date specified in the notification letter.

4090.6.1 If, within a reasonable amount of time, the District does not receive proof of delivery for the notification letter and MOU the District will try to contact the Organic Producer by telephone.

4090.6.2 If the District does not receive the signed Agreement from the Organic Producer prior to the need to chemically treat the organic field/crop/site, the District assumes the Organic Producer does not object to the application of public health pesticides normally used by the District in similar settings.

4090.7 It is the responsibility of each Organic Producer who enters into a MOU with the District to obtain the approvals required under NOP for the application of any OMRI-listed public health pesticide product that the District agrees to use under this policy.

4090.8 The District reserves the right to apply a NOP prohibited substance to any certified operation due to a Federal or State emergency pest or disease treatment program and OMRI approved public health pesticides are not readily available. The treatment for emergency pest or disease is as called for in 7 CFR section 205.672, which subjects the affected Organic Producer to certain limitations regarding the sale, labeling, or representation of the product as being organically produced.

4090.8.1 In such an event, the District will notify the Organic Producer as soon as practicable of the District’s intention to apply a prohibited substance.

4090.9 The District will cooperate with the Butte County Agricultural Commissioner's office (Butte CAC) to obtain updated lists of registered organic producers in Butte County. The District will work with the Butte CAC and/or a prominent USDA-accredited certifying agency functioning in Butte County to obtain updated lists of OMRI listed public health pesticide products.