

Memorandum of Understanding

Between
Oregon Department of Fish and Wildlife,
Oregon Vector Control Association
And
Vector Control Districts and County Vector Control Programs

Purpose: This Memorandum of Understanding is intended to clarify the roles and expectations of Oregon Department of Fish and Wildlife (ODFW), and Oregon Vector Control Association (OVCA) member vector control districts and county vector control programs (herein cumulatively called Districts) related to development by Districts and submission to ODFW of vector control pesticide use plans and review of those plans by ODFW to fulfill requirements under ORS 452.140 and ORS 452.245.¹

Preamble

ODFW is the state agency charged with management of fish and wildlife resources and protecting fish and wildlife habitats to maintain, restore and enhance fish and wildlife pursuant to the Wildlife Policy (ORS 496.012) and the Food Fish Policy (ORS 506.109).

¹ **452.140 Destroying vectors by spreading chemicals; consent of State Fish and Wildlife Commission needed.**

The board of trustees of a district:

(1) Shall not apply insecticides or oil or other chemicals to waters in the district which are frequented by waterfowl or which contain any game fish without first obtaining the approval of the State Fish and Wildlife Commission.

(2) Shall not spread poisons for rats or public health vectors without first obtaining approval of the State Fish and Wildlife Commission. [Amended by 1959 c.600 §8; 1981 c.640 §2]

452.245 Uses of insecticides, oil, chemicals and poisons limited. In exercising its powers under ORS 452.210 to 452.250, a county court:

(1) Shall not order the application of insecticides, oil or other chemicals to waters in the county which are frequented by waterfowl or which contain any game fish without first obtaining the approval of the State Fish and Wildlife Commission.

(2) Shall not order the spreading of poisons for public health vectors without first obtaining the approval of the State Fish and Wildlife Commission. [1981 c.640 §5]

The OVCA is a state of Oregon registered domestic non-profit entity (registry #25026-97) and is the professional association for vector control entities in the state of Oregon. Many, but currently not all, vector control districts and county vector control agencies are members of OVCA. OVCA provides information and guidance to its member on emerging diseases, best management practices, pesticides, among other resources.

ODFW Goals:

- 1) Protect fish and wildlife and sensitive habitats, in accordance with the Wildlife Policy (ORS 496.012) and the Food Fish Policy (ORS 506.109).
- 2) Clarify elements expected by ODFW in vector control pesticide use plans.
- 3) Understand better how vector control functions and how the Districts protect fish and wildlife resources during vector control activities and provide OVCA and the Districts a better understanding of how to protect fish and wildlife resources during vector control operations.

OVCA Goals:

- 1) Creation of Pesticide Use Plan submission criteria that will provide ODFW with all relevant information needed to review and approve annual Pesticide Use Plans.
- 2) OVCA will strive to provide to ODFW with technical assistance related to the control of public health vectors on lands within the State of Oregon.

ODFW Objectives:

- 1) Provide protections for and minimize effects on fish, wildlife and their habitats during vector control operations.
- 2) Outline the process for ODFW's review of vector control pesticide use plans.
- 3) Provide a mechanism for ODFW to communicate with OVCA and vector control districts on protections needed for sensitive species or areas during vector control actions.
- 4) Provide a process for districts to identify where sensitive fish and wildlife species or areas (habitats) occur and preferred options for their protection.
- 5) Establish timelines for submittal of plans and approval by ODFW.
- 6) Define approval frequency of and reevaluation points for vector control pesticide use plan review.

OVCA Objectives:

- 1) Promote vector control activities within the State of Oregon based on an Integrated Pest Management strategy to ensure that operations and control practices that are employed are environmentally compatible to the extent practical, and are not significantly detrimental to ODFW's mission, purpose, or goals.
- 2) Demonstrate a continued professional commitment to reduce pesticide usage as outlined in the NWMVCA/OVCA PESP Strategy Document, created as a partner with the American Mosquito Control Association in the US Environmental Protection Agency's Pesticide Environmental Stewardship Program.

Background

Vector control for disease prevention and containment is a vital function for human health.

ODFW's goal in review and approval of vector control pesticide use plans is to minimize effects on fish, wildlife and their habitats. In approvals, ODFW reiterates requirements already listed on labels, material safety data sheets (MSDS) or in U.S. EPA advisories that protect fish and aquatic life, wildlife and their habitats from harm by pesticides. In addition, under ORS 452.140 and ORS 452.245, ODFW may require protections for its statutory mandates pursuant to the Wildlife Policy (ORS 496.012) and the Food Fish Policy (ORS 506.109).

Districts control mosquitoes in natural habitats and many types of waterways, as well as human habitation areas. Mosquito control is the District activity that may have the greatest potential to affect fish, wildlife or their habitats. Based on U.S. EPA-required studies for pesticide registration, even low concentrations of some mosquito-control pesticides may have the potential to affect fish, wildlife or their habitats. As a result, ODFW encourages least harmful alternatives for vector control.

The parties understand that certain types of vector control at any mosquito life stage can affect fish, wildlife or their habitats. ODFW and the Districts acknowledge that vector control is primarily aimed at reducing mosquito vectors to reduce the risk of disease transmission rather than eliminating mosquitoes. Secondly, vector control also provides human quality of life benefits by reducing mosquito pests.

To further this understanding and cooperation, ODFW, the OVCA and the Districts agree to the following:

ODFW will:

- 1) Work with Districts at the ODFW field staff level to identify sensitive habitat areas and species, including sensitive timing needs (e.g. nesting time periods). In order to do this, ODFW will develop an internal process and general criteria for identifying sensitive habitat areas.
- 2) Develop ODFW Wildlife Area vector control management plans on Wildlife Areas within vector control District boundaries. ODFW Wildlife Area Managers will work with their local Districts to develop mosquito monitoring, sampling and treatment options. Wildlife Area Managers will meet annually with the local District to review last year's strategies and revise the plan if needed. Sensitive areas will be identified and mapped, including sensitive time periods. Wildlife Area Managers will address vector control using ODFW's guiding statutes, rules and policies related to their specific areas.
- 3) Send an acknowledgment of receipt of the vector control pesticide use plan (Plan(s)) and provide an expected date for a response back to the District on the Plan.
- 4) Send submitted Plans to the appropriate fish and wildlife field staff for review. The ODFW coordinator will review comments from field staff, discuss and resolve any potential issues between ODFW and Districts and prepare a response letter.
- 5) Target a 45-day turn-around from date the Plan is received for providing a response letter to the District.
- 6) If ODFW determines additional information is needed before the Plan can be approved, ODFW may send a preliminary one month approval so that the District can move ahead with their vector control responsibilities while any issues are being

- resolved. ODFW will also provide the District with a response in writing describing, in detail, information that needs to be addressed in the Plan.
- 7) If for some reason a District needs approval of their Plan in an expedited manner and the Plan has not changed significantly from previously approved Plans, ODFW may provide the District with a preliminary one month approval to be followed later by a response letter on the Plan.
 - 8) Consider Plan approval on a less frequent basis than annually for Plans which do not change from year to year (no new sensitive areas, species, no change in pesticides used or in application locations, no labeling changes and the like). The District must send a letter to the ODFW coordinator stating that the Plan remains the same as the previous year. ODFW will need to review a Plan every five (5) years regardless of whether it has changed or not.
 - 9) Provide information to Districts as soon as possible on new or emerging issues so that Districts can accommodate the information in their Plans. Information would include newly identified sensitive fish or wildlife species (such as, new endangered species listings, new information on locations of sensitive fish or wildlife habitat, federal critical habitat designations, etc), new understandings of how certain pesticides affect non-target species and methods to reduce effects on non-target species.
 - 10) Determine under which circumstances or situations monitoring for effects on non-target species may be required.
 - 11) Clearly define circumstances that may result in protections for fish, wildlife or their habitats in addition to restrictions listed on pesticide labels.

- 12) Attend the annual OVCA meeting and, on request, provide a presentation on ODFW activities related to OVCA member interests and ODFW's statutory responsibilities.

The OVCA will:

- 1) Incorporate this agreement into its By-Laws by reference and obligate, to the extent of its ability, its members to abide by the terms of this agreement, until such time as it is amended or terminated.

The Districts will²:

- 1) Contact the local ODFW field office and, if within the District boundaries, the ODFW Wildlife Area manager early in Plan development to identify sensitive habitat areas and species.
- 2) Submit Plans to ODFW's coordinator before the beginning of the vector control season, preferably during January. (Plans may be submitted either as a hardcopy or electronically.)
- 3) Follow the Plan format outlined by Oregon Department of Human Services (ODHS). This Plan format may need to be changed as a result of this agreement.
- 4) Discuss in the Plan how the District will use the integrated pest management approach (IPM)³ to minimize impacts to fish and wildlife.

² Most of these elements, once written into the Plan, should not change greatly year to year unless new information becomes available or new pesticides are used.

³ IPM for Oregon agencies is defined in ORS 634.650 "Definitions for ORS 634.650 to 634.665. As used in ORS 634.650 to 634.665:

"(1) 'Integrated pest management' means a coordinated decision-making and action process that uses the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet agency pest management objectives. The elements of integrated pest management include:

"(a) Preventing pest problems;

"(b) Monitoring for the presence of pests and pest damage;

- 5) Provide information indicating under what circumstances (or “triggers”) a District would shift from one control method to another.
- 6) Provide a list of pesticides that Districts might use for vector control and under what circumstances a particular pesticide might be used.
- 7) List label restrictions, by product, related to application to, over, around or near water, and other protections listed for fish, wildlife or their habitats, using latest pesticide label or material safety data sheet (MSDS) information and any other applicable information.
- 8) Provide ODFW field offices with copies of labels and MSDS for the pesticides identified in their Plans. Copies can be provided electronically, including by website location and only need to be provided the first time a pesticide or other vector control product is introduced into the Plan.
- 9) List past year usage by active ingredient (A.I.) per acre and maximum frequency of application. Include a five-year running chart of all pesticides used in the last five years. ODFW will consider the possibility of using the Pesticide Use Report System (PURS) developed by Oregon Department of Agriculture (ODA) so as not to duplicate work.
- 10) Indicate an understanding of how to prevent contamination of non-target species and habitats.

“(c) Establishing the density of the pest population, which may be set at zero, that can be tolerated or correlated with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic or aesthetic thresholds;

“(d) Treating pest problems to reduce populations below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical and chemical control methods and that shall consider human health, ecological impact, feasibility and cost effectiveness; and

“(e) Evaluating the effects and efficacy of pest treatments.

“(2) “Pest” means any vertebrate or invertebrate animal, pathogen, parasitic plant, weed or similar or allied organism which can cause disease or damage to crops, trees, shrubs, grasses or other plants, humans, animals or property. [1991 c.943 §1]

“**Note:** 634.650 to 634.665 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 634 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.”

- 11) For mosquito control, include information about how *Gambusia affinis* (western mosquito fish) will be used and about obtaining a fish transportation permit (per OAR 635-007-0620).
- 12) Specify how the District will monitor the effects of vector management on non-target species. Most Districts have limited budgets for this activity and indicate they will conduct monitoring in the course of other duties. Districts are encouraged to maintain contact with local ODFW field offices so they can be made aware of any unintended impacts on non-target species.
- 13) Describe in plans implementation of best practicable monitoring and sampling techniques to determine effects of vector control on target and non-target species, including how pesticide resistance will be determined, measures to prevent resistance and courses of actions if resistance is detected. Minimal monitoring and reporting to local ODFW field offices of non-target impacts must be implemented. This includes noting dead fish, wildlife or non-target insect die-offs at application locations.

ODFW and Districts must:

- 1) Communicate openly about emerging issues related to vector control and fish, wildlife and their habitats.
- 2) Use a step-wise hierarchical approach to solving problems:
 - a. Work together at the local level first (e.g. between individual Districts and ODFW field staff, including involving the ODFW Watershed Manager) to resolve problems that arise locally (between a District and ODFW field staff).

- b. If issues cannot be resolved locally or are broader in nature, an OVCA representative, a District (if involved), the ODFW pesticide use plan coordinator, and ODFW field staff (if involved) will attempt to resolve the issue.
- c. Unresolved issues will be elevated first to the Fish Division administrator or management designee; And, finally:
- d. To ODFW's Deputy Director of Natural Resources for resolution.

Being in the best interests of the state to prevent and contain human health vectors while protecting fish and wildlife resources for the citizens of Oregon, the OVCA, representing its member Districts, and the ODFW agree to this Memorandum of Understanding. Either party may withdraw from this agreement upon a two-week notice sent by certified letter to the other party. This agreement does not obligate any funds by either party.

Four Rivers VCD Date

Jackson Co. VCD Date

Klamath VCD Date

Multnomah Co. VCNC Date

Marion Co. Health Dept Date

North Morrow VCD Date

Poe Valley VCD Date

Sun River VCD Date

Union Co. VCD Date

Wasco Co. Weed Control Date

Washington Co. Health Date

West Umatilla VCD Date