



Local Coastal Program  
Permit Sonoma

# Sonoma County Local Coastal Plan Update

## **Policy Option: Pesticide Regulation**

### **Pesticide Regulation Policy Recommendation:**

The following Implementation Program is recommended to be added to the Open Space and Resource Conservation Element:

“In coordination with the Sonoma County Agricultural Commissioner, explore the possibility of developing policy and standards for new development and County operated facilities that limit use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, in locations where the application of such substances would have the potential to significantly degrade environmentally sensitive habitat areas, impact coastal water quality, or harm wildlife. In addition to limiting pesticide use, develop an educational program to help property owners understand how pesticides affect public health and the environment. Consider allowing the use of herbicides to eradicate invasive plant species or restore habitat-if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are found to be infeasible.”

### **Need and Purpose**

The introduction of pesticides to the coastal environment has potential short-term as well as cumulative impacts to environmentally sensitive wildlife species, Environmentally Sensitive Habitat Areas, and water quality. Bobcats, mountain lions, coyotes, and other carnivore species are susceptible to death through coagulopathy, or internal bleeding caused by consuming anticoagulant rodenticides directly or indirectly by consuming prey that has been poisoned by anticoagulant rodenticides. Many herbicides and fungicides are water soluble and will pollute creeks, streams, and inshore tidelands as well as percolate into groundwater and contaminate drinking water. Pesticides also have potential to alter sensitive plant communities and eliminate plants and insects that provide food for birds. A final concern is that pesticides runoff into tidelands bioaccumulates in bay mud, permanently damaging eelgrass meadows and estuarine ecosystems along the Sonoma Coast.

Ideally, feasible alternatives for pesticides could be identified, making their use unnecessary. However, there are situations where pesticide use is the most effective and safe approach, such as integrated pest management, which is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control



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materials are selected and applied in a manner that minimizes risk to human health, beneficial and non-target organisms, and the environment.

Developing an effective program that will reducing or eliminating pesticide use is critical to protection of wildlife, Environmentally Sensitive Habitat Areas, and water quality along the Sonoma Coast.

### **State Preemption**

Food and Agriculture Code section 11501.1(a) preempts local governments from “prohibit[ing] or in any way attempt[ing] to regulate any matter relating to the registration, sale, transportation, or use of pesticides.” In passing this law, the Legislature found that “matters relating to (pesticides) are of a statewide interest and concern and are to be administered on a statewide basis by the state unless specific exceptions are made in state legislation for local administration.”

Although it restricts local authority to regulate pesticides, the Food and Agriculture Code does not explicitly limit the authority of state agencies or departments. In the opinion of the Coastal Commission, the Commission itself is authorized to regulate pesticides in order to carry out the Coastal Act, at least so long as such regulation does not conflict with other statewide pesticide laws.

In the opinion of the Coastal Commission, local jurisdictions may adopt Local Coastal Plan policies that regulate pesticide use, including rodenticide use, through Local Coastal Plans to the extent such regulation is necessary or proper in carrying out Chapter 3 policies of the Coastal Act, such as protecting environmentally sensitive habitat areas or water quality. The Commission’s opinion has not been tested and confirmed by appellate courts, and County Counsel intends to seek an Attorney General opinion on this issue.

It should be noted that unlike other issue areas where local governments may adopt policies that go beyond what is required or encompassed by the Coastal Act, local governments are preempted from broadly regulating pesticides unless they are doing so under the auspices of the Coastal Act or another state law.

### Limiting Pesticide Restriction to New Development

The Coastal Act does not provide the Commission or local governments with unlimited authority to regulate all ongoing activities or uses in the coastal zone. Rather, the Act regulates “development” in the coastal zone by requiring a coastal development permit for anyone wishing to undertake such development as defined by the Act. Once the Local Coastal Plan is certified by the Commission and found to be consistent with the Coastal Act requirements, local government then have the authority and responsibility to issue coastal development permits for proposed development. Because the authority



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is limited to regulating new development, policy regulating pesticide use more broadly is likely to be preempted by the Food and Agriculture Code.

### County-operated facilities

Sonoma County is not preempted from regulating pesticide use on its own facilities, such as county roads and parks. Additionally, state agencies such as Caltrans, California State Parks, and the California Coastal Conservancy are not preempted from regulating pesticides within their facilities or choosing to use pesticides consistent with standards that may be developed by this Program.