



MVCAC

**Mosquito and Vector Control
Association of California**

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Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814
Facsimile: (916) 653-8102
CEQA.Rulemaking@resources.ca.gov

August 27, 2009

RE: Comments on Proposed CEQA Guideline Amendments

Dear Mr. Calfee,

The Mosquito and Vector Control Association of California (MVCAC) is a public service association with over 60 member agencies, committed to protecting public health through control of mosquito and vector-borne disease and distribution of information to the public. As public agencies governed under the California Health and Safety Code (Sections 2000-2093) we would like to provide the comments detailed below on the proposed regulatory action to adopt the Proposed CEQA Guideline Amendments pursuant to SB97. We find that public health and more specifically vector control considerations have historically not been adequately addressed in the CEQA Guidelines or on the Initial Study Checklist or Appendix G Environmental Checklist. This oversight has resulted in the avoidable creation of countless numbers of mosquito breeding sites and vector favorable habitats in a variety of development projects and habitat creation/restoration projects statewide for decades. As a result it has needlessly placed the public at higher risk of infection by vectors (i.e., mosquitoes) which transmit diseases like the deadly West Nile virus.

Unfortunately, the current Proposed CEQA Guideline Amendments continue to overlook the significance of addressing public health issues specifically vector control and this time ignores the direct impact that green house gas emissions (GHG) and climate change have on the production of vectors and their spread. In the enclosed Attachment 1, we first voiced and detailed our concerns about this to Secretary Chrisman of your agency in a letter dated June 9, 2009. Our request for consideration of this issue was met with dismissal in a response letter dated July 10, 2009 from Mr. Chrisman (see Attachment 2). We are disappointed that the California Natural Resources Agency, thus far, has not appreciated the importance of having vector control considerations clearly and distinctly incorporated into the CEQA Guidelines or on Appendix G Environmental Checklist also known as Initial Study Checklist. It is our hope that with further examination your agency might better recognize this imperative need to explicitly include vector control related questions on the Initial Study Checklist.

As SB97 mandates guidelines to address GHG emissions and climate change these and other environmental factors influence impacts to the "resource" of public health. This needs to be



adequately addressed and mitigated for and the most effective way to accomplish this is through the addition of vector control related questions on the Initial

Study Checklist. It is an opportune time for amendments to CEQA which effectively address these issues:

- 1) GHG emissions and climate change will increase and spread vector borne-diseases
- 2) Public health pest reduction can be effectively accomplished through the Initial Study Checklist
- 3) Minimization of vectors through policy changes and efficient planning strategies reduces the need for pesticide application for control of vectors

More and more evidence suggests a link between the spread of tropical diseases and climate change. Researchers speculate that as average temperatures increase, "species of arthropod vectors may disperse beyond their current geographic boundaries" (Higgs, 2009). This, coupled with other factors which influence globalization of diseases like West Nile Virus and the Chikungunya Virus, are justification for having vector associated public health concerns incorporated into the current proposed amendments to the CEQA Guidelines.

Further in response to Gov. Schwarzenegger's November 2008 Executive Order S-13-08 your agency has lead the preparation of the 2009 California Climate Adaptation Strategy. The draft of the aforementioned document identifies anticipated impacts to public health, one of seven sectors evaluated, as a result of climate change and provides recommendations on how to manage against those threats. In Section IV on page 38 there is a sub-section which specifically identifies the vector-borne disease risks and impacts as a result of rise in sea level. It would follow that if your agency sees fit to address these impacts in this important document then at a minimum equal attention should be given to addressing impacts to public health as they relate to vector production and the spread of vector borne-disease by including such considerations on the Initial Study Checklist.

In the interest of offering the public an appropriate level of protection, the MVCAC proposes the attached additions to the Initial Study Checklist (Attachment 3). It may be most appropriate for vector control considerations to be added to the Initial Study Checklist as a series of questions under a new Initial Study Checklist item, "Public Health and Safety" to identify the resource needing protection. The lead-in statement refers the lead agencies to the Health and Safety Code and to local mosquito and vector agencies that could provide advice and guidelines for evaluating vector risks and reduction measures.

Please consider this sensible planning measure that will reduce vectors, the use of pesticides and the threat to California from diseases such as West Nile virus, emerging diseases such as dengue and the re-emerging threat of malaria.

We thank your agency in assisting MVCAC members to better serve the citizens of California and the environment.

Sincerely,



John Rusmiser
President
MVCAC

cc Mike Chrisman, Secretary of the California Natural Resources Agency
Cynthia Bryant, Director of the Governor's Office of Planning and Research
Terry Roberts, Director of the State Clearing House
Joe Simitian, California State Senate Environmental Quality Committee



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June 9, 2009

Mr. Michael Chrisman
California Secretary for Natural Resources
1416 Ninth St., Suite 1311
Sacramento, CA 95814

RE: Proposed Changes to the California Environmental Quality
Act (CEQA) Initial Study Checklist to Include Vector Control Issues

Dear Secretary Chrisman:

Thank you for the opportunity to bring to your attention the need to include vector control as a public health and safety item on the California Environmental Quality Act (CEQA) Initial Study Checklist. As you are aware, SB97 has mandated the addition of greenhouse gas emissions and climate change considerations to CEQA Guidelines, and your agency is currently reviewing the proposed recommendations from the Governor's Office of Planning and Research. Climate change and other environmental factors that influence impacts to the public health resource need to be not only more clearly recognized but also adequately mitigated. Therefore, it is an opportune time for amendments to CEQA which effectively address these issues:

- 1) Climate change will increase and spread vector borne-diseases
- 2) Public health pest reduction can be effectively accomplished through the Initial Study Checklist

The Mosquito and Vector Control Association of California (MVCAC) is a public service association with over 60 member agencies, committed to protecting public health through control of mosquito- and vector-borne diseases and distribution of information to the public. The MVCAC members include mosquito and vector control districts and county/municipal environmental health programs, with support from the California Department of Public Health (CDPH), the University of California, and the California Department of Fish and Game. These member agencies are charged under the California Health and Safety Code (Sections 2000-2090) to protect the citizens of California from vectors and vector-borne diseases. (Vector: e.g.: mosquitoes, flies, ticks, rodents, yellow jackets, fleas, lice, etc.)

These agencies have long recognized that the CEQA Guidelines and Appendix G Environmental Checklist Form or Initial Study Checklist (IS Checklist) do not consider the impacts of projects on public health when such projects may affect the abundance or distribution of vectors and vector-borne disease. This has resulted in many projects that have created

significant vector breeding and habitat, placing the public at greater risk for disease and increasing the need for pesticide applications to control these vectors.

If vector control considerations were included in the IS Checklist, projects that could have such hazards would be considered to have a potentially significant environmental impact and would therefore receive further evaluation and possible mitigation under CEQA. Lead agencies would be alerted to vectors and could work with local agencies to modify projects to minimize these unintended consequences, substantially reducing the risk of vector-borne disease in California. Additionally, it would reduce the demand for vector control services, thereby decreasing cost burdens on tax payers and the amount of pesticides applied to control vectors.

Today we have an obligation to conduct essential public health pest control activities in the most environmentally sensitive and sustainable way. Responsive measures to control pests often, by necessity, involve intervention by means of legal abatement or pesticide treatments. It therefore makes sense to ensure that CEQA-regulated development projects that have the potential to impact wetlands, involve water management or expose people and wildlife to mosquitoes, rodents or flies be subject to review. By mitigating activities and development that can have water quality impacts, both wildlife protection and public health goals are served.

For example, some NPDES-regulated stormwater treatment structures that hold permanent sources of standing water by design create a difficult challenge for public health officials and vector control agencies and may pose a legal liability under the Mosquito Abatement and Vector Control District Law (Health and Safety Code division 3, chapter 1, commencing with section 2000). These treatment structures such as flood-control basins and constructed wetlands often provide aquatic habitats suitable for mosquitoes and other vector species as an unintended consequence of their implementation. Checklist questions would guide planners to obtain guidelines from public health experts regarding structures and maintenance schedules that would reduce mosquito control interventions.

In August 2007, Governor Schwarzenegger issued an Emergency Proclamation regarding West Nile Virus. In the proclamation, the Governor directed the CDPH, the Resources Agency and other departments to develop a guidance document to address mosquito control practices on all state owned or managed properties. The resulting publication, titled "Best Management Practices for Mosquito Control on California State Properties", was released in early August 2008. This document serves as a basis for our proposed changes to the IS Checklist (See Attachment 1).

Ironically, the current Initial Study Checklist screens for impacts such as noise, threats to visual resources, natural resources, and cultural resources while threats to public health, including mosquitoes and other vectors, which can disseminate widely to affect human and animal health, are not considered significant enough to be recognized on the checklist. In those few instances where lead agencies address vector issues in their locally-modified CEQA Checklists there is considerable variation in how and where vectors are considered within the document. For example, if mentioned at all, vectors may be treated under “Hazards” or “Water Quality” and are often embedded in a question in which vectors are not the primary focus. These inconsistencies and the inadequate treatment of vector issues only exacerbates the problem by confusing the respondents and decision makers, further emphasizing the need for vector considerations to have state-wide consistency on the State IS Checklist.

Having vector control considerations added to the CEQA Initial Study Checklist would be an important first step in ensuring that vector control issues are adequately addressed in environmental documents. This addition would translate into preventive planning, design, and maintenance of project features to avoid or minimize vector production. Vector control considerations are widely applicable to the vast majority of project types subject to CEQA review and should therefore be included on the IS Checklist for all projects. Some of the features that are incorporated into residential, commercial, industrial, or capital improvement projects which should consider vector production include: stormwater treatment control BMPs, created wetland/riparian habitat or restoration projects, pond or lake features, animal facilities, rock quarries, project landscaping, and mixed use trails or corridors.

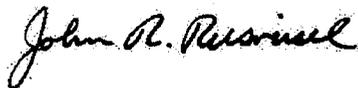
More and more evidence suggests a link between the spread of tropical diseases and climate change. Researchers speculate that as average temperatures increase, “species of arthropod vectors may disperse beyond their current geographic boundaries” (Higgs 2009). This, coupled with other factors which influence globalization of diseases like West Nile Virus and the Chikungunya Virus, are justification for having vector associated public health concerns incorporated into the current proposed amendments to the CEQA Guidelines which address climate change as related to greenhouse gas emissions required by SB97.

In the interest of offering the public an appropriate level of protection, the MVCAC proposes the attached additions to the IS Checklist (Attachment 2). It may be most appropriate for vector control considerations to be added to the IS Checklist as a series of questions under a new IS Checklist item, “Public Health and Safety” to identify the resource needing protection. The lead-in statement refers the lead agencies to the Health and Safety Code and to local mosquito and vector agencies that could provide advice and guidelines for evaluating vector risks and reduction measures.

Please consider this sensible planning measure that will reduce vectors, the use of pesticides and the threat to California from diseases such as West Nile Virus, emerging diseases such as dengue and the re-emerging threat of malaria.

We thank you for your help in assisting MVCAC members to better serve the citizens of California and the environment.

Sincerely,



John Rusmiser
President
MVCAC

cc Cynthia Bryant, Director of the Governor's Office of Planning and Research
Ken Miller, General Counsel, Natural Resources Agency
California State Senate Environmental Quality Committee
Senator Joe Simitian, 11th District
Senator George Runner, 17th District
Senator Roy Ashburn, 18th District
Senator Ellen Corbett, 10th District
Senator Loni Hancock, 9th District
Senator Alan Lowenthal, 27th District
Senator Fran Pavley, 23rd District



July 10, 2009

Mr. John Rusmiser
President
Mosquito and Vector Control Association of California
1215 K Street, Suite 2290
Sacramento, CA 95814

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ALAMEDA COUNTY
MOSQ. ABAT. DIST.

Dear Mr. Rusmiser,

Thank you for your June 9, 2009, letter suggesting certain amendments to the Appendix G Environmental Checklist in the State Guidelines Implementing the California Environmental Quality Act ("CEQA"). Specifically, your letter suggested adding several questions to Appendix G to assist lead agencies in determining whether proposed projects may increase vector-related hazards. The Natural Resources Agency (Agency) appreciates the efforts of the Mosquito and Vector Control Association of California to protect public health in California and to raise awareness of the public health implications of project design.

As you may know, the Public Resources Code requires that the State CEQA Guidelines be updated at least once every two years. On July 3, 2009, the Agency published a Notice of Proposed Rulemaking to consider proposed amendments to the State CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions pursuant to SB97 (Statutes 2007, Chapter 185). As indicated in the Notice for the current rulemaking cycle, comments on the proposed amendments submitted during the written comment period will be considered and responded to pursuant to the Administrative Procedures Act. Your letter was submitted prior to the commencement of the public comment period for the 2009 rulemaking; therefore, we assume that your proposal is separate from the proposed action at issue in the current rulemaking process. This letter constitutes the Agency's response to your proposal.

The Agency has considered, and appreciates, your proposal; however, for the reasons set forth below, we believe amendments of Appendix G as suggested in your proposal is not warranted at this time.

Appendix G is intended to provide a sample checklist that may assist lead agencies to evaluate the potential environmental impacts resulting from proposed projects. The checklist is only a sample and should be tailored to the lead agency's particular

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July 10, 2009

circumstances. (State CEQA Guidelines, § 15063(f).) Further, the analysis for a project must consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. Thus, the inclusion of vector control questions in the Appendix G checklist would not require lead agencies to include analysis of such issues in their environmental documents, nor does the lack of such questions in the checklist excuse lead agencies of such an analysis if substantial evidence warrants it.

Other aspects of the CEQA Guidelines, moreover, already require analysis of vector control issues where substantial evidence indicates that a project may cause such adverse effects. For example, section 15065(a)(4) requires a finding of significance and preparation of an environmental impact report where the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." This finding is currently reflected in section XVII(c) of the existing Environmental Checklist in Appendix G.

Your letter mentioned that vector control issues should be addressed in particular where certain mitigation measures, such as detention basins, are required to protect water quality. In that circumstance, section 15126.4(a)(1)(D) requires analysis of the potential adverse effects resulting from a project's mitigation measures. Where an Environmental Impact Report (EIR) is prepared for a project, section 15086(a)(3) requires the lead agency to consult with, among others, "[a]ny ... local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project[.]" Thus, the local vector control agency would have the opportunity to provide input on the specifics of the project and its location.

Thus, because the existing CEQA Guidelines already require analysis of vector control issues where substantial evidence indicates that a project may cause such effects, the Resources Agency does not believe that amendment of the Appendix G Environmental Checklist is necessary at this time. We thank you for your thoughtful input.

Sincerely,



Mike Chrisman, Secretary
California Natural Resources Agency

ATTACHMENT 3

PROPOSED CEQA QUESTIONS – PREFERRED ALTERNATIVE

XVII. Public Health and Safety

Vector Control -- To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

Potentially
Significant
Impact

Less Than Significant
with Mitigation
Incorporated

Less Than
Significant
Impact

No
Impact

a) Increase the potential exposure of the public to disease vectors and public nuisance organisms (including but not limited to mosquitoes, rodents, fleas and ticks) that can transmit diseases to humans and other animals, cause a significant risk of harm, injury, death or otherwise have a substantial adverse effect on quality of life?

b) Create or contribute standing water for more than 96 hours, either above or below ground, conducive to the production of mosquitoes, or other vectors defined in the California Health and Safety Code which can include wetlands, stormwater treatment control BMPs, animal facilities, or any other shallow stagnant water feature?

c) Increase the potential exposure of the public to flies (e.g. midges, black flies, house flies) that can cause respiratory problems, adversely effect on quality of life, and/or degrade property values?

d) Increase the potential exposure of the public to rodents by providing additional rodent harborage due to trash and debris accumulation or rodent-favorable landscaped habitats?

e) Increase the populations of vectors (e.g. fleas, ticks) or human-wildlife interactions that enhance the risk of wildlife- and vector-borne disease transmission through the establishment of habitat conducive to wildlife or wildlife movement within or through the urban matrix?

**Potentially
Significant
Impact**

**Less Than Significant
with Mitigation
Incorporated**

**Less Than
Significant
Impact**

**No
Impact**

f) Impede or prevent vector control/public health professionals from performing duties or activities associated with protecting the public from vector-borne disease risks, or impose structural or regulatory impediments which may inadvertently encumber control activities?