

RESOLUTION NO. 25-109

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU
PROCLAIMING A LOCAL EMERGENCY
AND
REQUESTING THE GOVERNOR TO PROCLAIM A STATE OF EMERGENCY
REGARDING ILLEGAL PESTICIDES AND ILLICIT CANNABIS OPERATIONS

WHEREAS, California Government Code section 8630 empowers the Board of Supervisors ("Board") to proclaim the existence of a local emergency when Siskiyou County is threatened or likely to be threatened by conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County; and,

WHEREAS, the illegal importation and distribution of foreign-manufactured pesticides circumvent federal and state regulatory oversight and constitute a transnational criminal threat; and,

WHEREAS, conditions of extreme peril to the health and safety of the public, first responders, property, and the environment have arisen in Siskiyou County due to the widespread presence of illegal pesticides related to illicit cannabis cultivation and processing operations; and,

WHEREAS, illegal cannabis cultivators in Siskiyou County are increasingly using illegal, highly toxic pesticides unlawfully as fumigants by igniting sawdust-like materials infused with a cocktail of insecticides (organophosphates, carbamates, pyrethroids, chlorinated hydrocarbons), fungicides, and herbicides in aluminum cans placed throughout enclosed grows structures, creating thick, poisonous smoke; and,

WHEREAS, multiple certified laboratories have identified the presence of at least twenty-seven pesticides in various mixtures saturated in the sawdust-like materials of which nine behave similar to chemical warfare nerve agents by attacking the central nervous system (i.e., acetylcholinesterase inhibitors), three are listed as California Toxic Air Contaminants; six are listed by California state agencies as groundwater pollutants; and nine are listed as California Proposition 65 carcinogens; and,

WHEREAS, since 2023, approximately 176 investigations conducted by the County's Code Enforcement and Environmental Health divisions, and associated enforcement actions, have revealed the widespread blatant misuse of highly toxic Chinese-labeled pesticides, as well as other less frequently observed Thai-labeled and Spanish-labeled pesticide products (see Exhibit A). According to the California Environmental Protection Agency (CalEPA), the Chinese-labeled pesticide fumigant

products have been found in eighteen counties throughout California with Siskiyou County taking the lead on quantity, variety, and frequency of observation. These illicit products are often imported outside of legal regulatory channels and lack English-language label information required under federal and state law; and,

WHEREAS, these illegal pesticide fumigant products have been routinely discovered at illegal cannabis cultivation sites and include pesticides that have never been approved for use in the United States, such as chlothiophos, diafenthuron, fenobucarb, fuberidazole, isoprocarb, procymidone, and tridemorph, along with other pesticides that were once approved for use but cancelled due to health and safety concerns, such as dinoseb and hexachlorobenzene. Additionally, according to CalEPA, it is unknown at this time what thermal decomposition products (i.e., toxic gases) are produced by burning a mixture of highly toxic and illegal pesticides that are not permitted to be used as fumigants; and,

WHEREAS, these unregulated, foreign-labeled, carcinogenic, teratogenic, genotoxic, and cytotoxic agents, including known Persistent Organic Pollutants that are not authorized for use by any federal or state agencies, pose an immediate and severe threat to human health, including but not limited to acute poisoning, long-term genetic abnormalities, disruption of cellular metabolism, respiratory and reproductive harm, and neurological damage, as well as long-term environmental threats of contamination to soil, air quality, groundwater, surface waters, and wildlife ecosystems; and,

WHEREAS, under the Sustainable Groundwater Management Act (SGMA), four of the County's groundwater basins have been designated as medium priority basins, including the Shasta, Scott, and Butte Valley groundwater subbasins, which are sustainably managed by the Siskiyou County Flood Control and Water Conservation District acting as the Groundwater Sustainability Agency (GSA). Water Quality is a required sustainable management criterion that the GSA must monitor and report on annually to the Department of Water Resources (DWR). If the GSA does not meet the water quality standards and goals set forth in its Groundwater Sustainability Plans (GSPs), it risks having a GSP deemed "inadequate" by DWR. This could trigger state intervention by the State Water Resources Control Board (SWRCB), potentially shifting groundwater jurisdiction from the local community to the SWRCB; and,

WHEREAS, first responders, including deputies from the Sheriff's Office, taskforce members, game wardens, county officials, firefighters, emergency medical personnel, and environmental response teams, are increasingly encountering these illicit substances during the course of their duties, often without sufficient warning, appropriate personal protective equipment (PPE), and proper safety protocols for this new emerging public health threat. Additionally, medical personnel are not equipped or

trained to properly handle exposures or suspected exposures to these illicit products, which lack the required safety label language that registered pesticide products are required to have per federal and state law; and,

WHEREAS, several documented incidents across the state and within the county demonstrate how the smugglers/distributors of these illegal pesticide products continue to disregard state and federal regulatory requirements set forth by Cal/OSHA, the California Food and Agricultural Code (FAC), and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), resulting in worker safety concerns to cultivators and exploited workers at these illegal grow sites in addition to increased threats to first responders, resulting in serious medical consequences and occupational hazards for those exposed to these chemicals during eradication operations conducted by law enforcement personnel and firefighters during emergency response operations; and,

WHEREAS, many illicit cannabis operations are hostile to responders, booby-trapped, structurally unsound, or deliberately designed to evade detection, creating volatile and life-threatening conditions for personnel entering such sites; and,

WHEREAS, in recent weeks, responses from local and state fire departments have increased within the contaminated sites, during which pesticide-laced plastics, wood, structures, and fuel were actively burning, creating volatile organic compounds (VOCs) resulting in hazardous materials incidents, which endanger both first responders and nearby residents. This recurring pattern of toxic exposures demands immediate intervention to address the escalating local emergency; and,

NOW THEREFORE BE IT RESOLVED that due to the imminent and ongoing threat posed by unmonitored and unregulated illegal pesticides in conjunction with illicit cannabis operations to the health and safety of the public, the environment, waterways, and first responders within the County of Siskiyou, the Siskiyou County Board of Supervisors proclaims a “local emergency” and orders that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors.

BE IT FURTHER RESOLVED that the Siskiyou County Board of Supervisors pursuant to Government Code section 8260(c) shall continue to review the need for maintaining the local emergency at least once every 60 days until its termination is proclaimed by the Board.

BE IT FURTHER RESOLVED that the Siskiyou County Board of Supervisors hereby proclaims and orders that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency

organizations of this county shall be those prescribed by state law, ordinances, and resolutions of this county approved by the Board of Supervisors.

BE IT FURTHER RESOLVED that a copy of this proclamation shall be forwarded to the Secretary of the Governor's Office of Emergency Services (Cal OES) with a request that the Secretary of Cal OES confirm a Secretary's concurrence.

BE IT FURTHER RESOLVED that a copy of this declaration shall be forwarded to the Governor of California with a request that he proclaim the County of Siskiyou to be in a state of emergency.

IT IS FURTHER ORDERED THAT:

1. A coordinated, multi-agency and departmental emergency response task force shall be established to identify, mitigate, and remediate contaminated sites and illegal operations.
2. Emergency resources shall be allocated to equip and train first responders with appropriate HAZMAT protective equipment and protocols to reduce the risk of exposure in accordance with National Fire Protection Association and Occupational Safety and Health Administration guidelines.
3. The County Office of Emergency Services shall collaborate with the Sheriff's Office, Environmental Health, fire departments, and state and federal partners, including, but not limited to, the DEA, EPA, and CalEPA.
4. The County shall seek mutual aid, technical assistance, and emergency funding from state and federal sources to support enforcement, clean-up, and public education efforts.
5. Siskiyou County Public Health and the Siskiyou County Agriculture Commissioner will develop an outreach and communication plan to raise awareness among residents, workers, and landowners about the hazards associated with illegal pesticide use and unpermitted cannabis operations.
6. All relevant county agencies, including but not limited to, Siskiyou County Public Health, Siskiyou County Environmental Health, Siskiyou County Agriculture Commissioner, Siskiyou County Sheriff, and Siskiyou County Office of Emergency Services are authorized and ordered to take immediate and necessary actions to protect life, property, and the environment under this emergency proclamation, and to coordinate with the Siskiyou County Flood Control and Water Conservation District (acting as the GSA) to that end.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 1st day of July, by the following vote:

AYES: Supervisors Valenzuela, Haupt, Harris, Kobseff and Ogren

NOES: None

ABSENT: None

ABSTAIN: None

Signed by:

Nancy Ogren

Nancy Ogren, Chair

Siskiyou County Board of Supervisors

ATTEST:

LAURA BYNUM, COUNTY CLERK

DocuSigned by:

By

Wendy Winingham

Deputy

Concurrence by

DocuSigned by:

Jeremiah LaRue

Jeremiah LaRue, Siskiyou County Sheriff

Concurrence by


DocuSigned by:

Bryan Schenone

Bryan Schenone, Director of Emergency Services

EXHIBIT A – EXAMPLES OF CHINESE-LABELED PESTICIDES

Field Reference Guide

Package	Product Registration Certificate number (upper right on package)	Photo	Active Ingredient and Information
1	PD20130759		<u>Isoprocarb</u> Chinese characters: 异丙 Chinese simplified: Yì bǐng wēi
2	PD20096840		<u>Isoprocarb</u> Chinese characters: 异丙 Chinese simplified: Yì bǐng wēi
3	Not listed		<u>Pyridaben</u> This package does not have a registered certificate number, the primary ingredient is considered 'toxic if inhaled,' and tested positive in high concentrations for several chemicals listed as 'fatal if inhaled'. Extreme caution should be exercised.
4	PD20130759		<u>Isoprocarb</u> Chinese characters: 异丙 Chinese simplified: Yì bǐng wēi
6	Not listed		<u>Unknown primary ingredient</u> This package does not have a registered certificate number and, while the primary ingredient could not be determined, the sample tested positive in high concentrations for several chemicals listed as 'fatal if inhaled'. Extreme caution should be exercised.
7	PD20180597		<u>Beta-cypermethrin</u> (translated) Chinese characters: 高效氯氟菊酯 Chinese simplified: Gāoxiào lǜqīngjǔzhǐ











Pesticides Identified in the Chinese Labeled Pesticide Fumigant Products Based on lab analysis conducted thus far, these illicit products contain a mixture of at least 3 to 13 different pesticides listed below.							
CAS	Pesticide	Pesticide Class <i>Italic Text = Suspected Byproduct, Metabolite, or Degradate</i>	Acetylcholinesterase Inhibitor	DCC Pesticide List 19 CCR 15719	Prop 65 Listed	Toxic Air Contaminant 3 CCR 6860(a)	GW Pollutant 3 CCR 6800
39515-51-0	3-Phenoxybenzaldehyde	Intermediate of beta-Cypermethrin					
122453-73-0	Chlorfenapyr	Pyrroles Insecticide		Yes; Category I Residual Pesticide			
1897-45-6	Chlorothalonil (Tetrachloroisophthalonitrile)	Fungicide. Organic compound.			Yes		Yes
21923-23-9	Chlorthiophos	Organophosphate Insecticide. Not registered for use in the United States.	Yes				
52315-07-8	Cypermethrin (beta and zeta)	Pyrethroid Insecticide	Yes	Yes; Category II Residual Pesticide			
80060-09-9	Diafenthiuron	Not registered for use in the United States. IRAC group 12A. Mitochondrial respiration inhibitor.					
62-73-7	Dichlorvos	Organophosphate Insecticide	Yes	Yes; Category I Residual Pesticide	Yes	Yes	
88-85-7	Dinoseb	Dinitrophenol herbicide. Registration cancelled in 1991. Highly toxic when ingesting, inhaling or at skin contact.					
3766-81-2	Fenobucarb (BPMC)	Carbamate Insecticide. Not registered for use in the United States.	Yes				
39515-41-8	Fenpropathrin	Pyrethroid Insecticide	Yes		Yes		
98886-44-3	Fosthiazate	Organophosphate Nematicide	Yes				Yes
3878-19-1	Fuberidazole	Fungicide. Not registered for use in the United States.					
118-74-1	Hexachlorobenzene	Organochlorine pesticide. Considered a pollutant of concern. Cancelled/banned for use in the United States			Yes		
36734-19-7	Iprodione	Systemic Fungicide; Highly toxic to freshwater, estuarine, and marine invertebrates; Primary degradate is 3,5-			Yes		Yes
2631-40-5	Isoprocarb (MIPC)	Carbamate Insecticide. Not registered for use in the United States.	Yes				
91465-08-6	Lambda-cyhalothrin	Pyrethroid Insecticide	Yes				
16752-77-5	Methomyl	Carbamate Insecticide. Restricted Material (3 CCR 6400)	Yes	Yes; Category II Residual Pesticide			Yes
35266-49-0	Methoxycarbonyl Isothiocyanate	Common Soil Fumigant Byproduct that is Toxic and Corrosive to Skin; and a Respiratory Irritant.					
598-55-0	Methyl Carbamate* (Carbamic acid, methyl ester)	Metabolite or degradate of Methomyl			Yes		
556-61-6	Methyl Isothiocyanate (MITC)	Organosulfur Compound. Restricted Material (3 CCR 6400)				Yes	
52-68-6	Metrifonate (Trichlorfon)	Organophosphate Insecticide	Yes				
300-76-5	Naled	Organophosphate Insecticide	Yes	Yes; Category II Residual Pesticide	Yes		
20925-85-3	Pentachlorobenzonitrile (PCBN)	Byproduct of Thermal Decomposition of Pentachloronitrobenzene					
82-68-8	Pentachloronitrobenzene (PCNB)	Organochlorine		Yes; Category II Residual Pesticide		Yes	
32809-16-8	Procymidone	Dicarboximide Fungicide; Not registered for use in the United States.			Yes		
41198-08-7	Profenofos	Organophosphate Insecticide	Yes				
96489-71-3	Pyridaben	Pyridazinone/Organochlorine Insecticide		Yes; Category II Residual Pesticide			
53112-28-0	Pyrimethanil	Anilinopyrimidines-Based Fungicide					
107534-96-3	Tebuconazole	Triazole Fungicide		Yes; Category II Residual Pesticide			Yes
36734-19-7	Thiophanate-Methyl	Systemic Benzimidazole Fungicide; Rapidly degrades to carbendazim or methyl 2-benzimidazole carbamate			Yes		Yes
81412-43-3	Tridemorph	Oxazinane Fungicide; Not registered for use in the United States.					