MVCAC
MOSQUITO AND VECTOR CONTROL ASSOCIATION OF CALIFORNIA

April 29, 2014

Mr. Chris Calfee
Senior Counsel
Office of Planning and Research
1400 10th Street
Sacramento, California 95814

VIA EMAIL: CEQA.Guidelines@ceres.ca.gov

Dear Mr. Calfee:

The Mosquito and Vector Control Association of California (MVCAC) sincerely appreciates the Office of Planning and Research (OPR) and the Natural Resources Agency's recognition of the serious public health consequences from diseases transmitted by mosquitoes and other vectors that has occurred since the previous update to the State CEQA Guidelines, 14 CCR §§ 15000, et seq. This letter is to provide further clarification as to why this recognition should remain and to respond to several comment letters that have been critical of this approach.

The 2002 Mosquito Abatement and Vector Control Law: Health Safety Code, Division 3, Chapter 1 *et seq.* is a legislative framework that emphasizes the importance of mosquito and vector control issues for public health and safety. The legislature has similarly emphasized in unanimous annual State Legislative Resolutions, declarations of Mosquito Abatement and Vector Control Awareness Week, the importance of these issues to the state. Certainly any project that can cause increased breeding of mosquitoes and other vectors posing increased health threats to humans and wildlife "may have a significant impact on the environment."

The existing CEQA Guidelines are clear that significant environmental impacts and the negative public health consequences associated with them must be analyzed. Moreover, an EIR shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines section 15126.4). Since the last significant CEQA Guidelines revisions in the late 1990's, new threats like the deadly West Nile virus, introductions of two new invasive mosquito species, the unintended consequences of implementing innumerous stormwater BMPs/LIDs, reduction in effective mosquito

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control products, and implications of climate change highlight the need for a responsive and proactive response from OPR. Californians are placed at greater risk since the vast majority of projects evaluated under CEQA do not address mosquito and vector considerations. Simply mentioning the need to mitigate the adverse impacts of projects that contribute to mosquito breeding is a simple first step.

The purpose of the Mosquito Abatement and Vector Control Law and underlying Legislative intent to create a strong public health pest prevention mechanism is clear (Health and Safety Code Section 2001):

> (b) The Legislature further finds and declares:
> (1) Individual protection against the vectorborne diseases is only partially effective.
> (2) Adequate protection of human health against vectorborne diseases are best achieved by organized public programs.
> (3) The protection of Californians and their communities against the discomforts and economic effects of vectorborne diseases is an essential public service that is vital to public health, safety, and welfare.
> (4) Since 1915, mosquito abatement and vector control districts have protected Californians and their communities against the threats of vectorborne diseases.
> (c) In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts with the power to conduct effective programs for the surveillance, **prevention**, abatement, and control of mosquitoes and other vectors.
> (d) It is also the intent of the Legislature that mosquito abatement and vector control districts cooperate with other public agencies to protect the public health, safety, and welfare. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.
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> Section 2002. As used in this chapter:
> (a) ‘‘Abate’’ means to put an end to a public nuisance, or to reduce the degree or the intensity of a public nuisance.

It is clear to mosquito and vector control professionals, private landowners, the public and public officials alike that *the most effective, economical and environmentally sound vector control methods are achieved through **preventive** methods: education and source reduction, rather than reactive ones such as pesticide applications or abatement measures enforcing the re-design and replacement of project elements.* Wildlife protection agencies and the building industry have collaborated in this more progressive

and sensible thinking through participation in the Central Valley Joint Venture and in plumbing code revisions to require pest screening of water conservation systems, for example.

California taxpayers can no longer afford to “clean-up” or cover up poor planning mistakes by requesting its public health officials repeatedly apply pesticides, when that poor planning is the result of lack of knowledge or deliberate disregard of nuisance consequences.

In regard to the comment letters OPR has received on addressing vector control issues, we would like to highlight the following:

- Mosquito and vector impacts rarely, if ever, are taken into account by lead agencies. In the rare instances any consideration is given it is addressed under public services or hazards and generally is not considered from the standpoint of the vector production potential of a project. This is unfortunate given that the current CEQA Guidelines are unambiguous that if a project will cause substantial adverse effects on humans, either directly or indirectly, it is a significant impact. Similarly, if a project could substantially reduce fish and wildlife habitat or substantially reduce the number of an endangered or threatened species, these effects are deemed significant (CEQA Guidelines section 15065).

- The economic and direct health impacts of mosquito production are burdensome to communities. Since 2004, more than 4,000 cases of West Nile virus illness have been reported in California. There are medical and lost wage costs for humans who contract vector-borne diseases and are debilitated as a result.

- Wildlife also is impacted and can succumb to vector-borne diseases like West Nile virus. In 2013, 20,000 eared grebes in Great Salt Lake, Utah died from West Nile virus, and 54 bald eagles that fed on the grebe became sick or died from the disease. Correcting the flood timing of wetlands to protect communities and duck hunters from mosquitoes makes sense for the wetland owners.

- Addressing vectors does not discourage creation of wetland habitat or water impoundment as mitigation measures. To the contrary, when these are created with mosquito control BMPs guidelines they are more likely to promote greater species diversity and a more robust habitat**.** Improvements to water quality, circulation and maintenance promote convergent goals of wildlife improvement

and mosquito reduction.[1,2] Species diversity is a common goal of mosquito control, resources agencies, and environmental interest groups, as a healthy species-rich wetland generally does not produce nuisance and threat level populations of mosquitoes.

- Myopic project planning can result in long term use of pesticides. Lack of proper planning results in the creation of more mosquito sources. This drives increased pesticide use by mosquito and vector control programs, and forces re-design by public works agencies.

- Often there is a nominal cost, if any, for project proponents to incorporate proactive preventive mosquito BMPs. Lower up-front costs for developers should not be borne by taxpayers saddled with long-term nuisances, exposure to pesticides and re-design of projects.

- Increasingly strict environmental regulation of pesticides limits product availability, restricts when and where applications can occur, and increases permitting and compliance costs for mosquito and vector control programs. Preventing the creation of new vector sources at the earliest stages of project planning is cost effective for project proponents and tax-payers.

- Some comments suggest that CEQA gives no current example of a potential impact that may result from mitigation measures. We suggest OPR could consider alternative language such as: *"The project must comply with provisions under Health and Safety Code Div. 3, Chapter 1, Article 1, and ensure that it will not result in mosquito or vector production."*

[1] Batzer and Resh used experimental wetlands in Suisun Marsh to examine how strategies that enhance waterfowl habitats impact the production of mosquitoes. They found that keeping wetland ponds at least 60 cm deep increased the number of water boatmen, beetle larvae, and midge larvae while reducing the mosquito population to zero (Journal of the American Mosquito Control Association 1992 pp 117-125). They also found that increasing the amount of open water increased the number of beetle and midge larvae while decreasing the mosquito larvae. Beetle and midge larvae are important food sources for waterfowl.

[2] Walton examined two different created and managed wetlands in San Jacinto. Wetlands with open water in the middle of the band had smaller larval mosquito populations and larger populations of invertebrate predators such as backswimmers, dragonflies, and beetle larvae (Journal of the American Mosquito Control Association 1998 pp 95-107). Walton found in additional work that areas of a wetland with dense bands of plants supported more mosquitoes and fewer other invertebrate species when compared with areas of the same wetland with narrower bands of plants (Ecological Engineering 2012 pp 150-159).

- Vector issues should not be left to *ad hoc* treatment, depending on the location and views of the planning department in a locality. All projects in all areas of California should be required to mitigate against conditions that could enhance vector problems. This step would provide statewide consistency in ensuring that a proposed project's potential to breed and/or harbor public health pests is adequately avoided or mitigated, thereby reducing its impact on the environment.

- We share convergent goals with Ducks Unlimited and the building industry in wanting an expedient and economical method for approval of problem-free projects by informed planners.

We appreciate the opportunity to continue working with OPR to ensure that the Guidelines are updated to reflect the current realities of a changed environment where the risk of mosquito borne dieases is a threat to humans and wildlife. Projects can and should mitigate against enhancing these risks.

Very truly yours,

Edward P. Manning