

COOPERATIVE RED IMPORTED FIRE ANT PROJECT

SOIL COMPANY COMPLIANCE AGREEMENT NO.

[Pursuant to California Food and Agricultural Code Section 5701 (a) and California Code of Regulations Section 3432]

PARTIES:

1. California Department of Food and Agriculture, the United States Department of Agriculture (Animal and Plant Health Inspection Service), and the Orange County Agricultural Commissioner, cooperating as the **Cooperative Red Imported Fire Ant Project** (subsequently referred to as "Cooperative RIFA Project").

Project Officer: _____
73-710 Fred Waring Drive, Suite 220
Palm Desert, CA 92260
Telephone: (760) 776-8208
Facsimile: (760) 776-8091

2. Name of Company: _____ (subsequently referred to as "Company")

Mailing Address: _____

City: _____ Zip: _____

Physical Location: _____

City: _____ Zip: _____

GPS: _____ TB: _____ XST: _____

Phone: _____ Fax: _____ Contact: _____

Comments: _____ Acres: _____

BACKGROUND:

Red imported Fire Ants present a real and present danger to persons and property in the State of California. Movement of soil is a recognized channel for the spread of Red Imported Fire Ants from established locations to new locations. The Cooperative RIFA Project is a cooperative effort between public entities which are responsible for containing the movement of Red Imported Fire Ants. Soil Company is located within an identified Red Imported Fire Ant Quarantine Area.

AGREEMENT:

- A. The Cooperative RIFA Project will permit Company to self-execute the RIFA Quarantine requirements attached as Exhibit(s) I, III, inclusive and incorporated into this agreement by reference as if fully set out.

B. In exchange for the Cooperative RIFA Project's promise contained in subparagraph "A" above, Company agrees to:

1. Handle, process, and/or move regulated articles in accordance with the RIFA Quarantine requirements;
2. Follow the Cooperative RIFA Project's instructions, whether written or in the form of a verbal communication from the Project Officer, for the use of any and all RIFA permits and certificates;
3. Maintain and make such records as the Cooperative RIFA Project requires accessible for inspection upon reasonable notice by the Cooperative RIFA Project's Project Officer. These records shall be maintained for a period of the later of two years or the resolution of any outstanding claims; and,

C. Agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However, the Cooperative RIFA Project may accelerate the notice to immediate for cause, including but not limited to discovery of RIFA on property or Company's abandonment of the procedures outlined in the attached Exhibits.

D. Company assumes liability, if any, arising from the manner in which Company applies treatments.

NOTICE:

Any signatory or employee of any signatory who violates the terms of this Compliance Agreement may be subject to Civil Penalties pursuant to California Food and Agricultural Code Section 5705.

Signed in the County of _____, in the State of California on ___/___/2001.

Company, by:

Cooperative RIFA Project, by:

Manager/Owner (Print Name)

Project Officer (Print Name)

Signature

Signature

CA Form Rev. 7/18/00

COOPERATIVE RED IMPORTED FIRE ANT PROJECT

Orange, Los Angeles, and Riverside County Agricultural Commissioners – CDFA – USDA

Project Headquarters – 73-710 Fred Waring Drive, 220, Palm Desert, CA 92260

PH: (760) 776-8208 FAX: (760) 776-8091

TO ALL CONCERNED WITH SOIL MOVEMENT IN ORANGE COUNTY AND THE QUARANTINED AREAS OF RIVERSIDE AND LOS ANGELES COUNTIES:

The State of California has established a Quarantine against the Red Imported Fire Ant (RIFA) in all of Orange County and parts of Los Angeles and Riverside Counties. As a result, restrictions have been placed on the movement of soil, except when commercially packaged, and products associated with soil, including baled hay that has been in direct contact with the ground, plants and sod with roots and soil attached, and soil-moving equipment, unless free of all noncompacted soil. These activities must be certified by RIFA Project Regulatory personnel or by the Agricultural Commissioners Office of the County of Orange, Los Angeles, or Riverside.

Certification for movement of soil from or within the quarantined area may be made by calling the Project and scheduling an inspection at least 24 hours in advance. Inspections are free and may consist of a visual survey or by trapping the area and determining if RIFA are present. Certification for movement of soil within the quarantined area will be based on the severity of RIFA in the general area where the soil is being excavated in conjunction with where the soil is to be moved. RIFA Form CA-1 (attached) may be faxed to the Project office with the appropriate information. If no RIFA are found at the site of origination, movement is permitted and a certification will be provided stating that the site found negative for RIFA. If RIFA are found at the origination site, movement is prohibited until a pesticide treatment plan is established as required by Project personnel.

There are many federal, state, county, and city governments as well as even more private companies and persons dealing in soil movement such as grading, digging, landscaping, and other building projects. If you are unsure as to whether or not your project is subject to these requirements, please fax a copy of form CA-1 to (760) 776-8091. We will respond within 1 business day.

Thank you for your cooperation and help in this matter.

I have read and understand this document _____
(print name)

(signature)

Fax number: () _____

Company: _____ Phone number: () _____

Address: _____ Date: _____

Rev. 4/21/99

Job Site

Address: _____

It is the responsibility of each person involved in the movement of soil to report the sightings of ants. We will assign you an identification number (Compliance Agreement #) when you fax or mail in your request for an inspection.

Cooperative Red Imported Fire Ant Project
Notification of Intent to Move Soil from or within Quarantined
Areas of Orange, Riverside and Los Angeles Counties

RIFA Compliance Agreement # _____	Permit # _____ Issuing City/County _____ Agency: _____
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Name of Company Requesting Approval: _____

Contact Person: _____

Address: _____ City: _____ Zip: _____

Telephone: () _____ Fax: () _____

Excavation Location: _____ TB*: _____

_____ Acres: _____

Destination Location: _____

_____ TB: _____

_____ Acres: _____

Estimated Quantity of Soil (e.g. # Cubic Yards): _____

Anticipated Date of Movement: _____

Urgency Level for Immediate Inspection and Release: [Circle One] High Medium Low

- Movement of Soil is Permitted.
- Hold Movement Until Site Checked – WE WILL CALL AS SOON AS POSSIBLE TO SCHEDULE INSPECTION DATE AND TIME.

Date Trapped: _____ # of Traps: _____ Trapped by: _____ Acres: _____
Date Picked Up: _____ Comments: _____ PDR #: _____

- Soil Movement is Strictly Prohibited for the Following Reason(s):

Name of RIFA Project Regulatory Official: _____ Date: _____

Signature: _____ RIFA Form CA-1

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RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER, CDFA, USDA
73-710 FRED WARING DRIVE, SUITE 220, PALM DESERT, CA 92260
PH: (760) 776-8208 FX: (760) 776-8091

Protocol for Bulk Soil Shipment

1. Protein-bait trap the site intended for excavation to determine its current RIFA status.
2. If the site is positive for RIFA, Project Personnel will put the site on hold, then notify the homeowner and the contractor (**contractor is responsible for notifying any and all sub-contractors related to the job**). The homeowner or contractor will need to contact an approved Pest Control Operator (PCO) to set up a treatment with Amdro Pro (EPA #241-322). Project will provide a list of PCO's licensed for this work in Riverside County. Leave insecticide in place for 48 hours without water being applied to area. Project staff will need to know exact location of where soil from site is going.
3. Project staff will do a follow-up inspection at the site within 5 working days after application. Homeowner or contractor will need to have receipt or documentation from PCO that the appropriate treatment was done. Project officer will take a copy of the receipt for our records. If no RIFA is detected, then the hold notice is released.
4. If RIFA is still present, an attempt will be made to locate the colony. If discovered, a mound or colony drench should be done using an approved product from Exhibit III for Mound or Colony Treatments. If colony is not located, then another treatment should be done using one of the products from Exhibit III for Broadcast Baiting following all label instructions. Leave insecticide in place for 48 hours without water being applied to area.
5. Project staff will do a follow-up inspection at the site within another 5 days. Homeowner or contractor will need to have receipt or documentation from PCO that the appropriate treatment was done. Project officer will take a copy of the receipt for our records. If no RIFA is detected, then the hold notice is released.
6. If RIFA is still present, site can be excavated, but in the presence of a Project officer. Officer will coordinate with homeowner or contractor.

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Protocol for Soil Shipment

1. Protein-based trap the site intended for excavation to determine its current RIFA status.
2. If the site is positive for RIFA, treat with broadcast application of a bait insecticide (see Exhibit III, e.g. Amdro pro). Leave insecticide in place for 48 hours before soil excavation.
3. Allow soil to be excavated and shipped to new destination.
4. Protein-based trap the destination site for the bulk soil shipment (regardless if inside or outside RIFA quarantine boundaries) to determine its current RIFA status, if the excavation site is RIFA positive.
5. Follow-up with re-application of bait insecticide (see Exhibit III, e.g. Award, Distance) to soil shipment at destination after four weeks.
6. Wait another four weeks and follow-up with protein-bait trapping survey of the area to determine its RIFA-status. If RIFA positive, retreat with bait insecticide, until no ants are present.

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EXHIBIT I – SOIL COMPANY

1. Holding grounds for soil product will be protein baited and inspected by RIFA project staff not less than twice a year or as often as deemed necessary by RIFA project.
2. Broadcast application of an approved fire ant bait (see Exhibit III) will be applied to all permeable surfaces in or near soil product area at least twice a year including once in early spring.
3. Soil vendor establishment will maintain accurate records of all shipments of soil products received including date received, origin of soil, address and phone number of supplier and amount of shipment received.
4. Soil vendor establishment will maintain accurate records of all out-going shipments of soil product including address and phone number of receiver, date and amount of soil delivered/sold.
5. Soil vendor establishment agrees to inspect premises monthly to detect any ant infestations and to notify RIFA project staff should any suspect RIFA be found.

EXHIBIT III

THE FOLLOWING PRODUCTS ARE REGISTERED IN CALIFORNIA AND APPROVED FOR USE AGAINST RED IMPORTED FIRE ANT*

For IMMERSION, or DRENCH, or SOIL INJECTION treatment of containerized and balled and burlapped nursery stock:

AllPro Dursban 4E – EPA Reg. No. 769-699, manufactured by SureCo., Inc.

Dursban 4E – N – EPA Reg. No. 62719-254, manufactured by United Horticultural Supply.

Dursban TNP – EPA Reg. No. 34704-66-65783, manufactured by United Horticultural Supply.

Prentox Dursban 4E – EPA Reg. No. 655-499, manufactured by Prentiss Incorporated.

Talstar Nursery Flowable – EPA Reg. No. 279-3155, manufactured by FMC Corp.

Talstar CA – EPA Reg. No. 279-3155-499, manufactured for Whitmire Micro-Gen.

Diazinon Clean Crop 50WP – EPA Reg. No. 100-460-34704, SLN NO. 770078, (IMMERSION ONLY).

For SOIL INCORPORATION of nursery stock potting media:

Talstar Nursery Granular (Bifenthrin) – EPA Reg. No. 279-3130, manufactured by FMC Corp.

Talstar T&O Granular (Bifenthrin) – EPA Reg. No. 279-3130, manufactured by FMC Corp.

For BROADCAST BAITING of nursery grounds:

Award (fenoxycarb) – EPA Reg. No. 100-722, manufactured by Novartis Crop Protection, Inc.

Amdro Pro (hydramethylnon) EPA reg. No. 241-322, manufactured by American Cyanamid Company.

Distance (pyridine) EPA reg. No. 1021-1728-59639, manufactured by Valent USA Corp.

For GRASS SOD and TURF:

Dursban 50W Nursery – EPA Reg. No. 62719-255, manufactured by Dow Elanco.

Dursban 50W Nursery – EPA Reg. No. 62719-72, manufactured by Dow Elanco.

Dursban TNP – EPA Reg. No. 34704-66-ZA65783, manufactured by United Horticultural Supplies.

For MOUND and COLONY spot treatments:

AllPro Dursban 4E – EPA Reg. No. 769-699, manufactured by SureCo., Inc.

Dursban 4E – N – EPA Reg. No. 62719-254, manufactured by United Horticultural Supply.

Dursban TNP – EPA Reg. No. 34704 -66-ZA65783, manufactured by United Horticultural Supply.

Prentox Dursban 4E – EPA Reg. No. 655-499, manufactured by Prentiss Incorporated.

*All products must be used according to label instructions. Questions or inquiries regarding products that are not listed above, should be directed to the Cooperative RIFA project.

9/9/99