

MEMORANDUM OF UNDERSTANDING

Los Angeles County Agricultural Commissioner and South Coast Air Quality Management District Regarding Methyl Bromide Agricultural Commodity Fumigation Facilities

I. Recitals

A. Agency Authority

State law provides that the State Air Resources Board (“ARB”) has authority to control air pollution from vehicles and that local Air Pollution Control Districts/Air Quality Management Districts (“Districts”) have primary authority to control air pollution from nonvehicular sources. For the purposes of this MOU, the District at the local level is South Coast AQMD. State law also provides that the Department of Pesticide Regulation (“DPR”), to the exclusion of other local regulation, is responsible for regulating any matter relating to the use of pesticides. Districts have the authority to regulate pesticide emissions into the ambient air from the fumigation facilities. County Agricultural Commissioners (“Commissioners”) have the authority to adopt supplemental permit conditions that govern pest control operations at specific locations, or sites, when certain, specified pesticides are used.

Commissioners enforce the laws and regulations related to worker safety, pest control business operations, protection of the environment, and nonprofessional pesticide handlers when EPA-registered and exempt pesticides are used. Districts have the authority to regulate pesticide emissions into the ambient air from the fumigation facilities.

B. Use of Methyl Bromide for Agricultural Commodity Fumigation

The pesticide methyl bromide, which is required by the United States Department of Agriculture for certain foreign agricultural commodities to enter the United States from specified countries, can be used at fumigation facilities to kill pests in or on agricultural commodities. Such use of methyl bromide is regulated by DPR at the state level. Commissioners enforce the laws and regulations pertaining to the use of methyl bromide at the local level. Anyone wishing to use methyl bromide must submit an application for a Restricted Materials Permit (RMP) to the Commissioner,

including, among other things, a work site plan, proof that alternatives to the use of methyl bromide have been considered, and a fumigation management plan. After reviewing the RMP application, the Commissioner may approve, deny or request amendments to the permit. However, when pesticide emissions enter the ambient air from the fumigation facility, the Districts have authority to regulate.

C. Background

Both the Commissioner and the South Coast AQMD have the right to issue permits to persons who use methyl bromide to treat agricultural commodities in fumigation facilities. These permits regulate, respectively, the use and ambient air emissions of methyl bromide at these facilities. In 1996, the Commissioner and the South Coast AQMD entered into a Memorandum of Understanding (MOU) to provide for greater consultation, communication, cooperation, and coordination regarding the issuance and implementation of permits for these facilities. That MOU provided that the Commissioner would be the lead agency for purposes of the Environmental Permit Reform Act of 1993 (Pub. Res. Code Sections 71000 et seq.). This statute provides for a permit applicant to request a consolidated permit process and designation of a consolidated permit agency pursuant to Public Resources Code Section 71020. The MOU specified the roles and responsibilities of each agency in developing the terms and conditions of the consolidated permit to be issued by the Commissioner. The MOU excluded permits to operate issued under Title V of the Federal Clean Air Act, 42 U.S.C. Sections 7661 et seq.

D. Changed Circumstances

The Commissioner and the South Coast AQMD mutually agree that over the nearly 30 years the MOU has been in effect, circumstances have changed that cause the South Coast AQMD and Commissioner to agree to issue separate permits to these facilities and to enforce such permits. For example, recent air monitoring has revealed detectable levels of methyl bromide in the ambient air near some of these facilities. The South Coast AQMD wishes to have a clear path forward toward revising permits for these facilities if warranted by existing circumstances. Further, South Coast AQMD is currently implementing AB 2588 (South Coast AQMD Rule 1402) with respect to appropriate facilities and could adopt a specific rule or rules for these facilities if warranted.

II. Purpose and Scope of Agreement

A. This Revised MOU encompasses the issuance, renewal, and amendment of permits to any and all owners or operators of fumigation facilities that use methyl bromide to fumigate agricultural commodities at their facilities, and that are located within the County of Los Angeles.

B. This revised MOU eliminates the pre-designation of a particular agency as the consolidated permit agency pursuant to Public Resources Code Section 71020. Except for eliminating pre-designation, nothing in this Revised MOU shall affect the statutory rights or responsibilities of each agency under the Environmental Permit Reform Act of 1993 or any State law. Each agency shall have the right to issue its own permits to methyl bromide fumigation facilities, unless otherwise provided by law.

C. The parties to this MOU recognize the expertise of each of them and recognize the importance and necessity of communication, consultation, cooperation and coordination between them. The parties recognize that permits concerning the use of methyl bromide to treat agricultural commodities in fumigation facilities, or to regulate emissions of methyl bromide from such facilities, either should be issued, with the necessary conditions to protect the public health and safety and the environment, or be denied, in an expeditious manner.

D. It is the intent of the parties to work together to utilize scientific criteria (including, but not limited to, air dispersion modeling, monitoring, and endpoints) to develop permit conditions concerning the use of methyl bromide in agricultural commodity fumigation facilities that may enter the ambient air.

III. Terms of Agreement

A. Role of Commissioner

The Commissioner shall engage in good faith communication, consultation, cooperation, and coordination with the South Coast AQMD as to permits for methyl bromide fumigation facilities to further the prevention and control of pesticide emissions that may enter the ambient air as a result of the use of methyl bromide in agricultural commodity fumigation facilities. The Commissioner shall issue and enforce the terms of the existing RMP which pertains to the use of methyl bromide at a fumigation facility. The Commissioner will continue to enforce the laws and regulations pertaining to the use of methyl bromide at the local level. Anyone wishing to use methyl bromide for fumigation of an agricultural commodity must submit an application to the Commissioner. After reviewing the application, the Commissioner may approve, deny or request amendments to the permit. Nothing in this agreement is intended to limit the legal authority of the Commissioner.

B. Role of South Coast AQMD

The South Coast AQMD shall engage in good faith communication, consultation, cooperation, and coordination with the Commissioner regarding the prevention and control of pesticide emissions that may enter the ambient air as a result of the use of methyl bromide in agricultural commodity fumigation facilities. Toward this end, the South Coast AQMD shall provide the Commissioner with a copy of such permit terms, conditions, emission limitations, and requirements as are necessary to ensure compliance with applicable provisions of state law and with all applicable rules, regulations, and orders of the District and the ARB respecting emissions of methyl bromide from fumigation facilities into the ambient air. The South Coast AQMD shall also enforce the terms of its permit, which pertain to pesticide emissions into the ambient air. South Coast AQMD shall continue to enforce terms in any consolidated permit related to emissions of methyl bromide into the ambient air until such facility has been issued a new permit by South Coast AQMD. Pursuant to Health & Safety Code Section 42301, the South Coast AQMD must deny any permit that does not demonstrate that the facility will comply with all applicable air pollution laws and regulations. Any permit denial must be appealed to the South Coast AQMD's Hearing Board in a timely manner in order to be challenged in court. Nothing in this agreement is intended to limit the legal authority of the South Coast AQMD.

IV. Transition to incorporating District-Issued Permits

A. Notification and Outreach to Methyl Bromide Facilities

Upon this Revised MOU becoming effective, South Coast AQMD shall implement its outreach plan for transitioning methyl bromide fumigation facilities into South Coast AQMD permitted facilities, including all of the following:

1. Within 90 days of this Revised MOU becoming effective, South Coast AQMD will release a Permitting Advisory to known impacted facilities. South Coast AQMD will provide the Commissioner with an opportunity to comment on the draft Permitting Advisory for at least two weeks before it is released.
2. The Advisory will include a description of the South Coast AQMD, the background of the issue, a description of the South Coast AQMD permitting process and associated fees, the deadline for application submittal, the consequences of permit issuance and of noncompliance, and South Coast AQMD contact information.
3. The South Coast AQMD will continue outreach efforts to individual facilities after the issuance of the Permit Advisory and will continue to collaborate with the Commissioner regarding the form and content of such outreach.

B. Permit Process

1. The South Coast AQMD shall establish one or more permit application deadlines, which may include two or more phases of application submittals to address permitting staff workload issues. However, the latest deadline shall be not later than 90 days after issuance of the Permitting Advisory.
2. South Coast AQMD staff will process the permit applications as promptly as feasible given other obligations required of permitting staff. The goal will be to issue the initial fumigation facilities permits to currently known facilities within six months of permit application submittal. South Coast AQMD shall provide the Commissioner with updates at least every 90 days regarding permit applications, permit issuance, and any unforeseen issues or delays.
3. Existing facilities currently permitted by the South Coast AQMD under the Title V permitting program will not be subject to any additional permitting requirements under this Revised MOU.
4. Should either South Coast AQMD or the Commissioner deny, revoke, or condition a permit, notice of said action written notice shall be sent to the other party to this MOU within 10 days.

C. Consequences of Permit Issuance and of Facility Noncompliance

1. Upon issuance of a South Coast AQMD permit, the Commissioner shall no longer have any obligation to include South Coast AQMD permit conditions in their permits.
2. Issuance of the initial South Coast AQMD permit will bring the methyl bromide fumigation facilities into the South Coast AQMD permitting system at their existing baseline levels of throughput and emissions. South Coast AQMD may include in the initial permit additional monitoring, recordkeeping, and reporting requirements if necessary to implement South Coast AQMD requirements. Current methyl bromide emission or usage limitations in existing permits will be included in the initial South Coast AQMD permit.
3. Any equipment located at these facilities that required a separate South Coast AQMD permit before the effective date of this Revised MOU but does not have such a permit, is not addressed in the MOU. Facilities are required to immediately submit any permit applications for existing equipment not addressed in this MOU and shall be subject to the South Coast AQMD New Source Review process. Facilities may be subject to enforcement action for failure to possess a required permit.

4. Any increases in permitted methyl bromide emissions occurring after the permit application is submitted may trigger additional requirements.
5. Any facility causing emissions exceeding the permitted levels of methyl bromide, or any other violations of permit conditions, is subject to enforcement action by South Coast AQMD.
6. Any facility failing to submit a permit application by its applicable deadline is subject to enforcement action by South Coast AQMD.

V. Consultation and Dispute Resolution

A. Objectives

This MOU is intended to facilitate communication, consultation, cooperation, and coordination among the parties with respect to the air quality impacts of pesticide emissions that may result from the use of methyl bromide in agricultural commodity fumigation facilities.

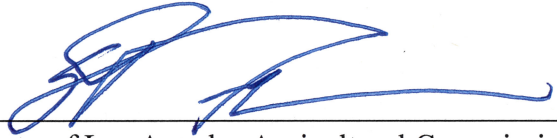
B. Information Exchange and Dispute Resolution

1. The parties agree that success in achieving the objectives of the MOU is critically dependent upon regular exchanges of scientific information and technical data, including data from ambient air monitoring for methyl bromide emissions from commodity fumigation facilities.
2. The parties shall exchange information upon request by the other party within 30 days of such request
3. Both parties agree to meet quarterly for the first year of the MOU to discuss pertinent developments, permitting issues, and any emissions data that is available. Both parties agree to confer regularly thereafter to discuss ongoing pertinent developments.
4. When South Coast AQMD is conducting methyl bromide air sampling or becomes aware that ARB is conducting methyl bromide air sampling, South Coast AQMD shall notify the Commissioner within 30 days.
5. In the event of a dispute between the parties regarding the terms of this MOU or the performances of any party pursuant to it, the parties shall attempt to informally resolve the dispute, for at least 30 days before initiating litigation, unless a party believes in good faith that a preliminary injunction is warranted.

VI. Term of MOU

Recognizing that all situations cannot be foreseen, the parties recognize that additional agreements or amendments to this MOU may be necessary in the future. It is the intent of the parties that termination shall not occur unless the terminating party has established that another of the parties has breached a material condition of the MOU and that the matter cannot be otherwise resolved.

By:



County of Los Angeles Agricultural Commissioner

Dated: 05-07-26



South Coast Air Quality Management District

Dated: 5/12/2026

APPROVED AS TO FORM

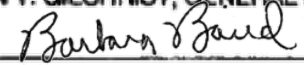
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By: 

Date: 5/12/2026