

MOTION BY SUPERVISOR JANICE HAHN

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Enhancing Regulatory Coordination for Methyl Bromide Emissions

The Los Angeles County (County) Department of Agricultural Commissioner/Weights and Measures (ACWM) is responsible for protecting consumers, businesses, and the agricultural industry by ensuring equity in the marketplace and preventing the spread of invasive pests. As part of their agricultural protection, they enforce state laws to prevent the introduction and spread of invasive insects, rodents, birds, weeds, and plant diseases that could damage local crops and the environment. The department also monitors and regulates the use of pesticides by both private and professional applicators to ensure safety and compliance.

The Ports of Long Beach and Los Angeles (Ports) act as critical gateways for US agricultural trade. Hundreds of thousands of metric tons of fruits and vegetables are imported annually. The Port of Los Angeles processes a significant volume of imports, including grapes and stone fruit from Chile and various fruits from Asia. Soon after these commodities arrive at our ports, they need to be swiftly treated to ensure the safety of our consumers. There are 13 facilities located around the Ports that actively fumigate these products using Methyl Bromide. Five more facilities are permitted but are not currently active.

Methyl Bromide is a pesticide used to fumigate commodity agricultural products,

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controlling pests like insects and rodents. It kills insects, mites, fungi, weeds, rodents, and their eggs by disrupting basic cellular processes. It is an odorless gas that penetrates deeply into commodities and packaging in a way that sprays or surface treatments cannot. It is also a hazardous air pollutant and toxic air contaminant. Studies have shown that exposure to Methyl Bromide may cause damage to the brain and nervous system.

At the federal level, Methyl Bromide is regulated by the United State Environmental Protection Agency (EPA). It is listed as a Class 1 ozone-depleting substance and it is generally banned, except for quarantine and pre-shipment uses. At the state level, the California Department of Pesticide Regulation (DPR) requires site-specific permits and imposes buffer zones for use. Simultaneously, the California Air Resources Board (CARB) regulates Methyl Bromide as a toxic air contaminant. At a local level, South Coast Air Quality Management District (ACMD) also regulates emissions released during fumigation. They are responsible for investigating community exposure complaints and incidents. Here in LA County, ACWM is the on the ground regulator. The department permits individual fumigations, reviews site specific conditions, enforces federal and state regulations, and conducts incident investigations. Their responsibilities are focused on the agricultural protection.

To lessen regulatory burdens on businesses and facilitate expedited compliance with environmental quality laws and to reduce the potential for conflict, overlap, and duplication among environmental permits and regulatory authorities, the Legislature enacted the Environmental Permit Reform Act of 1993 (The Act *[SB 1185, Stats. 1993, Ch. 419; Public Resources Code section 71000 et seq.]*). The Act promotes a consolidated and integrated environmental permitting process.

In 2023 and 2024, CARB began air monitoring in a West Long Beach community

near two commodity fumigation facilities. The monitoring found that average of ~2.1 parts per billion (ppb) Methyl Bromide from 2023 to April 2024, which is about double the state's long-term health exposure threshold. There were also hourly spikes approaching ~960 ppb in early 2024, just under the state's short-term exposure level (around 1,000 ppb) associated with acute symptoms like nausea or dizziness. This sparked great concern and frustration for West Long Beach residents and advocates. In response, the ACWM updated the permit with the two known facilities to mitigate the safety concerns. The changes include limiting fumigation during school hours, increasing the stack height, leak prevention measures, reduction in the daily use of Methyl Bromide, and more. Given that ACWM is the permit regulator, they are limited in their ability to monitor air quality. We need to work with our state partners and ACMD to address the health impacts of Methyl Bromide.

In 1996, ACWM and ACMD entered into a no-cost Memorandum of Understanding (MOU) to streamline permitting requirements related to the use of Methyl Bromide on quarantined commodities. To more effectively regulate emissions resulting from the use of this fumigant, it is necessary to update the existing MOU. The MOU formalizes a two-permit system, strengthens AQMD's role in regulating Methyl Bromide emissions, and ensures structured coordination with ACWM while transitioning facilities into full AQMD permitting. This update would enable AQMD to continue its rulemaking efforts and strengthen regulatory oversight of facilities that utilize Methyl Bromide.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Delegate authority to the Los Angeles County Agricultural Commissioner/ Weights and Measures (ACWM) to negotiate and enter into a new no-cost Memorandum of Understanding (MOU) with the South Coast Air Quality Management District

(ACMD), outlining the permitting, monitoring, reporting and regulatory responsibilities between the parties, with approval as to form by County Counsel; and

2. Delegate authority to ACWM to execute future no-cost amendments to the MOU to update its terms consistent with any changes in applicable law and regulation, and to clarify, revise, eliminate or add new responsibilities between the parties consistent with their respective regulatory obligations, with approval as to form by County Counsel.

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