# CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE 1220 N Street, Suite 221 Sacramento, CA 95814

May 13, 2015

## NOTICE OF TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code sections 11346.2 (a) (3), 11346.4 (a) (6), and section 44 of Title 1 of the California Code of Regulations, the California Department of Food and Agriculture is providing notice of the 45-day text with proper illustrations originally noticed; no further modifications have been made to proposed regulation section 3591.11.

If you have any comments regarding the illustrated text, the Department will accept written comments between May 13 and May 28, 2015. All written comments must be submitted to the Department no later than 5:00p.m. on May 28, 2015 and addressed to:

CA Department of Food and Agriculture Attention: Sara Khalid 1220 N Street, Suite 221 Sacramento, CA 95814

All written comments received by May 28, 2015, which pertain to the illustrated text will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file. Please limit your comments to the proposed illustrated text to the text.

## TITLE 3. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE PROPOSED REGULATIONS

### Text of Original Proposed Regulations

The original proposal is in single underline.

#### Section 3591.11. Caribbean Fruit Fly Eradication Area

(a) Proclamation of Eradication Area. All of the Count<u>yies</u> of Los Angeles <u>and Ventura</u> in the State of California within which the Caribbean fruit fly, (*Anastrepha suspensa*), is known to exist, are hereby proclaimed to be an eradication area with respect to said pest. As such, it is amenable to the provisions of Article 4 (sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4 of the Food and Agricultural Code of California.

. . . .

Note: Authority cited: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.

## CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

1220 N Street, Suite 221 Sacramento, CA 95814

May 13, 2015

## NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING FILE

Pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, the California Department of Food and Agriculture is providing notice that documents and other information which the agency has relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment.

The documents and information added to the rulemaking file are as follows:

Pest and Damage Record #CR0P06224827

Action Plan for the Caribbean Fruit Fly (*Anastrepha suspense*), revised April 2000

These documents are available for public inspection at the Department's webpage <a href="http://www.cdfa.ca.gov/plant/Regulations.html">http://www.cdfa.ca.gov/plant/Regulations.html</a>. If you have any comments regarding the documents and other information, written comments must be submitted to the Department by 5:00p.m. on May 28, 2015, to:

CA Department of Food and Agriculture Attention: Sara Khalid 1220 N Street, Suite 221 Sacramento, CA 95814

All written comments received by May 28, 2015, which pertain to the above-listed documents and other information will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file.

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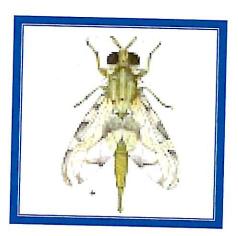
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#### **ACTION PLAN**

for

#### CARIBBEAN FRUIT FLY

Anastrepha suspensa (Loew)



California Department of Food and Agriculture Plant Health and Pest Prevention Services Pest Detection/Emergency Projects Branch 1220 N Street Sacramento, CA 95814

Revised April 2000

#### I. <u>ACTION STATEMENT</u>

This action plan has been developed by the California Department of Food and Agriculture (CDFA) in consultation with the Pest Prevention Committee of the California Agricultural Commissioner's Association, the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Services, and representatives of the Caribbean Fruit Fly Science Advisory Panel. This action plan is a guide to the major phases of an eradication program. Specific program actions may be modified based on the information available at the time of an infestation.

Tropical fruit flies represent a major threat to California's agriculture. They infest a large variety of plants and breed and spread rapidly. Because of these traits, a rapid response is critical to containing an infestation.

Once a fly has been detected, the chronology of action is as follows:

#### 24 hours:

Trap density increased to protocol levels within core area (Section III) around each fly find.

#### 48 hours:

First inspection of traps.

#### 72 hours:

Trap density increased to protocol levels in 81-square-mile area (Section III) around each fly find.

#### 1st week:

Daily inspection of project traps in core area.

#### 2nd week:

Weekly inspection of project traps.

If an infestation is determined to exist (see criteria on page 7), treatment begins as follows:

#### 24 hours:

Notification

#### 24 hours after notification:

Pesticide treatment (bait spray) begins; additional treatment (soil drench, fruit stripping) of any property with larvae begins.

#### 1st week:

Completion of first pesticide treatment.

Any new treatment areas established due to additional fly finds will be handled within the same time frame as the first area.

#### II. PEST PROFILE

Common Name: Caribbean Fruit Fly

Scientific Name: Anastrepha suspensa (Loew)

Order and Family: Diptera, Tephritidae

<u>Description</u>: The Caribbean fruit fly is smaller than a housefly with an average length of 0.2 inches. The adult has a golden brown body with clear wings except for a distinctive brown wing pattern. The female has a pointed, slender ovipositor to deposit eggs beneath the skin of the host fruit. The larvae is a legless maggot, creamy white in color, and may grow to a length of 0.2 inches within the host fruit.

<u>History and Economic Importance</u>: The Caribbean fruit fly is indigenous to the West Indies. In 1965, it was discovered in Florida where it quickly spread throughout many southern counties. With an abundant supply of host fruit in which to lay its eggs, the fly multiplied rapidly, seriously reducing the yield and quality to many crops such as guava, peach, and cherries. A great number of crops in California would be threatened by the introduction of this pest including: apple, avocado, grapefruit, nectarine, and peach. This pest was been introduced once into the State in 1983, and was successfully eradicated.

<u>Distribution</u>: The Caribbean fruit fly is widespread throughout the West Indies, Cuba, Jamaica, Haiti, Puerto Rico, and the Dominican Republic. Its United States (U.S.) distribution is restricted to central and southern Florida.

<u>Life Cycle</u>: A female lays eggs in host fruit and may lay over 300 eggs in her lifetime. The larvae tunnel through the fruit feeding on the pulp, shed their skins twice, and emerge through exit holes in eight to 12 days. The mature larvae drop from the fruit and burrow beneath the soil to pupate. The adults emerge from these puparia. The newly emerged adults require about 14 days to mature, prior to egg laying. Breeding is continuous, with several annual generations.

<u>Hosts and Damage</u>: The Caribbean fruit fly has been recorded infesting a number of commercial and dooryard fruit including apples, grapefruit pear, peach, and guava. Fruit that has been attacked may be unfit to eat—larvae tunnel through the flesh as they feed. Decay organisms then enter, leaving the interior of the fruit a rotten mass.

#### III. ORGANIZATION, RESPONSIBILITIES, AND STAFFING

The USDA and the CDFA will each designate co-project leaders to be responsible for the overall project and administrative functions. USDA responsibilities include USDA administration, regulatory, sterile insect release, and media. CDFA responsibilities are trapping, treatment, larval survey, sterile insect technique (SIT),

CDFA administration, notification, and media. The Secretary of CDFA adopts regulations establishing a Caribbean fruit fly eradication area and adopts regulations establishing a quarantine area. The Pest Detection /Emergency Projects (PD/EP) Branch will provide equipment, personnel, technical advice, establish goals, set timetables, and develop budgets. The project leader reviews, evaluates, and adjusts program functions in progress.

If the size of the project warrants, the project leader may designate any number of assistant project leaders to organize and implement duties in the areas of administrative support, delimitation, regulatory activities, public information, treatment, and environmental monitoring. Each assistant project leader reports directly to the project leader. Initially, personnel will be drawn from the CDFA PD/EP Branch and the local county agricultural commissioner's office.

#### Technical Support Representatives

- A. Scientific Advisory Panel: Scientists, recommended by CDFA staff for their expertise on the pest, who advise the project leadership on current research and technology, as well as the biological soundness of a treatment and detection program. The panel will meet as needed to develop recommendations and submit them to the Secretary.
- B. Legal Counsel: State or federal attorneys who advise on the legal basis for enforcement decisions, the validity of claims, and defend the program in court.
- C. Medical Coordinator: A physician versed in pesticide toxicology who can advise on the public health aspects of a treatment program. The physician reviews handouts for medical accuracy and acts as a liaison to the medical community.
- D. Animal Health Coordinator: A veterinarian who can advise on potential animal health risks in a treatment program and act as a liaison to veterinary groups.
- E. Industry Representatives: Technical representatives who advise on methods of application of treatment material.
- F. Weather Center: PD/EP group that uses computerized weather stations (Omnidata International Weather Pods, Logan, Ut.) to develop and maintain the temperature-driven development model. They use at least three sites within the treatment area with at least one at a Mediterranean fruit fly (Medfly) capture location. The life cycle data generated by this group are used to terminate eradication treatments and the subsequent one life cycle of intensive post-treatment monitoring.

#### IV. <u>ADMINISTRATIVE ACTIONS</u>

The Secretary of CDFA issues a Proclamation of Eradication Project (PEP). The PEP is the primary tool through which the CDFA coordinates its eradication activities with other agencies including the California Department of Health Services and Department of Pesticide Regulation. The PEP details the Caribbean fruit fly detections which caused the Secretary to determine that an infestation exists, the options available to deal with the infestation, the option(s) selected to deal with the infestation, the legal authority that allows the Secretary to conduct the project, a map of the affected area, and the work plan that describes the actions to be taken. The PEP is distributed to all state and local elected officials who represent the affected area including mayors, Board of Supervisors, State Assemblypersons, and State Senators. It is also distributed to state and federal agencies that are concerned with eradication projects including, but not limited to, California Department of Health Services, Department of Fish and Game, Department of Pesticide Regulation, California Environmental Protection Agency, and the United States Fish and Wildlife Service, Department of Agriculture, and Environmental Protection Agency. The PEP may also be published in newspapers of general circulation that serve the affected area.

#### V. <u>DELIMITATION PROCEDURES</u>

#### A. <u>Detection and Intensive Delimitation Trapping</u>

The Department maintains a cooperative state/county trapping program for Caribbean fruit fly to provide early detection of any infestation in the State. The detection program uses the McPhail trap, an invaginated glass flask baited with yeast or Nu-lure in water that is attractive to male and female flies. Traps are hung in host trees at specified densities in susceptible areas of California. County or state employees inspect these traps weekly or biweekly throughout the year in Southern California. Detailed information about the traps, trap placement, and servicing can be found in the "Insect Trapping Guide" (PD/EP, CDFA, 1998).

Intensive delimitation trapping is triggered when a single fly is trapped. Following the confirmation of the specimen, trap densities in the core square mile are increased within 24 hours. Trap densities in the remainder of the delimitation area will be increased from the core outward within 72 hours of the find. Optimally, delimitation traps are placed over an 81-square-mile area in an 80-40-20-10-5 array. Traps in the core mile are serviced daily for the first week. If no additional flies are found, the trap inspection frequency changes to weekly and intensive trapping continues for two life cycles and then trap densities revert to detection trapping levels. However, if a second fly is found, additional traps are deployed around the new fly find and trap servicing in the core area will go to a twice weekly schedule and increased emphasis will be placed on servicing traps in the buffer areas in an effort to better delimit the infestation. Traps in the eight-square-miles around the core

are serviced every two days, until eradication activities begin, at which time the trap inspection frequency changes to weekly. All traps are then serviced weekly for three life cycles of the fly beyond the last fly detected. Traps may be relocated to available preferred hosts as practical.

The existing detection trapping grid shall be used in the delimitation phase of the program by increasing existing trap levels to approximate the optimal delimitation grid. Under no circumstances shall multiple trapping grid systems be utilized.

Following an eradication program, if no additional flies are trapped, intensive trapping ends after the third complete life cycle, depending on the technique used to achieve eradication (see Section VI.A), following the last fly find, as determined by a temperature-dependent developmental model run by PD/EP personnel in Sacramento.

#### B. <u>Larval Survey</u>

Fruit on a property where a fly has been trapped may be inspected for possible larval infestation. Small circular oviposition scars are occasionally visible, indicating an infested fruit. In the absence of visible clues, 100 or more of the fruit on preferred hosts (if available) may be cut open at random and examined for larvae. First and second instar larvae are tiny and may be feeding immediately under the surface of the skin; therefore, fruit cutting should be left to experienced personnel. Fruit on properties adjacent to a trap catch may also be inspected.

If two or more flies are trapped in proximity, fruit cutting may be extended to all properties in a 200-meter radius of the finds, concentrating on preferred hosts. Fruit must be inspected on the property; it cannot be removed from an established quarantine area.

#### VI. <u>ERADICATION ACTIVITIES</u>

#### A. <u>Triggers and General Approach</u>

The CDFA begins an eradication project when it determines that a Caribbean fruit fly infestation exists within the state. Although there is no debate that the last two criteria indicate the presence of a breeding Caribbean fruit fly population, the first criterion is often open to further review. The CDFA may take up to 10 days, after the criteria are met, to further refine the presence and location of the infestation, in order to better target eradication activities.

- Two flies within three miles of each other and within a time period equal to one life cycle of the fly;
- 2. One mated female (known or suspected to have been mated to a

wild male); or

#### Larvae or pupae.

Treatment will begin immediately after notification, within 24 to 72 hours after an infestation is determined to exist. Any single male or immature female fly caught within a 15-mile radius of the treatment area may be considered a satellite infestation. The decision on whether to treat will be based on when and where the flies are trapped. A single fly trapped within less than one life cycle of the original find may trigger intensive trapping only. More than one single find, or a fly that is trapped after one or two completed life cycles of the original find, may trigger immediate treatment. The 15-mile radius for satellite infestations then expands to encircle any new treatment area.

Bait sprays are used to stop reproduction of the wild flies and to suppress fly populations until sterile flies can be reared in sufficient numbers to overload the wild population. Consult current label(s) for conditions or restrictions to pesticide treatments. Treatments using bait sprays will continue generally for at least two life cycles of the fly past the last fly detected. Treatments that include the use of sterile flies will continue for at least two life cycles past the last fly detected. A temperature dependent model of the fly's life cycle is used to time the end of treatments. Daily high and low temperatures will be taken from the soil and air in the treatment area using a thermograph (Datapod) housed in a standard weather shelter. Temperature monitoring equipment is to be located at the initial fly find site and each additional wild fly site that represents a significantly different environment or core area. Data will be relayed weekly to the PD/EP Branch in Sacramento.

The continued application of insecticide bait spray occurs only when the severity of an infestation warrants it. Continued and undiminished trapping of flies after one to two weeks of insecticide treatments by ground may trigger aerial applications of insecticide(s). Wide distribution of flies may also trigger aerial treatment.

#### B. <u>Notification</u>

The purpose of notification is to comply with state law and present accurate information in an understandable and non-threatening format to concerned groups. Local and state elected representatives of the residents in the treatment area will be notified and appraised on major developments before and during treatment. During ground treatment activities, any resident whose property will be treated with foliar sprays or soil drenches, following the discovery of infested fruit on or near their property, will be notified in writing prior to treatment. Treatment notices include the name of the pest to be eradicated, the material to be used, and a phone number to call in case of additional questions on project operations. Following treatment, a completion notice is left detailing any precautions the homeowner should

take, including harvest intervals on treated fruit. Treatment without prior notification may be necessary on a small number of properties if active larvae are detected. However, reasonable efforts will be made to contact the homeowner.

During aerial treatment operations, notification will be made either by hand delivery or first class mail, at least 72 hours before the first pesticide application begins, or in a declared emergency situation, at least 24 hours before treatment. The information contained in the notice will include that noted above plus the aerial treatment boundaries and the number of a toll free hot line to answer health related questions.

#### C. <u>Treatment</u>

#### Aerial Bait Spray

At least one bait spray may be applied by air to the treatment area if conditions warrant before starting release of sterile Caribbean fruit flies. Insecticide/bait sprays will be applied at seven to 14 day intervals until sufficient numbers of sterile flies can be reared to over flood the wild population at the prescribed ratio. If the over flooding ratio cannot be achieved, either because the distribution of flies is too wide or the numbers of flies are too great, aerial treatment may continue until two life cycles of the fly have passed with no new fly finds.

The area of an aerial eradication treatment is defined by a 1.5-mile radius beyond any infested site. Consult current label(s) for conditions or restrictions to pesticide treatments.

#### 2. Ground Bait Spray

If aerial treatment is not deemed necessary, the foliage of all shrubs and trees within a 200-meter radius of each infested property will be treated within 24 hours with insecticide/bait sprays using hydraulic spray equipment. Residents and tenants on affected properties will be notified in writing at least 24 hours prior to treatment. Completion notices are left following treatment detailing precautions to take and harvest intervals applicable to any fruit on the property. Treatments are repeated at five to 14 day intervals, unless significant rainfall justifies re-treatment. Consult current label(s) for conditions or restrictions to pesticide treatments.

#### Soil Drenches

The soil under host trees with fruit known or suspected to be infested with Caribbean fruit fly larvae will be treated. Infested and adjacent

properties are treated. Application is made using hydraulic spray equipment operating at low pressure to wet the ground. The material is then watered in to a depth of approximately one-half inch. Consult current label(s) for conditions or restrictions to pesticide treatments.

#### 4. Fruit Stripping

Fruit will be stripped from all host trees on a known infested property and adjacent properties. Fruit is placed in heavyweight plastic bags and removed to a landfill site to be buried under at least one foot of fill.

#### 5. Sterile Insect Technique

This control method relies on flooding the area of an infestation of wild flies with sterile flies produced in rearing facilities. When the sterile flies mate with the fertile population, no offspring are produced. Gradually, the wild fly population decreases, while sterile fly population increases through continued release. When fertile flies can find only sterile flies to mate, the wild population becomes extinct. This technique is used only in combination with other control methods. In general, for the technique to succeed, a minimum over flooding ratio of 100:1 (sterile:wild) must be maintained.

Detailed instructions for rearing and release of sterile flies are available in the manual "Joint Cooperative Mediterranean Fruit Fly Eradication Project" (USDA/CDFA, 1981) and in the PROTOCOL: Mediterranean Fruit Fly Bait Spray—Sterile Release Program" produced by the USDA, in cooperation with the Florida Department of Agriculture, in 1985 and in the CDFA SIT Project Manual.

#### D. <u>Pesticide Monitoring</u>

A pesticide monitoring program is used to evaluate program effectiveness and environmental impact. Pesticide monitoring is conducted by the California Department of Pesticide Regulation.

Monitoring for detectable levels of pesticides in and around treatment areas may include sampling of air, foliage, food, crops, water, soil or other media. The evaluation must effectively address agency, cooperator, and public concerns.

#### E. Sterile Release Monitoring

In the event of a sterile release program, over flooding ratios are monitored in the treatment area using McPhail traps at the rate of five per square mile placed evenly over the treatment area. McPhail traps will be used if equal

numbers of both sexes of sterile Caribbean fruit flies are being released. Service McPhail traps in accordance with Detection Manual guideline.

#### F. Post-Treatment Monitoring

The success of the eradication program is monitored at intensive trapping levels. If pesticide sprays are used, intensive trapping levels are maintained during treatment. In SIT programs, intensive trapping protocol replaces the SIT monitoring system gradually over a three week period after the last release of sterile flies. Traps are serviced every week for one life cycle of the fly after the last treatment or after the institution of intensive trapping protocol. If no flies are caught during that time, trap densities return to pretreatment detection levels. A fly find in the area will trigger resumption of treatment. Inside the Preventative Release Program, the intensive trapping program follows that described in Section V.A.2.

#### G. Quality Control

Experienced personnel will monitor the quality of trapping by inspecting trap sites, placement, and servicing under the direction of the trapping supervisors or project leader. Personnel may accompany trappers, inspect traplines or plant target insects. Reports of findings will be submitted to the assistant project leader in charge of trapping.

#### VII. REGULATORY PROCEDURES

#### A. Hold Notices

After an infestation is known to exist, Pest Exclusion personnel will assist county quarantine officers in the issuance of hold orders on all properties known to be infested with Caribbean fruit fly. If an Eradication Area Proclamation is adopted, authority may also exist to issue hold notices on properties adjacent to infested properties. Each county will prepare its own hold notices based on the sample in Q.C. Circular No. 208.

#### B. <u>Interior Quarantine</u>

An interior plant quarantine shall be adopted as an emergency order if it has been determined that an infestation exists, i.e., a larva, a pupa, a mated female, or two or more adults of Caribbean fruit fly are collected within three miles of each other within one life cycle (see Section V. A).

#### 1. Area Under Quarantine

The area under quarantine should include that area which is within 4.5 miles in any direction from an infested property. Pest Exclusion and USDA personnel, after consultation with county quarantine

personnel, will prepare the boundary description and conduct all necessary quarantine related actions therein.

#### 2. Termination of Interior Quarantine

The interior quarantine will be terminated after the successful completion of the post-treatment monitoring (see Section V. F).

#### VIII. PUBLIC INFORMATION

#### Organization and Responsibilities

The purpose of a public relations effort is to inform the public of the need and plans for an eradication and quarantine program in order to secure their support or minimize opposition. The Director of External Affairs and Communications will oversee all public relations activities. Press releases are prepared by the Department's information officer and the county agricultural commissioner, in close coordination with the assistant project leader responsible for treatment. The Director of External Affairs and Communications serves as the primary contact to the media. A telephone number for project information such as treatment schedules will be staffed by treatment personnel.