

DEL NORTE COUNTY ENFORCEMENT WORK PLAN 2014-2015

I – PESTICIDE USE ENFORCEMENT RESOURCES

A) Personnel

1. Ag Commissioner, administration, training (out on medical leave from May 2015 until at least September 2015).
2. One (1) Agricultural Inspector III, primary resource for pesticide use enforcement (PUE); has other duties in Agriculture, Weights & Measures and Animal Control. He is a newly-hired inspector with limited PUE experience.
3. One (1) Agriculture Aide, support hours
4. One (1) clerical position, support hours

B) Expected Workload PUE

1. The last two years inspection workload has been skewed due to retirement and hiring issues. Our goal is to inspect 100% of growers making fumigations, 100% of growers during fall plantings using restricted materials and a minimum of at least one other inspection of each lily bulb grower using fungicides, insecticides or herbicides.
2. According to the last three financial statements, approximately 33.5% of our Ag Com budget is spent on PUE, which includes 100% use reporting.
3. Pesticide use in 2010, 2011 and 2012 averaged approximately 293,500 pounds plus per year.
4. Restricted materials use is concentrated in summer fumigations (Metam-Sodium, Telone), and fall planting (Thimet, Mocap). All restricted materials permitting have been converted to electronic format. Other PUE documents will be computerized whenever possible.
5. Because of issues concerning surface waters being contaminated by pesticides, an increase in the number of inspections of fungicide applications is anticipated. Del Norte County's average pounds of pesticides used has decreased since the last Enforcement Work Plan.
6. There have been changes in the permit process and regulations of fumigation activities. Fumigant Management Plans are now required and are requiring more time to monitor.

C) Corrective Actions

1. No corrective actions were noted on our last Pesticide Program Effectiveness Evaluation.

II – CORE PROGRAM ACTIVITIES

A) Site Inspections

1. Restricted Materials Permitting

- a) Pre-site inspections shall be made on all fields next to schools.
- b) Pre-site inspections shall be targeted on sensitive sites for summer fumigation and fall planting. Sensitive sites shall include, but not be limited to, mobile home parks, housing projects, child day care centers, commercial buildings, and homes next to fields.
- c) Pre-site inspections shall also be targeted for timber applications.
- d) All of the above pre-site inspections are a high priority for worker safety and/or environmental reasons.
- e) If pesticide illnesses occur on these sensitive sites, or there are excessive violations noted, then the site monitoring plan will be assessed and changes made as needed.

2. Hazard Evaluation

- a) Well-Head Protection: All maps shall list well locations.
- b) Condition permits to mitigate newly-identified hazards. As an example, restricted materials use next to schools and child care centers. Additional buffer zones are in place for schools during fumigations.
- c) Review individual sites on permits for issues such as well-head protection and sensitive sites. The Department of Pesticide Regulation (DPR's) oversight/evaluations and pre-site inspections are used to assess decisions made in the reviewing process.
- d) Review the need for restricted materials versus non-restricted materials.
- e) Episode investigations/complaints are considered when issuing permit conditions. Pre-site inspections are done as needed and as staff is available.

3. Permit Guidance

- a) Our department relies strongly on training provided by the DPR. As an example, the new PUE inspector will need guidance from DPR when making fumigation inspections.
- b) Del Norte County will use DPR manuals concerning RMPs and permit issuance training supplied by DPR.

4. Strengths

- a) Allows flexibility to review the need for restricted materials versus non-restricted materials. This includes written policies and procedures provided in manuals developed by DPR including Inspection Procedures Manual, and Restricted Materials and Permitting Manual. Continued training opportunities are appreciated and supported by the Ag Commissioner.
- b) Participation at the Bulb Growers Meetings allows rapid and effective communication to the majority of permit holders to any changes and/or anticipated changes in restricted materials process. As an example, give out information concerning fumigation rule changes and new permit conditions, regulations for fumigants, new surface water regulations, etc.

5. Areas Needing Improvement

- a) Del Norte County is in the process of implementing a GIS mapping program that can be incorporated into the permit process. The new inspector has computer skills that should allow him to implement the GIS or computerized mapping program.
- b) There are major changes in locations of lily fields every year, since these locations change every year. All maps must be updated with new field locations, sensitive sites, etc.
- c) There have been changes in pesticides being used. Examples include Disyston and Furadan, which have been phased out and are no longer used. Additionally, most insecticides used for aphid control are now "Caution" materials. During the permit process, growers should be informed of the worker safety requirements for their replacements.

B) Compliance Monitoring: Enforcement Response Regulations (ERR), is the major guidance for compliance monitoring. (See attached ERR)

1. Priority Investigations

Del Norte County has not had a priority investigation in over twenty years. If there is one, it will be investigated immediately, and a 15-day report will be made, following all guidelines in the Pesticide Episode Investigations Procedures Manual. The investigation report will be complete, thorough, and we will keep DPR informed of the investigation.

2. Routine Investigations/Complaints

- a) Del Norte County investigates approximately 1-2 pesticide illness investigations per year, (most of these are anti-microbial investigations), and the vast majority have been completed within sixty days. We plan to continue this pattern. We will submit all illness investigations to the DPR through the SAW (Secure Access Website), and will use their feedback to make any necessary changes to improve our pesticide episodes investigations.

b) All pesticide complaints shall be investigated within thirty days of receipt and logged on a monthly tracking report. We have seen an increase in complaints about spraying near lily fields since articles have appeared in our local newspaper concerning pesticides contaminating the Smith River Watershed. Testing is on-going by WQCB.

3. Pesticide Use Inspections

a) Strategy: The goal is to improve the program so that violations are detected and corrected before they can cause pesticide episodes where people are hurt or environment is harmed. The main emphasis of our targeted inspections will be summer fumigations (Metam-Sodium, Telone), fall pre-plant (Thimet, Mocap), and field worker safety inspections. We do not anticipate any aerial applications of pesticides in Del Norte County. The restricted materials listed above present a hazard to applicators and the public if used improperly. There have been concerns about fungicide applications presenting environmental issues to surface waters that must be addressed and monitored. Flexible scheduling is used when after-hour inspections are needed.

b) Review Process: All pesticide use monitoring inspections shall be reviewed by the Commissioner and/or DPR specialist, to check for accuracy and completeness of inspections. Consultation with DPR is encouraged, and when available, attendance at DPR-provided training, is encouraged.

c) Review process of violations identified. The pesticide inspection tracking system, targeted inspections and consultation with the DPR will help eliminate redundant and low-priority inspections.

d) The tracking system records date, specific grower/pest control operator, pesticides used, non-compliances, enforcement/compliance actions taken, and if the non-compliances have been corrected. The inspection reports are attached for further review, if needed.

4. Strengths

a) Past evaluations indicate a history of conducting investigations thoroughly and in a timely manner.

b) Past evaluations indicate the majority of inspections are thorough and complete. The DPR oversight inspections and evaluations will be used to review our inspection strategy and to determine errors in compliance. These oversight inspections will also allow training for our new inspector.

c) The county Ag Commissioner's tracking program of pesticide violations is updated monthly to ensure that re-inspections, appropriate follow-up procedures and enforcement actions as needed, are implemented.

d) Attendance at Easter Lily Bulb Growers Meetings will allow Del Norte County to go over pesticide labels, laws and regulations to keep a high level of compliance with pesticides laws and regulations. Our department gives regular updates at these meetings and stressed the importance of avoiding repeat violations. Training has been given at these meetings, and I regularly go over new rules and regulations at these meetings. Surface water issues are regularly gone over at these meetings. We have a unique situation here where the majority of our production agriculture can be reached via the bulb growers meetings. The Easter Lily Research Foundation was awarded an IPM innovator award by DPR, and the manager gives regular updates at these meetings.

e) Training is an integral part of any improvement plan. Particular attention has been given to the summer fumigation period, and training is now required for fumigants such as Metam-Sodium. Fumigant Management plans are now required before fumigants can be applied. The County Ag Commissioner has, and will continue to show, a strong willingness to encourage participation in DPR's sponsored training and the oversight inspection program. These programs will provide feedback on the level of performance the county inspector is accomplishing and will also help reinforce the knowledge and skills needed to perform PUE inspections. These inspections will enhance the biologist's knowledge and skills. Extra money has been allocated for training purposes for the new employee for 2015/2016.

5. Areas Needing Improvement

a) We have had substantial personnel challenges which have left us with only one licensed inspector through much of the period this workplan covers. These issues may not be resolved by the time of its completion.

b) There is an on-going problem of Federal pesticide labels vs. California labels. The farming area for Easter Lilies includes a grower who farms in both California and Oregon. The only pesticide dealer is 100 yards into Oregon. This makes for on-going pesticide label problems. The bulb growers meetings help to facilitate sharing information on California requirements.

C) Enforcement Response

1. Violation History Tracking

a) The majority of restricted materials use in Del Norte County is, by far, lily bulb growers, so tracking repeat violations is relatively easy. The tracking system provides a summary that is easily used to target specific violators, types of violations and identify repeat offenders.

b) We have used the tracking system in the evaluation of our PUE program.

2. Review and Decision Process

- a) If violations are the “fix-it” type, (examples are legible storage signs, pesticide use reporting violations, etc.), a re-inspection will be done to make sure corrections have been made.
- b) Other violations will be evaluated based on severity, repeat violations, etc., and consultation will be made with DPR to determine the course of outcome.

3. Strengths

The ERP, and discussion with Ag Commissioner and EBL, will be used to determine what enforcement actions will be used.

- a) The DPR has given training on fumigation monitoring regulations, new notification regulations and will give training on surface water regulations, which will help us implement enforcement actions.
- b) Attendance at Bulb Growers Meetings will facilitate getting important worker safety information and training to the bulb growers. (Example: new notification regulations near schools and new training requirements for fumigation applications.)
- c) This training has increased compliance rates in issues such as fumigation inspections.
- d) Attendance at the Bulb Growers Meetings, education, reinspections, Notice of Violations, and warning letters and enforcement actions have all contributed to compliance with pesticide laws and regulations.

4. Areas Needing Improvements

- a) Due to staff limitations, attendance at DPR provided training has been limited the last few years. I have budgeted additional money to our travel/training program for 2016.
- b) Training for the new employee, such as writing decision reports.
- c) Writing NOPAs.

III – DESIREABLE ACTIVITIES

A) Attendance at Easter Lily Research Foundation Meetings (Bulb Growers)

There are currently four (4) Easter Lily growers in Del Norte County. Most attend the Bulb Growers Meetings on a regular basis. About three miles north of the California/Oregon border in Brookings, OR, is the Pacific Bulb Growers Research Station. Lee Riddle, Research Manager, gives updates at these meetings. Various chemical companies also attend.

Between them, they give updates and training on subjects such as nematode and disease control, new chemicals, label changes, registration status, new pythium control chemicals, bio-fungicides and nematode control alternatives. Mr. Riddle, an IPM Innovator Award winner, also updates the growers on alternatives to Methyl-Bromide, new methods of pest control, less toxic alternatives to pesticides use, and methods to reduce resistance problems on certain fungicides. UC Nematologist, Dr. Becky Westerdahl, has experimental plots at the station and gives periodic updates. Oregon State Cooperative Extension personnel, Debra Giraud, University of California Farm Advisor, USDA Natural Resource Conservation Service, etc., attend these meetings. The Agricultural Commissioner has attended a majority of monthly growers meetings and plans to continue to do so in the future. Communications at meetings is valuable and will help keep a high level of compliance with pesticide rules and regulations. Environmental issues concern water quality, (well water and surface water runoff in the Smith River Estuary). The opportunity for training at the meetings will allow Ag staff and growers to earn continuing education credits. Meetings will also provide a forum for regular updates on Sudden Oak Death disease and regulations, as well as Canadian import requirements. Although these issues are not pesticide-related, they are very important.

PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

- A. Non-Fumigant VOC Regulation Compliance (San Joaquin Valley), when regulations are final:
Does not apply to Del Norte County.

- B. Compliance with Soil Fumigation Phase II labeling:
DNCDA staff will attend all DPR sponsored training sessions for the Soil Fumigant Training. These applications have always been high priority. DNCDA strives to monitor as many soil fumigations as possible with either a pre-application site or use monitoring inspection. DNCDA works closely with C DPR, U.S. EPA, registrants and applicators to facilitate the implementation to the Phase II soil fumigant training in 2013.

- C. Chloropicrin mitigation:
Measures will be implemented. There is limited use in Del Norte County. DNCDA will address as applicable.

- D. Structural inspection activity Branches 1, 2 & 3:
DNCDA has few Branch 1 applications and will perform inspections when possible. DNCDA has few if any resident operators for Branch 2 and 3, but will perform a headquarters or use monitoring inspection annually and will emphasize the new surface water regulation.

- E. Efforts to work collaboratively with the State Regional Water Quality Board and DPR Environmental Monitoring Branch regarding applications of diazinon, chlorpyrifos and diuron near water bodies:
DNCDA has not been asked by any agency to assist with water quality issues, but would do so if approached.

- F. Staff Training:
The county work plan will be reviewed at regular staff meetings and staff will be focused to address goals. Staff will attend training provided by DPR when practicable.

- G. Compliance with pesticide use at schools:
During routine headquarters inspection of pest control businesses, DNCDA will identify any pesticide usage at schools and verify compliance with school pesticide use reporting and employee handler training requirements.

- H. Secured Web Access (SAW) for pilot counties:
Del Norte County has a SAW account and submits all non-priority illness investigations through SAW.

- I. Compliance with Ground Water Regulations (i.e., participation with DPR's Environmental Monitoring Branch on related studies):
As with E, above, DNCDA has not been approached to do this work, but would do so if requested.
- J. Chilean Fruit Air Monitoring (CFAM) and other commodity fumigation focused activities:
Does not apply to Del Norte County.
- K. Regulatory outreach and education:
Del Norte County has 4 Easter Lily growers who regularly attend the local Easter Lily Grower and Easter Lily Research Foundation meetings. Through participation in these meetings DNCDA is able to reach the majority of county growers. DNCDA has recently hired an inspector who specializes in public outreach and will conduct appropriate outreach activities whenever possible.
- L. Investigative Review:
DNCDA meets regularly with the EBL to discuss possible enforcement action, including referral to DPR for state action.
- M. Compliance with Non-Ag Surface Water Regulations:
DNCDA will incorporate this into the compliance monitoring scheme. Goals for this activity are described above. Surface water regulations will be emphasized at appropriate use monitoring inspections and headquarters inspections.
- N. Federal rodenticide regulation compliance: will be ensured by requiring certification and enforcement of use restrictions.
This is also evolving, as second generation rodenticides are being evaluated by U.S. EPA. Second generation bait requirements will be addressed as applicable.
- O. Focused inspections on employers with employees:
At least 25% of all headquarters inspections, as identified by use report data, will be targeted at employers who have employee handlers who handle pesticides.
- P. DPR reporting for report of loss related to bee kills:
DNCDA will contact DPR in the event a bee loss is reported.
- Q. Collaboration with DPR in addressing U.S. EPA activities or requests:
Should this arise, we will coordinate our efforts with DPR and U.S. EPA.