Madera County Department of Agriculture
Weights and Measures

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MADERA COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM

Workplan 2013-2015

Our Mission:

To preserve agriculture and our precious natural resources; to foster consumer confidence and fairness in the business community; and to enhance the health and safety of all citizens through the just administration of the laws and regulation entrusted to this department.

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Madera County Enforcement Work plan
for 2013 thru 2015

Pesticide Use Enforcement (PUE) Resources and Workload

Personnel:

7 Agricultural/Standards Inspectors
The core staff responsible for the majority of the PUE workload consists of 4 fulltime inspectors when fully staffed. All inspectors on staff receive some training in the PUE program and are available for program support.
We currently have one Spanish bi-lingual inspector on staff assigned to the PUE program.

2 Agricultural Technicians
Available to assist the inspection staff in a non-licensed capacity with various aspects of the PUE program, in addition to their duties in other agricultural and Weights and Measures programs.

1 Deputy Agricultural Commissioner
Direct Supervisory Role

1 Assistant Agricultural Commissioner
Ancillary Supervisory Role

1 Agricultural Commissioner
Program Oversight Role

3 Clerical/data entry positions (Equates to 1 ½ positions dedicated to the PUE program)

All PUE staff are centrally located in our Madera office and report directly to the Deputy Commissioner.

Equipment/Facilities:

The Madera County Agricultural Commissioners office (MCAC) is open to the public weekdays, 8 am to 5 pm. Emergency contact is available outside of office hours via county or state "first-responder" agencies.

Beginning in 2010, the Madera County Board of Supervisors has decided to furlough county departments an equivalent of 2 days per month. Staff will be available on furlough days on an as needed basis to perform essential functions. The Board of Supervisors has indicated it would like to discontinue the furlough program in July of 2013; however no official determinations have been made at this time.

Each Inspector has a computer workstation at their desk for permit issuance, report preparation, and internet and e-mail access. The front counter is equipped with a computer workstation for permit issuance. Our office uses CalAgPermits for permit issuance.

All Inspectors have vehicles, digital cameras and cell phones assigned for their use. The following are available for use in the field: one laser rangefinder, three anemometers, two tablet PCs and two portable printers.

Workload (Approximations)

- 500 Restricted Materials permits issued annually
- 400 Operator Identification numbers issued annually
- 3,100 Notices of Intent received/reviewed annually
- 90,000 lines on Pesticide Use Reports
- 211 Groundwater Protection Areas
- 500 certified Private Applicators
- 2 Pesticide Dealers
- 147 registered Pest Control Businesses
  47 Home-based
- 196 registered Pest Control Advisors
  20 Home-based
- 32 registered Pilots
  8 Home-based
- 204 registered Farm Labor Contractors
  48 Home-based
- 104 Registered Structural Pest Control Businesses
  21 Home-based

Over the past 3 years we have seen an increase in both the number of pesticide use report lines (increase of about 10,000 lines per year) and notice of intents submitted (increase of 600 intents from 2009 total). It is hard to speculate on all of the factors that could be causing these increases, or if we will continue to see the same trends in the future.

A. Restricted Materials Permitting

Goal

- Protect the people of Madera County and their environment while allowing effective pest management.

Permit Evaluation

In the MCAC, Inspectors are responsible for evaluating and issuing permits to operators on a first come first serve basis. By policy, MCAC issues Restricted Materials Permits for a maximum period of one year.

During the fall of each year, in preparation for the upcoming growing season, current holders of Restricted Materials Permits and Operator Identification Numbers are sent a renewal notification letter and application form. The completed application forms, and crop maps if any changes have occurred, are submitted by the Permitee to the MCAC.

Following the receipt of the Restricted Material Permit/Operator Identification Number holder's paperwork, Inspectors will review the file and update the permit. Inspectors utilize a renewal checklist for evaluation of all Permit applications to ensure that permit applicants are qualified and have met requirements to hold a Restricted Materials Permit, and to ensure that the permits are CEQA compliant. Operators must either own or lease the properties to be listed on their permits. Operators managing properties other than their own must possess a Pest Control Business License. When questions of unlicensed farm management arise, a title or written lease agreement may be required prior to permit issuance. Any problems are addressed with the permit applicant and if necessary a

records inspection is scheduled. This procedure allows time for the Inspectors to review the operator's file prior to issuing the Permit/Operator ID.

Permits for new or absentee owners receive particular attention. If they plan to hire employees they are given a complete copy of the Pesticide Safety Information Series. Absentee owners must demonstrate that their operation can provide qualified on-site supervision of employees handling pesticides. In the past new permitees received an Answer Book, a county-produced manual that covers, in plain English, the basic regulatory requirements for the use of pesticides in Madera County. A revision of the Answer Book was completed in 2011 to include changes in dormant spray, respiratory protection, VOC, Notification, and Enforcement Response Regulations. Due to budgetary restraints the Answer Book is no longer printed and given to every grower, however an electronic version is available at our county website and printed copies can be obtained by request.

Each site included on the permit is identified down to the field level on our county GIS crop layer, utilizing aerial imagery and prior-year site boundaries. Residential areas, schools, waterways, and other sensitive areas are visible on the crop layer; this assists in evaluating sites to determine if a substantial adverse impact may result from the application of restricted materials. Surrounding crops are updated as permits are renewed. Feasible alternatives to restricted materials are considered and implemented when appropriate.

Private Applicators and Qualified Applicators are verified and listed on the permit. Employers of pesticide handlers must have a qualified trainer. If the operator of the property is not available to sign the permit, an authorized representative is allowed to sign with the proper documentation. The compliance database is checked for areas that need to be addressed with the permit applicant.

Non-Ag sites are separated from Ag permits and issued a separate permit to facilitate staff's ability to apply requirements that may be specific to the various permit types.

At the time that the permit applicant receives their permit, the issuing inspector reviews their compliance history with them as well as other information that may apply to their operation such as dormant spray regulations, respiratory protection regulations, ground water protection requirements, and employee training requirements along with providing copies of the pesticide safety information series. Maps created with the CalAgPermits system are reviewed with the permit applicant and houses, schools, bus stops, or other sensitive areas are indicated. The maps are then attached to the permit that is provided to the applicant.

Deliverables

- Improve Permit Issuance Process

Every year Inspectors are given a review session on permit issuance targeting specific problem areas identified by our staff and Enforcement Branch Liaison. Permit conditions will be reviewed and updated prior to each permit season. Problem areas discovered in the previous year are specifically addressed on the permit renewal checklist that is completed for every renewal.

Site-Monitoring Plan

Notices of Intent (NOI) are received in person, by phone, online, or by fax. A minimum of one Inspector is assigned to office duty on a daily basis. 100% of the proposed applications are reviewed for accuracy, completeness, and to ensure compliance with permit conditions and product labeling. Product labels are reviewed to determine possible adverse impacts. In some cases, inspection of the proposed site is necessary in order to adequately evaluate a proposed application. The applicator is notified, by phone, of the approval or denial of each NOI.

When selecting sites for pre-application inspection, we take into consideration pesticide hazards, proximity of sensitive areas, local conditions, cropping and field patterns, and compliance histories of permittees, applicators, and advisors.

Madera County conducts pre-application site inspections on greater than 5% of the sites named in the Notices of Intent received. In addition to the concerns noted above, these inspections are conducted using the potential for increased hazards as the primary criteria.

Deliverables

- Each NOI received will be reviewed and approved. Applications will not proceed as scheduled without inspector review and approval.

- Ensure that Site-Monitoring Plan is Comprehensive

We will focus pre-application site inspections on the following applications: field fumigations; springtime applications of phenoxy herbicides; cotton defoliation applications which may impact residential areas; aerial applications near sensitive areas; applications in areas which have generated complaints in the past; applications of GWPP materials in ground water protection areas; and applications of Section 18 materials.

We expect targeted monitoring of proposed application sites will optimize resources, while providing additional evaluation in application situations with the potential to impact human health and the environment.

B. Compliance Monitoring

Anticipated Yearly Inspection Workload

Agricultural Application	
Grower	75
Pest Control Business	15
Agricultural Mix/Load	
Grower	15
Pest Control Business	10
Field Worker Safety	20
Fumigations – Non Structural	
Field	5
Commodity	5
Structural Applications	
Branch 1	5
Branch 2/3	25

Records Inspections	
Pest Control Business	10
Pest Control Business HQ/Empl.Safety	10
Dealer	2
PCA	10
Grower HQ/Employee Safety	125
Structural HQ Employee Safety	10

Comprehensive Inspection Plan

Goal

- Utilize an effective and comprehensive compliance-monitoring program to reduce risks to people and the environment.

Field Worker Safety inspections are conducted in fields where there has been a pesticide application in the past 30 days. Proximity to other treated fields, compliance history of the employer, and the potential for fieldworker exposure are considered when deciding where to concentrate the department's inspector resources.

Pesticide Use Monitoring Inspections are conducted on growers and Pest Control Businesses/Structural Pest Control Applicators; prioritization is based on the potential hazard posed by the application. We consider the material being applied, method of application, proximity to sensitive areas, and compliance history of the applicator. In addition, random inspections are conducted during routine surveillance.

Headquarter and Records inspections are conducted as a follow-up for all use monitoring inspections where violations are discovered. These inspections are also conducted during illness and incident investigations, and prior to permit renewal when it is suspected that a pesticide use reporting deficiency exists. Further, random inspections are conducted with priority given to operations that have not been inspected in the past few years.

One pesticide use-monitoring inspection, or pre-site evaluation for each non-agricultural permit issued will be completed.

Weekly staff meetings are scheduled for coordination, identification of areas of concern, and dissemination of new information.

Deliverables

- Emphasize Incident Prevention

The department recognizes that Field Worker safety inspections prevent accidental pesticide exposures; however the department's ability to perform Field Worker Inspections will be significantly impacted by Inspector inexperience and the availability of only one bi-lingual employee on staff to translate. We will continue to attempt to identify times of the year when workers are present in treated fields so that we can increase our number of complete field worker inspections conducted.

Timely Initiation and Completion of Investigations

Goal

- Thoroughly investigate every incident and complete the investigation in a timely manner with accurate and supportive information.

Both illness and incident investigations are initiated and completed in a timely manner. Priority investigations are initiated immediately upon notification. Proper techniques are used for interviews, evidence collection and documentation. Investigations are logged and tracked through completion. The Deputy Commissioner reviews each report for thoroughness before final review by the Commissioner. Completed illness investigation reports are submitted to the DPR's Worker Health and Safety Branch.

A Monthly Pesticide Episode Investigation Log (Illnesses and Complaints) is maintained for all pesticide illness and incident investigations. On average we complete 8-10 illness investigations per year.

Deliverables

- Thorough and Timely Completion of Pesticide Incident Investigation Reports.

Routine investigations are assigned to inspectors. The PUE division currently has 3 full-time inspectors. One of the four inspectors is not licensed in Investigation and environmental monitoring. We recognize that timely completion of incident reports will result in a swifter and thus more effective enforcement response. The challenge will be with our current staff level, and lack of experience, achieving the desired goal.

C. Enforcement Response

Goal

- Fairly and consistently apply DPR's Enforcement Response Regulations to incidents in which violation of pesticide laws or regulations have been confirmed and documented.

It has been our experience over the years that there is a correlation between a property operator's laxness with paperwork and subsequent non-compliances in the field. We have found that time spent on thorough evaluation during the permit issuance process is invaluable in the prevention of future problems. Limitation or denial of pesticide permits is an integral component of our overall enforcement strategy.

Further, we have found that grower outreach, both to acquaint operators with new regulations and to provide an opportunity for questions, is invariably time well spent. This involves one-on-one reviews of the requirements with new growers, as well as Continuing Education sessions for Private Applicators. Growers must be apprised of the consequences of violations of the law.

Finally, we emphasize follow-up where non-compliances are found. Whatever the ultimate penalty, operations with problems must receive continuing attention until compliance is achieved. In addition to follow-up inspections, this may involve cease-and-desist orders, compliance interviews, letters of warning, or Notices of Violation.

Violations are reviewed and classified using the Enforcement Response Regulations. The appropriate response is then established based on the category of the violation and previous compliance history. Compliance and Enforcement actions are progressive, varying in degree from notice of non-compliance to administrative civil penalties to higher-level actions, including referral to the District Attorney for criminal sanctions.

Deliverables

- Adherence to DPR's Enforcement Response Regulations in determination of appropriate response to violations.

- A Decision Report will be submitted in lieu of other enforcement action in accordance with DPR guidelines.

We will continue to develop and implement a standardized procedure for inspectors to refer repeat violators to management for enforcement action review. We anticipate that fair, consistent, progressive, and transparent enforcement response will continue to strengthen the regulation of pesticide use in Madera County.