MONTEREY COUNTY

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Monterey County
Pesticide Enforcement

Multiyear Work Plan
2012 - 2014

Mission Statement

Promote and protect agriculture, the environment, and public welfare, and to assure consumer and business confidence in the marketplace.

December 2011

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Pesticide Use Enforcement Personnel Resources

The pesticide use enforcement (PUE) program in Monterey County is currently supervised under one Chief Deputy Agricultural Commissioner and three Deputy Agricultural Commissioners. The main office of the Agricultural Commissioner is in Salinas, and there are two Branch offices, one in King City (South County), and one in Pajaro (North County). Staff in the pesticide enforcement unit in the main Salinas office is dedicated to working in pesticide enforcement, and only occasionally help in other departmental programs. Staff in the branch offices work in phytosanitary export certification, pesticide use enforcement, nursery and seed inspection, pest exclusion and other departmental programs outside the pesticide arena.

One licensed PUE inspector biologist is on office duty eight hours per day in all three of our offices assisting customers, scheduling appointments, answering phones, maintaining files, and preparing and sending letters and correspondence.

In late spring early summer of 2009, our main office in Salinas was relocated to a temporary location as the Abbott Street location was undergoing a complete renovation. In December of 2009, we hired one new biologist who started working in Salinas PUE.

In 2010, two biologists working in PUE left county service for outside employment. Since we had a number of additional open positions, we hired six biologists in 2010. All of the six started working in our Salinas PUE office. In April 2010, we relocated our entire office from our temporary location back to our newly remodeled building. During the year, two of our inspector/biologists experienced serious medical issues which required extensive time off from work. Three of our PUE inspectors were pregnant and assigned to light duty. One of the three was restricted solely to office work. Five of our PUE biologists took from one to three months off on maternity or paternity leave. Two inspectors returned from maternity leave to work part time for several months. Beginning in September 2010, the deputy in our Pajaro office reduced her work hours to 32 hours per week.

In January 2011, two biologists left county employment, and in the spring, we hired four new biologists. All new hires started working in Salinas PUE. By August 2011, all of the new hires had at least one PUE License.

During the course of our last work plan, (2009 – 2011), we increased our licensed PUE time by more than 9,000 hours because we were able to fill open biologist positions:

	2009	2010	2011
Licensed Hours	21,280	27,501	30,515
Support Hours	11,326.36	11,222	11,325

Current PUE Staffing Levels

Management (4)

- Chief Deputy Agricultural Commissioner: *1,900 hours*
- Deputy Agricultural Commissioner: *1,000 hours*
- Deputy Agricultural Commissioner: *1,200 hours*
- Deputy Agricultural Commissioner: *1,800 hours*

Agricultural Inspector/Biologist I (4)

- Two have both PUE licenses *3,600 hours (1,800 hours each)*
- Has both PUE licenses is Spanish/English bilingual *1,800 hours*
- Has one PUE license is Spanish/English bilingual *1,800 hours*

Agricultural Inspector/Biologist II – Have both PUE Licenses (7)

- *1,500 hours*
- *1,000 hours*
- *1,800 hours*
- *1,800 hours*
- Spanish/English bilingual: *1,000 hours*
- Spanish/English bilingual *1,800 hours*
- Spanish/English bilingual *1,800 hours*

Agricultural Inspector/Biologist III – Have Both PUE Licenses (6)

- *700 hours*
- *700 hours*
- *700 hours*
- *1,800 hours*
- Spanish/English bilingual *1,000 hours*
- Spanish/English bilingual *1,800 hours*

Support Staff

Information System Coordinator: provides computer support and supervision pesticide use report data entry staff.

Data Entry Staff: two full-time and two temporary full-time employees

Geographic Information System (GIS) Analyst: provides GIS data and map production support to PUE staff dealing with ranch maps, investigations, sensitive sites and endangered species areas.

Office Assistants: three clericals based in Salinas provide intermittent office support for PUE staff in the Salinas, Pajaro, and King City offices.

Equipment

All inspector/biologists working in PUE are assigned a county four-wheel drive pickup truck, a desktop computer and desk phone. The vehicles are equipped with personal protective equipment and investigative sampling supplies. All inspector/biologists have a cell phone, and are assigned various field equipment including binoculars, wind gauges, digital cameras, 100 foot measuring tapes, measuring wheels, thermometers and compasses. All inspector/biologists have access to GPS units, and fumigant detection devices.

Each of our three offices has a Windows based tablet PC and portable printer available for staff to use during field inspections. The tablets run the Automated Inspection Reporting System software. Most of our inspectors prefer to document inspections by hand because they report that the tablets are large, heavy and difficult to use in bright sunlight because of glare on the screen.

Core Program Areas

Restricted Materials Permitting

Permit -Process Evaluation and Improvement Planning

Annual Permit and Operator identification Number (OIN) Issuance Statistics

	2009	2010	2011
Restricted Material Permits			
Agricultural	592	772	752
Non-agricultural	40	45	27
Multi-year	283	247	273
Operator Identification Numbers	130	147	208

Most permits and OINs are issued for a period of one year, and expire on January 31. Multi-year permits and OINs are issued for some perennial agricultural plantings of wine grapes; non-production agricultural sites of parks and cemeteries; non-agricultural sites of hospitals, seed treatment facilities and commodity packing houses. We issue multi-year permits and OINs for up to three years. Multi-year permits also expire on January 31.

On November 21, 2011, we transitioned from the Restricted Materials Management System (RMMS) software to the new statewide CalAgPermits web-based application to generate permits and OINs.
Annual permit issuance and site evaluation training is given by a PUE Senior Biologist; PUE Deputy; Chief Deputy; and/or the DPR Enforcement Branch Liaison (EBL).

- All restricted material permits and private applicator certifications are issued by staff that have been thoroughly trained and hold valid County Inspector Biologist licenses in Pesticide Regulation. New staff members in training issue permits and certifications only under the direct supervision of a licensed biologist or deputy, whether or not they themselves are licensed.

- Issuing biologists interview each permit applicant to determine whether they are the operator of the property. We require persons acting as a representative for the operator of the property to submit a signed Authorized Representative Form with their permit application. Certification numbers are recorded on the permit along with certification expiration dates.

- Individuals wanting to be certified as private applicators meet with a licensed PUE biologist. Walk-ins are accepted however, an appointment is necessary during permit renewals in December and January. All applicants complete the DPR Private Applicator Certificate Application form (PR ENF 045). Biologists review the application with the applicant, to determine if the individual is qualified to take the private applicator certification (PAC) examination. If biologists determine that an applicant is a commercial applicator rather than a private applicator, they explain the DPR licensing program and provide copies of licensing applications. Staff utilizes a PAC database to track individual OAC and ensure each PAC has a unique PAC number. Staff administers the PAC examination developed by DPR, according to DPR's procedures. A copy of the certification application is filed with the restricted materials permit. For certification renewals, we attach applicant provided proof of continued education to the renewal application. If an individual fails the exam, we do not allow them to re-test for seven days.

- Each year we hold continued education classes for private applicators. In December 2011, we held four classes in English and three classes in Spanish with two hours of DPR approved continued education credit. These classes give us an opportunity to ensure our growers receive the most current information about pesticide regulatory changes, common violations to avoid, and enforcement actions.

- Biologists use the eight step overview from page 7-7 of the Pesticide Use Enforcement Program Standards Compendium Volume 3 as a guide to ensure they address all functional equivalency evaluation requirements of the California Environmental Quality Act Environmental Impact Report during the permit issuance process.

- We require permit applicants to submit a map that identifies all adjacent and surrounding areas that could be adversely impacted by the use of the restricted material. Biologists use a Check List for Permit/OIN Renewal to assure applicant interviews are thorough, and site map reviews are comprehensive. Staff are using aerial photographs from the GIS portion of CalAgPermits in conjunction with actual field knowledge and the Check List during the evaluation of each proposed application site before a permit is issued. The checklist is updated each year prior to permit season.

- In past years, our GIS Analyst translated the applicant's paper permit and operator identification number property maps into GIS data which is used to update our Ranch Map. The Ranch Map is a dataset of all of the geographic entities in our county that are utilized in pesticide use reporting. The Ranch Map is published biannually from the data collected the previous year, and copies are available to the public at each of our offices for a minimal fee to cover production costs. With the new GIS portion of CalAgPermits, this process may change depending on the compatibility of CalAgPermits data with our own GIS programs.

- Staff identifies hazards of unfamiliar restricted materials by reviewing the pesticide labels, and the California Restricted Materials & Hazard Assessment document our office developed in 2005. Based on the hazards of the materials and the location of sensitive areas around each application site biologists assess the likelihood of an adverse impact from the proposed application. When there is a sensitive area near the treatment site, they presume that an adverse environmental impact is possible. At that point, the issuing biologist determines whether the pesticide labeling or state regulations satisfactorily mitigate the identified hazards. If additional mitigation is warranted, the issuing biologist asks the permit applicant to identify mitigation measures that were considered with the applicant's pest control advisor prior to applying for the permit. If the permit applicant indicates that mitigation measures were not considered, he/she is asked to meet with his/her advisor to discuss possible mitigations prior to continuing the permit process. If mitigation measures were considered, the biologist documents the applicant's response and determines if there are any additional reasonable and effective measures that would further lessen the identified hazards. If feasible mitigation measures are identified, they are included as permit conditions.

- Biologists are using CalAgPermits to add individual permit conditions to a permit when specific pesticides are added to that permit. These include neighbor notification requirements, application timing constraints, specific buffer zone requirements, aerial restrictions, supervision requirements, restrictions on the method of application, and endangered species precautions. In addition, we use the DPR recommended pesticide specific permit conditions when appropriate. They also apply a portable document format (pdf) of general conditions to permits as appropriate. The general conditions include notice of intent requirements, aerial and school conditions.

- Permit denials and refusals are recorded on the form suggested by DPR, which explains applicants' due process rights. A copy of every permit refusal and denial is kept on file in the Salinas office for two years.

- Staff consults with the University of California Cooperative Extension and various commodity and industry organizations to augment their knowledge of local conditions and alternatives as needed. The PUE deputy, chief deputy and/or PUE biologist(s) attend the bi-monthly Coast Area Pesticide Enforcement Group meeting to share information and strategies on evaluating restricted material permits and developing reasonable and effective permit conditions.

- All fumigants are removed from each permit at renewal and must be individually added later in the season to enable staff to better oversee and enforce compliance for all fumigant applications.

- The DPR permit supplement form is used to issue permit amendments. Permit amendments are issued at any of our three offices in person on a walk-in basis, by fax and by mail.

- Biologists are responsible to check every permit they issue to ensure permits are correct and complete. After issuance and before filing permits are reviewed for correctness and completeness. The lead biologist and PUE deputy review all of the permits issued in Salinas, and the branch deputies review the permits issued in the branch offices.

Planned Improvements
During 2012 permit issuance, we will complete the conversion of pesticides currently listed on permits by trade name to common or chemical names. We plan to revise our non-ag permit conditions; all of our fumigant conditions; and to continue correcting errors and making adjustments to the new CalAg Permits program.

Goals and Deliverables
- Update permit conditions as needed to reflect changes in pesticide laws and regulations and DPR suggested permit conditions.
- Continue to train staff in the use of CalAgPermits, and work to ensure consistency and effectiveness of the permitting process.
- Identify errors or omissions in the permit issuance process and correct them through individual inspector and staff training

Measure of Success
- Find fewer errors and omissions in permits issued by our office.
- Increased ability to gather and use information obtained by CalAgPermits Program.
- Permit conditions will be current.

Site Evaluation-Process Evaluation and Improvement Planning

Annual Notices of Intent and Pre-application Site Inspections

	2009	2010	2011
Notice of Intents	16,129	18,532	11,225
Pre-application Site Inspections Agricultural	701	994	1,223

In 2011, the number of Notices of Intents we received decreased by approximately 40%. This decrease was largely due to the decrease in the use of the restricted materials oxydemeton-methyl, methomyl, methidathion and paraquat in 2011.

Current Business Process

- We require NOIs for all restricted material applications, agricultural and non-agricultural, unless the permit is a job permit.

- We receive NOIs by fax, mail or personal delivery. We do not routinely accept NOIs by telephone. There is a drop box at each of the CAC offices. Biologists check the boxes and faxes Monday through Saturday. Biologists on weekend duty check NOIs for weekend applications. As NOIs are received, they are reviewed by staff, sorted, counted and filed according to proposed application date.

- Licensed biologists review NOIs to determine if they are complete; consistent with the permit; whether any environmental conditions have changed since the permit was issued; and whether all buffer zone calculations are correct. They compare the NOI against the permit and worksite plans to ensure locations match and nothing has changed in surrounding sites. When simple or minor errors are found, biologists contact the operator of the property or the pest control adviser to correct the problem. If a complex or serious error is found, biologists deny the NOI, document the denial on the NOI form, and issue a written permit refusal on the suggested DPR form. The permittee is contacted and provided with the written permit refusal which explains their due process rights. If the permittee does not request a hearing within 20 days, the refusal is filed in our permit denial folder and a copy is filed in the permittee's folder.

- In determining which proposed applications require a pre-application site inspection staff consider the location of the proposed application in relation to sensitive sites (e.g., residences, schools, hospitals, field crews, other crops, endangered species habitat, rivers, streams and domestic animals); the toxicity and other characteristics of the pesticide including odor and formulation; the proposed application method and equipment; the permittee's compliance record and meteorological conditions. We strive to monitor 100% of NOIs received for fumigant applications of methyl bromide, 1,3-D, methyl isothiocyanate (MITC) generating fumigants, and chloropicrin.

Goal and Deliverables

- Continue to perform pre-application site inspections on at least 6% of the sites identified in the NOIs we receive and ensure that a valid Restricted Materials Permit exists for each application and site identified in NOIs.
- Conduct on-site monitoring of all non-agricultural Restricted Material Permit holders each year

Measure of Success
We will compare the number of NOIs received with the number of site evaluations completed, on a monthly basis to ensure that we conduct site evaluations on at least 6% of the NOIs we receive, and all non-agricultural permit holders. Throughout the ongoing evaluation of our site-monitoring plan, we will adjust inspector field activities as needed to achieve our goal.

Compliance Monitoring

Pesticide Use Monitoring and Record Inspections Evaluation and Improvement Planning

Annual Compliance Monitoring Statistics

	2009	2010	2011
Inspections			
Fumigations	66	67	233
Applications	190	185	255
Property Operator	120	105	150
Pest Control Business	70	80	105
Mix/Load	66	73	100
Property Operator	29	35	38
Pest Control Business	37	38	62
Structural	9	0	32
Records	82	73	97
Field Worker Safety	160	115	153

Current Business Process

- All staff has been trained in conducting pesticide use monitoring and record audit inspections. New staff is trained through mentoring/on-the-job-training where they are assigned to ride along with veteran biologists or their supervising deputy. In addition, at least once a year all staff working in PUE receives formal classroom training provided by DPR and/or the program and chief deputies. Staff also receives refreshers and updates through monthly pesticide enforcement staff meetings. Unlicensed biologists work exclusively under the direct supervision of licensed biologists and either the pesticide program deputy or branch-supervising deputy. When in the field on surveillance Inspectors carry Volumes 2 and 4 of the Pesticide Use Enforcement Program Standards Compendium as well as a supply of inspection forms. DPR EBLs are welcomed and encouraged to conduct oversight inspections with all PUE biologists.

- All biologists have access to DPR's Enforcement Letters. When new letters are e-mailed to our office, we forward them to all deputies and staff who work in PUE. In addition, all biologists have Internet access and know where to find Enforcement Letters on DPR's web site.

- The supervising and program deputies do a quality control review of all inspection reports completed by staff, to verify that the appropriate inspection procedures are followed and to give feedback for training purposes. Each biologist is responsible to track and conduct follow-ups on their own inspections. Supervising deputies have regular meetings with individual biologists to discuss workload and follow up activities, to assure follow up inspections are completed in a timely manner.

- Regarding inspection strategies, we instruct biologists to focus on areas with the greatest need according to safety and risk to workers, the public and the environment. We review inspection histories to determine where biologists have found the most noncompliances, and provide that information for them to consider when determining who to inspect. We direct biologists to prioritize inspections of private applicators; to take alternate routes during surveillance and survey application sites that are not visible from main roads. The pesticide, supervising and chief deputies develop work target numbers for the biologists from the goals in our work plan. Throughout the year, the deputies monitor inspection types and numbers, and adjust biologist's target numbers. Our office uses the County Agricultural Records & Tracking System from Statewide Soft on a single database to track PUE workload.

- Biologists working in the branch offices are assigned daily pesticide surveillance work on a rotational basis, covering the entire geographical area of the branch. The geographical area of the Salinas office is broken into districts, and each biologist working in Salinas PUE is assigned surveillance responsibility for his or her own district.

- From April through October the Salinas office has staff assigned to start at dawn several days each week, as well as staff assigned to work surveillance on weekends.

- During routine inspections, noncompliances are documented by checking the criteria box, "No"; by checking the "Violation" box, "Yes"; and explaining the violation further in the "Remarks" section of the inspection form. (We generally do not issue a violation notice, warning letter or conduct a documented compliance interview in addition to the noncompliance documented on the inspection report.) During the inspection closing interview, biologists review the noncompliances with the responsible person (owner or manager). If the responsible person is not onsite during the inspection, the person being inspected signs the inspection form and receives a copy of the inspection. The biologists then contact the responsible party either in person or by phone. After explaining the non-compliance(s) to the responsible person, biologists provide them with a copy of the inspection form. All warnings are documented on the inspection form.

- In 2011, we implemented a Fumigation Inspection Team, consisting of five inspector biologists. The group oversees and enforces compliance for all field soil fumigations. The group also handles all Salinas fumigant work plans, presites and most field soil fumigation inspections.

- In 2011, we conducted a field posting monitoring survey to determine the level of compliance with our Monterey County Posting Regulation. The regulation was adopted under the authority of California Food & Agricultural Code section 11503 in October 1981, after a series of field worker cluster illnesses resulting from entry into fields treated with Phosdrin and Phosphamidon prior to the expiration of the re-entry interval. In summer of 2011, for two months we tracked the pesticide posting on 93 fields and found 30 fields with posting noncompliances. Most of the non-compliances were largely technical such as signs missing on irregularly shaped fields, signs illegible or damaged, and signs knocked down by weather or equipment. Of the 30 non-compliances, 11 resulted in agricultural civil penalty actions.

Planned Improvements:
We want to continue our focus on the areas of highest noncompliance, by directing two-thirds of our non-fumigation pesticide use monitoring inspections to property operators' employee handler applications. We will also continue the Fumigation Inspection Team and focus inspection and monitoring activities on field soil fumigations. We will work with stakeholders to revise and update the Monterey County Posting Regulation.

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Goals & Deliverables

The following table shows our work plan inspection goal numbers by inspection type:

2011 - 2014 Yearly Work Plan Goals

	Fumigations	Mix Load	Applications	Records	Structural	FWS
Field	200					
Commodity	4					
Property Operator		55	175			
Pest Control Business		55	90			
Branch I					30	
Branch 2					19	
Branch 3					1	
Production Ag HQ EMP Safety				75		
Other HQ EMP Safety				6		
Dealer				3		
Adviser				6		
PCB Ag Records				5		
PCB Structural Records				4		
Ag PCB EMP HQ Safety				5		
SPCB EMP HQ Safety				4		
Field Worker Safety						175
Total Goal	**204**	**110**	**265**	**108**	**50**	**175**

Measure of Success

Each quarter we will compare the number of inspections completed to our goals. We will strive to meet the inspection goals listed above; however, unforeseen urgent pesticide enforcement related demands might affect our ability to meet our inspection goals. We will consult with our DPR Enforcement Branch Liaison through out the year and adjust inspection goal numbers as necessary.

Investigation Response and Reporting Evaluation and Improvement Planning

Annual Investigation Statistics

	2009	2010	2011
Investigation Type			
Human Effects - Agricultural	10	10	13
Human Effects - Antimicrobial	10	4	15
Human Effects - Other	7	5	3
Environmental Effects	2	–	2
Property Loss	1	–	–
Total	30	19	33
Priority Investigations	5	4	4

Current Business Process

- All of the biologists working in PUE receive "in-house" training. They also attend DPR provided trainings when available. When training needs are identified by the pesticide deputy, supervising deputy, or DPR, all parties consult to determine the best way to meet the training needs. All inspectors have gone through or will go through the Cal/EPA Basic Inspector Academy by spring 2012.

- For complaint investigations, the pesticide biologist on duty in the branch or main office normally takes the initial call. At that time, they fill out a county complaint log. If the complaint can be resolved in the course of the conversation or with just a few phone calls, the outcome is documented on the complaint log and no further action is taken. If the complaint involves a pesticide use or an incident that is in progress at the time of the call, the biologist notifies his or her deputy who dispatches another biologist to the site to begin the investigation immediately. If the complaint involves a pesticide use that occurred sometime in the past, the biologist notifies the deputy and the deputy assigns the investigation to the next available biologist. Investigations are assigned on a rotational basis, and are tracked on a spreadsheet log. If there is any question as to whether or not an investigation is warranted, the pesticide deputy consults with DPR. Whenever an investigation is conducted, an investigative report is completed. All pesticide investigations are documented on PR-ENF-127, or PR-ENF -182 as appropriate.

- When we are notified of a pesticide illness or other pesticide episode requiring a full investigation, the information is logged onto our Investigation Tracking Log. Staff is assigned investigations on a rotational and work load basis. If the incident occurred in the

area of one of the branch offices, the information is sent to the supervising deputy of that office and he or she will assign the investigation to a biologist. The initials of the investigating biologist are added to the tracking log so we can track investigations by individual assigned.

- Upon completion, the supervising deputies and chief deputy review investigative reports before submission to DPR.

- Since October 2010, Monterey County has successfully participated with DPR Worker Safety and Information Technology Branches on the Secure Access Website process (SAW), for sending and receiving electronic files containing confidential medical information. SAW allows for exchange of electronic files between DPR and CAC while protecting confidential medical information contained in these files, while speeding up file exchange.

- Although we initiate all non-priority investigations immediately, we have had difficulty completing the reports within the 120 day time frame outlined in DPR Compendium Volume Five, Investigation Procedures. This is partly due to the number of new inspectors we were training to conduct and write up pesticide use investigations. From March 2010 to June 2011, we hired ten new inspector biologists who were assigned to PUE. The entry-level inspectors worked under close supervision. Most of the time the investigations were completed in a timely manner; however, the reports required many revisions for clarity, accuracy, completeness, grammar, and comprehension before they were submitted to DPR. Although the reports were late, they were thorough and effective. None of our reports were returned for DPR requesting additional information.

Planned Improvements
Our supervising and chief deputies spend a significant amount of time reviewing investigative reports. In October 2011, we developed an Investigative Report Writing document for PUE staff to augment DPR Compendium Volume 5, Investigation Procedures. The report writing document focuses on principles of composition, grammar, usage and style, in addition to helpful hints regarding report format and common errors to avoid. As staff receive continued training and gain experience writing investigative reports, we expect the timeliness of completing our investigative reports will improve. This year we have asked our DPR EBL to help provide staff with evidence collection training.

Goals and Deliverables
We will work with our DPR EBL to present an investigative sampling class for staff before June 1, 2012. Every two weeks the pesticide program deputy and chief deputy will review the log and determine the status of each investigation and report. We will upload all completed, reviewed non-priority investigative reports to SAW within 120 days of WH&S assigning a case number.

Measure of Success
All non-priority illness investigations will be completed and submitted to DPR Worker Safety Branch within 120 days of receipt by the county. The deputies and chief deputy will need to

spend less time correcting and reviewing investigative reports.

Enforcement Response

Enforcement Response Evaluation and Improvement Planning

Annual Enforcement Response Statistics

	2009	2010	2011
Enforcement Response			
Decision Reports	35	25	60
Civil Penalty Actions	18	17	26
Civil Penalty Hearings	1	1	2

Current Business Process

On June 30, 2011, DPR provided a Notice of Proposed Action and Advocacy workshop for all PUE staff. Earlier in the year, staff received in-house classroom training on Elements of a Violation.

All violations are documented either on a violation notice or on an inspection report. When staff finds a violation or non-compliance they check our electronic "Viowarn" Access database to see if there are previous non-compliances and violations. All original inspections and violations are filed in the individual or business's office file in Salinas, so if the Viowarn database indicates a history of non-compliances, biologists review the office files to get more information about prior violations and actions. Biologists in branch offices contact the Salinas office to obtain information from the files. We maintain all inspections and violations for two years. With the adoption of the amendments to Title 3 California Code of Regulations (3 CCR) section 6128, Enforcement Response Regulations in late 2011, we will maintain enforcement histories for two to ten years. We follow section 6128 to determine the appropriate enforcement response. After the enforcement/compliance history is reviewed, an incident disposition sticker is completed and attached to the back of the inspection report or violation notice. The incident disposition sticker indicates the class of the violation, whether it is a first or subsequent violation and the appropriate enforcement response. If, according to section 6128, an agricultural civil penalty or decision report is warranted, novice inspectors work with their supervising deputy to develop either a draft Notice of Proposed Action (NOPA) or a draft decision report. Experienced inspectors may draft the NOPA or decision report with minimal supervision. All original inspections and violations are collected with inspectors' daily time sheets and reviewed by their supervising deputy. All documents containing disposition stickers are logged in the Viowarn database as soon as possible after the noncompliance is found and then filed.

Twice a month or as needed, the supervising deputies meet with the chief deputy to review

pending and draft NOPAs and decision reports. We also review the documents through e-mail. Fine amounts are set within a class using our fine matrix. The matrix divides the fine range for each class into six steps. When determining the fine amount within a class we initially place fines at the bottom of the fine range prescribed in 3 CCR section 6130. Depending upon aggravating and mitigating circumstances the fine level is adjusted within the range. For first time pesticide use report violations, we assess $100 for each year that the reports were not submitted. We keep a log of all fines we levy in our Viowarn database, and can print reports sorted by code section violated. For each violation, the log indicates the class; the reason for placement in the class; the fine amount charged; and the factors used to determine the fine level within the range. We use this information to help maintain uniformity of our enforcement actions. After the supervising deputies and chief deputy review and agree on a NOPA, it is given to the assistant commissioner and commissioner for discussion and review. After they finalize and approve the NOPA, the commissioner signs it and it is sent certified mail to the respondent, along with a copy of DPR's "Preparing for Your Administrative Hearing" brochure. Supervising and chief deputies alternate as county advocate when a respondent requests a hearing. We have a contract with the Monterey College of Law to provide a third or fourth year law student to act as Hearing Officer for our hearings. In addition to alleviating the workload associated with hearing officer responsibilities, the use of a law student assures complete impartiality of the hearing officer.

Decision reports (DRs) are handled in a similar manner as NOPAs; however, the assistant commissioner and commissioner do not review all decision reports. After a decision report is finalized, it is scanned and e-mailed to our DPR Enforcement Branch Liaison. The chief deputy holds the original, until either DPR notifies us regarding the report or 30 days passes. After receiving notice of DPR concurrence, or after 30 days, the report is stapled to the inspection or violation and put in the respondents file.

Planned Improvements

We continually revise, update and improve all of the templates we use to write NOPAs and Decision Reports. At our bi-monthly meeting with the coast area deputy agricultural commissioners and DPR EBLs, we share ideas on how to make NOPAs and Decision Reports easier to read and understand. We then incorporate the best suggestions into our documents. We will continue to make changes to improve our documents. In 2012, we will provide advocate training and development for our senior PUE biologists, and we expect that they will serve as future county advocates.

Goals & Deliverables

We will continue to update our NOPA and DR templates as needed. We will continue to provide on-the-job hearing advocate training for senior biologists.

Measure of Success

- Our NOPAs will be complete, clear and easily understood by respondents.
- We will have a larger pool of advocates to pull from when we get a hearing request.

Other Desirable Activities

Educational Outreach

Annual Outreach Statistics

	2009	2010	2011
Enforcement Response			
Training Sessions	82	88	52
Persons Attending	2,550	2,273	2,143

Current Business Process

We conduct various outreach activities throughout the county to distribute regulatory information to regulated individuals, organizations, industries, and businesses; to meet continuing education (CE) requirements for renewal of private applicator certificates and other pest control licenses; and to promote an open dialogue with anyone whose health or environment may be affected by pesticides or pest control activities. Outreach activities include lectures, discussions, workshops, and field days, with a focus on compliance and incident prevention. We utilize Spanish bilingual inspectors to present outreach activities in Spanish as needed. We feel that a strong pesticide enforcement program augmented by a public outreach and industry education component results in an increased knowledge, support and understanding of pesticide regulatory requirements.

In 2011, our outreach activities included our 13th Annual Ag Expo Seminar, a full day seminar for Spanish speaking growers and workers, which focused on pest prevention and control, pesticide safety, surface water and pesticide runoff, field soil fumigant issues and residue monitoring. In March and October, staff gave presentations and talks on pesticides to communities of farm workers for Poder Popular, a farm worker advocacy group developing leadership in the community focused on improving the health and well-being of agricultural workers. In July, August and October staff assisted Martha Sanchez, DPR Worker Safety Branch, at three migrant worker outreach health fairs throughout the county. In November and December, staff gave presentations to various industry groups, including pest control advisers and pest control businesses, and offered Continued Education courses (English and Spanish) in Salinas, Pajaro and King City.

During 2011, in partnership with Full Steam Marketing & Design of Salinas, we completely overhauled our Web site, **www.ag.co.monterey.ca.us**. The new Web site makes pesticide use information and forms much more accessible, and contains tools to help stakeholders and the public better understand regulatory requirements.

Planned Improvements
We frequently revise and update the presentations we give at our outreach events. We will continue to update our presentations as new issues and regulations arise.

Goals and Deliverables
As time and resources permit, we are committed to continuing pesticide enforcement outreach to the public and regulated community. We will keep an agenda and list of attendees (when possible) for each outreach event each year. We will update our Web site with new or revised information and forms at the same time as they are released in hard copy.

Measure of Success
We will maintain statistics on numbers of people attending outreach events.
We will monitor number of visits to our Web site.