San Francisco City and County
Department of Public Health
Environmental Health Section
Pesticide Enforcement Program

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CITY AND COUNTY OF SAN FRANCISCO

PESTICIDE USE ENFORCEMENT WORK PLAN FOR CALENDAR YEARS: 2013 2014 2015

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Agricultural Commissioner
Sealer of Weights and Measures

Mission Statement

To promote reduced risk integrated pest management practices and assure for the safe use of pesticides to protect people and the environment.

Rev 11/07/2013

Pesticide Enforcement Program
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Resources

Program Overview

The City and County of San Francisco Pesticide Use Enforcement Program (Program) is administered by the County Agricultural Commissioner (CAC) located in the Department of Public Health-Environmental Health Section (EHS). The Program function was redirected to EHS in 2005 because of the dissolution of the previous Department that housed the Program, and has been managed for the past two years by supporting EHS staff. The present CAC assumed program responsibility in October 2008.

The daily Program operations are primarily carried out by one inspector that is licensed by the State to perform Program activity. He is directly supervised by the CAC. Two licensed inspectors performing other agricultural inspection activity also assist in assuring Program operations meet State standards. Clerical and administrative support is provided and shared with EHS staff.

Staff Resources

- CAC will devote 25% of his time for both administrative and technical Program oversight.
- 1 FTE Inspector (Industrial Hygienist) is responsible for the implementation of the Program Work Plan.
- 2 FTE Agricultural Biologist Inspectors will devote at minimum 10% of their time to the Program.
- 1 Junior Administrative Analyst devotes .265 FTE to the Program for tracking and submitting PRAMR activities, processing various Program business registrations fees and processing the CalAgPermits pesticide use reporting data entry activities.

Fiscal Resources

The following Program expenditures and revenues were reported for the past budget cycle. These figures do not fully represent the scope of the Program and it should be anticipated that over the course of this work plan the fiscal resources will be reassessed.

- **2012 Expenditures_____$298,658**
- **2012 Pesticide Mill Assessment_____$125,050**
- **2011/12 CDFA Unclaimed Gas Tax for Pesticide Regulatory Activity _____$71,204**

EWP- 1

Overview of Core Program Element

The Program for Calendar Years 2013, 2014, and 2015 consist of the following three core elements:

Restricted Materials Permitting

Restricted materials permits (RMPs) are issued to protect people and the environment while allowing for effective pest management. Generally, in addition to use by or under the direct supervision of a certified applicator, applications of California restricted materials may occur only under an RMP issued by the CAC or his staff. Our goal is to assure each proposed application does not pose unacceptable risk and RMPs are conditioned to mitigate identified hazards. Pre-application site monitoring inspections are conducted when it is determined that only an on site evaluation will allow for an appropriate assessment of the risks.

Compliance Monitoring

Our goal to reduce risks to people and the environment depends on an effective and comprehensive compliance monitoring plan. Field inspections and investigations allow us to identify and respond to potential hazards to workers, the public, and the environment. We strive to maintain an enforcement presence at a level that will deter pesticide use violations.

Enforcement Response

Our goal is to deter pesticide violators by applying enforcement response actions fairly, consistently and swiftly. Pesticide users who abide by the rules deserve assurance that the playing field is level. When violations are found, enforcement actions taken are in accordance with California Code of Regulations (CCR) section 6128 and 6130 and the Enforcement Response Regulations (ERR).

Restricted Materials Permitting

Permit Evaluation:

The Program issues approximately 10 RMPs annually for pest management in non-production agricultural settings, such as on golf courses, landscape maintenance areas, cemeteries and ornamental sites. Most common restricted use pesticides are used for broadleaf weed control, soil pests and rodent control. RMPs are issued under the oversight of a licensed inspector to qualified property operators and/or their authorized agent and all Notices of Intent (NOI) to use a restricted material are reviewed under the oversight of licensed staff.

Deliverables:

- *All RMPs/Operator Identification Numbers are now issued through the CalAgPermits Database. This has better facilitated the issuance of RMPs, and the processing of use reports.*

- *All NOIs to apply restricted materials will be reviewed to evaluate the hazards of the proposed applications. The NOIs will be recorded.*

Site Monitoring Plan

In addition to the requirement to submit an NOI 24 hours prior to the use of a restricted material, the Program also requires NOIs for all Branch 1 structural fumigations within San Francisco County. Approximately 25 NOIs are received annually. NOI inspections will be prioritized based on knowledge of pesticide hazards, local conditions, weather patterns, and permittee compliance history. Generally, the Program will inspect at least one restricted material application annually for each permitee.

Deliverables:

- *Perform all pre-application site monitoring inspections for Branch 1 structural fumigation NOIs and 20% of all agricultural use NOIs.*

Compliance Monitoring

San Francisco's Program is committed to a comprehensive compliance monitoring scheme that focuses inspection efforts on areas where the risks of human health or environmental harm are the greatest and compliance with pesticide requirements is the lowest. Our Program emphasizes inspections on areas where restricted materials are being applied; inclusive will be the Branch 1 applications and golf courses. The program will also focus on public outreach to landscapers and garden maintenance on pesticide use safety. The following table is a guide to assure an adequate field presence is sustained.

I. Pesticide Use Monitoring Inspections
- Pre-application.....15
- Application.....15
- Mix/Load.....10
- Field Worker Safety.....2

II. Records Inspections
- Business.....10
- HQ/Employee-Business.....10
- Advisor Records.....5
- HQ/Employee Safety-Prod Ag.....2

III. Structural Pest Control
- Fumigation-Branch 1.....10
- Application-Branch 2 or 3.....20
- Mix/Load-Branch 2 or 3.....10
- HQ/Employee Safety-Business.....10
- Business Records.....10

IV. County Registrations/Licenses/Certificates/ IDs
- Ag PC Business.....50
- Ag PC Advisors.....20

Structural Registration 50
IDs Issued.....20

Deliverable:

- *All complaints will be promptly responded to and investigated. Complaints are tracked in a log that includes the complaint type, date of complaint, complainant, pesticide (if applicable), county action, and date closed. The log, which was developed with the help of the DPR Enforcement Branch Liaison (EBL), will be available for DPR review on all complaints received.*
- *The DPR EBL will be notified of upcoming restricted materials applications to schedule and coordinate oversight inspections.*
- *Pesticide Use Surveillance Inspections: the PUE Officer will conduct surveillance monitoring of pesticide usage around the city and county, focusing primarily on maintenance gardeners. The DPR EBL will be asked to participate in conducting these inspections*

Enforcement Response

San Francisco CAC will implement an enforcement program that is fair, consistent and timely. The Program will ensure compliance by responding to all violations and referring to CCR section 6128 and the ERR for appropriate enforcement response. Special emphasis will be on detecting and deterring repeat violators through both compliance monitoring and enforcement response. Follow up inspections will be conducted on all pesticide use inspections that were found to have a non-compliance. The appropriate follow up inspections may include a headquarters or records inspection.

Deliverables:

- *A compliance history form is placed on the front folder in each business file to track compliance history; repeat violators are placed on an increased frequency of inspection schedule.*

- *Uniform enforcement is ensured by routine staff meetings and internal discussions to set procedure, discuss compliance actions and other situations that may merit further enforcement action.*

- *A NOPA tracking system to uniformly track all NOPA's and PUE cases has been implemented. All NOPA's will be filed in a central location for safe keeping, tracking, and timely retrieval. All NOPA's will also be tracked in a spreadsheet that will stored electronically in the Agriculture-Pesticide directory of the EHS Server.*

Priorities And Other Pesticide Regulatory Activities

- *D. Structural inspection activity of Branch 1, 2, and 3 applications:* the Program will enforce pertinent pesticide laws and regulations through conducting scheduled pesticide mix/load and application inspections, and inspections initiated during routine surveillance throughout the City and County of San Francisco.

- *K. Regulatory outreach and education:* the Program will provide worker safety protection outreach and education to industrial and institutional users, such as school districts and hospitals, regarding the use of antimicrobial pesticides to prevent and reduce the number of antimicrobial exposure illness.

- *M. Compliance with Non-Agricultural Surface Water Protection Regulations:* the Program will enforce pertinent pesticide laws and regulations through conducting scheduled pesticide mix/load and application inspections, and inspections initiated during routine surveillance throughout the City and County of San Francisco.

- *N. Ensure compliance with recent U.S. EPA approved rodenticide label changes:* the Program will enforce pertinent pesticide laws and regulations through conducting scheduled pesticide mix/load and application inspections, and inspections initiated during routine surveillance throughout the City and County of San Francisco.

- *R. Other special projects identified by the county agricultural commissioner:*

    - The Program will continue to provide outreach in the Chinatown area of San Francisco to prevent the sale and use of illegal pesticides such as pesticidal chalk and mothballs.

    - All pesticide use reports are logged and reviewed as part of our Pesticide Use Enforcement program. Staff will review each PUR for accuracy and enter the data into a database. Data will then be transferred monthly to DPR.

    - Program staff meets monthly with the San Francisco Department of the Environment, IPM-Technical Advisory Group, to review the reduced risk pesticide list of allowable pesticides and discuss integrated pest management policy to be followed by all City and County departments.

    - PUE program staff works with the DPH Healthy Housing/Vector Control Unit on issues concerning Pest Control Operators. PUE staff will perform pesticide application inspections on structural pest control operators that are working to comply with Article 11 of the San Francisco Health Code to control bedbugs, mosquitoes, and other common urban pests in residential units.

    - PUE program staff works with DPH Hazardous Materials/ Hazardous Waste unit joint response on issues relating to reportable hazardous materials incidents involving pesticides and dual-use products.