



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A, SAN LUIS OBISPO, CALIFORNIA 93401-4556
MARTIN SETTEVENDEMIE (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX: (805) 781-1035

AgCommSLO@co.slo.ca.us

SAN LUIS OBISPO COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM

Work Plan for 2014 through 2016

Mission Statement

To protect people, the environment and the food supply by ensuring the safe use of pesticides in San Luis Obispo County.

April 2014

**SAN LUIS OBISPO COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM
2014, 2015, 2016 WORK PLAN OUTLINE**

- I. COUNTY RESOURCES**
 - A. Staff Positions**
 - B. Staff Time**
 - C. Assets**

- II. RESTRICTED MATERIAL PERMIT ISSUANCE**
 - A. Restricted Material Issuance Statistics**
 - B. Local Conditions**
 - C. Education and Outreach**
 - D. Permit Review Process**
 - E. Permit Issuance Process Improvement Goals**
 - F. Expected Results**
 - G. Measures/Assessment**

- III. COMPLIANCE MONITORING**
 - A. INSPECTIONS**
 - 1. History of the Annual Overall Compliance Rate**
 - 2. Inspection Statistics**
 - 3. Current Inspection Focus Strategies**
 - 4. Distribution of Inspection Work Goals**
 - 5. Inspection Improvement Goals**
 - 6. Expected Results**
 - 7. Measures/Assessment**

 - B. INVESTIGATIONS**
 - 1. Investigative Reporting**
 - 2. Current Investigation Trends**
 - 3. Investigative Improvement Goals**
 - 4. Expected Results**
 - 5. Measures/Assessment**

- IV. ENFORCEMENT RESPONSE**
 - A. Statistical Analysis**
 - B. Current Enforcement Trends**
 - C. Enforcement Response Improvement Goals**
 - D. Expected Results**
 - E. Measures/Assessment**

- V. STAFF TRAINING**
 - A. Historical Approach**
 - B. Staff Training Improvement Goals**
 - C. Expected Results**
 - D. Measures/Assessment**

- VI. SPECIAL PROJECTS**

I COUNTY RESOURCES

A. Staff Positions

- 1 Deputy Ag. Commissioner
- 9 Inspector Biologists
 - 5 full time
 - 4 with partial dedication to the Pesticide Use Enforcement (PUE) Program
- 3 Technicians part time (~.75 staff year)
- 3 Clerical staff part time (~.75 staff year)
 - One Administrative Assistant per office

B. Staff Time (includes management, supervision, inspection, technician and clerical hours) Full Time Equivalent (FTE) per Fiscal Year (FY) based on the Pesticide Regulatory Activities Monthly Report (PRAMR)

- Historical
 - FY 03/04 11.8 FTE
 - FY 04/05 9.6 FTE
 - FY 05/06 9.4 FTE
 - FY 06/07 9.8 FTE
 - FY 07/08 10.0 FTE
 - FY 08/09 9.1 FTE
 - FY 09/10 8.0 FTE
 - FY 10/11 7.5 FTE
 - FY 11/12 8.4 FTE
 - FY 12/13 8.8 FTE
- Projection
 - Annual Goal 8.5 FTE

C. Assets

- All pesticide use enforcement Inspector/Biologists have vehicles available for their use; assigned or shared out of the department vehicle pool.
- Each Inspector/Biologist has a computer workstation at their desk.
- There are three offices: Templeton, San Luis Obispo and Arroyo Grande. Each office has a permit issuance room or area.
- We currently use the statewide CalAgPermits computer system and web-based applications for pesticide use permitting and reporting.
- Our department maintains and utilizes a GIS mapping layer in conjunction with the statewide CalAgPermits system.
- We are using two laptop computers with the Automated & Inspection Reporting System software. Budget constraints have delayed fully automating our inspection process. Our long term goal is to automate inspections and data management.

II RESTRICTED MATERIALS PERMIT ISSUANCE

A. Five Year Average of Annual Permit Issuance Statistics (including Operator Identification Numbers)

- Number of restricted materials permits issued ~ 612 permits
- Private applicators certified ~ 228
- Number of operator identification numbers (OINs) issued ~ 468 OINs
- Total number of active permits and OINs (including multiyear) ~ 1,420
- Total number of agricultural sites ~ 3556
- Notices of intents (NOIs) ~ 4563 NOIs
- Registrants
 - # Pest Control Advisors ~ 123
 - # Pest Control Businesses ~ 169 (including licensed Maintenance Gardeners)
 - # Farm Labor Contractors ~ 102
 - # Structural Pest Control Operators ~ 70

B. Local Conditions

- Significant crops grown by region
 - Northern: wine grapes, grain, rangeland and vegetable row crops
 - Central/Coastal: wine grapes, specialty crops (sugar peas, Chinese vegetables, tomatoes) avocados, citrus and rangeland
 - Southern/South Eastern: row crops (including broccoli, bell peppers, cauliflower, carrots, vegetable transplants, lettuce, etc...), nursery cut flowers, indoor decoratives, strawberries, caneberries and fruit trees.
 - There continues to be a shift from vegetables row crops to strawberries and caneberries in Southern San Luis Obispo County
- Sensitive and high profile sites defined as:
 - People and occupied structures near fumigation sites
 - Locations with a history of neighbor complaints
 - Locations at the Ag/Urban interface
 - Schools and day cares within ¼ mile of an agricultural operation
 - Parks and recreational areas
 - Waterways (dependent on aquatic toxicity of pesticides)
 - Sensitive crops (dependent on phyto-toxicity of pesticides)
 - Endangered species habitats
 - Other (as identified)
- Workload Trends:
 - Increased and changing regulations related to; field fumigant use, surface/ground water, federal and state restrictions for anticoagulant baits and personal protective equipment.
 - Increases in fumigated acreage for crops such as strawberries, caneberries, peppers and nursery stock.
 - Media attention and public concern about pesticide use near urban areas requires special attention to sites where there is a history of complaints.
 - Increases in the number of sites with an agriculture/urban interface.
 - Response to pesticides found as a result of Regional Water Quality Control Board water monitoring. Results from water monitoring show pesticide contamination in local waterways.
 - Increase in operational identification numbers issued due to the change in the status of anticoagulant baits to be federally restricted.

C. Education and Outreach

- Department representatives provide regular regulatory updates to industry groups and interested community groups.
- PUE Inspectors emphasize new or changing regulations during permit/OIN issuance and business registrations.
- Permit issuance key messages are emphasized and adjusted each year:
 - New regulations are emphasized for three years after they become effective to ensure that permittees with multi-year permits receive the current and relevant regulatory information.
 - Improve mapping of hazards on permit maps.
 - Evaluate and add as needed extra precautions for pesticide applications on or near school sites.
 - Encourage the use of Web-based use reporting.
 - Current Issues; new field fumigant use requirements, surface and ground water protection from pesticide contamination, new label requirements for vertebrate bait use, and mitigating agriculture/urban interface complaints.

D. Permit Review Process

- Site Evaluation Process – Inspectors issue restricted material permits/non-restricted operator identification numbers (OINs) on a district basis. Computerized aerial photographs and GIS layers are utilized to map and identify environmental hazards at each use site. Inspectors visit sites depending on level of pesticide hazard and the sensitivity of the proposed site. All requests for restricted fumigants are verified and monitored closely. The district approach allows for consistent customer service, familiarity with potential hazards and knowledge of established agricultural practices within assigned regions.
- In response to the Grand Jury 2005/06 Report, and the Health Commission Pesticide Task Force recommendation update the schools/daycare GIS map layer on at least an annual basis. This mapping layer is utilized during permit issuance to condition the use of restricted materials near daycares and school sites.
- Restricted Material Permitting and Review Process – Restricted use permit conditions and issuance handouts are updated annually to clarify and improve existing permit conditions, incorporate new and/or updated regulations, policies and new permit conditions. During this process areas of focus or concern for the coming permit issuance season are identified.
- The quality of permit/OINs is monitored by random spot checks conducted by the program Deputy, Enforcement Branch Liaison, and peer review.
- Participation in the Southern California Pesticide Deputy group's quarterly meeting provides opportunity to discuss and compare county programs, and to share insights into current issues and challenges.
- We coordinate the Central Coast Pesticide Use Enforcement Roundtable meeting twice a year. This meeting includes participation of staff from six coastal counties and representatives from the Department of Pesticide Regulation (DPR). The primary focus is to discuss fumigant and pesticide use issues that are of concern in the central California coastal counties.

E. Permit Issuance Improvement Goals

- Continue to improve skills to fully utilize the statewide CalAgPermits computer system.
- Maximize the use of paperless permit issuance where possible.
- Improve the clarity of permit conditions for the use of restricted field fumigants.
- Increase one on one education for agricultural producers using vertebrate baits to improve compliance with current laws and regulations and to decrease impacts to non-target vertebrates.

F. Expected Results

- Maintain a high level of skill for the efficient use of the new statewide CalAgPermits system.
- Permit issuance resources readily available on the San Luis Obispo County Agricultural Commissioner's website.
- Clearly written and understood field fumigant permit conditions.
- More knowledge of integrated pest management for vertebrate control and reduced incidence of non-target impacts from the misuse of vertebrate baits.

G. Measures/Assessment (Internal County Department performance measure)

- PUE staff trained and proficient to fully use the CalAgPermits system (Yes or No)
- Permit issuance resources readily available on San Luis Obispo County Agricultural Commissioner's website (Yes or No)
- Improved understanding and compliance with San Luis Obispo County field fumigant permit conditions (Yes or No)
- Reduced number of investigation/complaints as a result of misuse of vertebrate baits (Yes or No)

III COMPLIANCE MONITORING

A. INSPECTIONS

1. History of Annual Overall Compliance Rate

- FY 03/04 96.8%
- FY 04/05 96.1%
- FY 05/06 96.7%
- FY 06/07 97.2%
- FY 07/08 95.6%
- FY 08/09 96.5%
- FY 09/10 96.6%
- FY 10/11 96.9%
- FY 11/12 97.8%
- FY 12/13 97.8%
- San Luis Obispo County has an overall high compliance rate. In general, violations are of a more technical nature. This is also reflected in the low number of illness investigations and drift incidents. There was a reduction in the compliance rate in 07/08 primarily due to a shift in focus to inspections of maintenance gardeners.

2. Inspection Statistics

- Historical # of inspections per year
 - ◆ FY 03/04 Ag. 630, Ag. Records 140, Structural 67 = 837
 - ◆ FY 04/05 Ag. 504, Ag. Records 99, Structural 92 = 695
 - ◆ FY 05/06 Ag. 565, Ag. Records 95, Structural 53 = 766
 - ◆ FY 06/07 Ag. 389, Ag. Records 56, Structural 50 = 495
 - ◆ FY 07/08 Ag. 544, Ag. Records 118, Structural 60 = 722
 - ◆ FY 08/09 Ag. 465, Ag. Records 101, Structural 55 = 621
 - ◆ FY 09/10 Ag. 334, Ag. Records 78, Structural 35 = 447
 - ◆ FY 10/11 Ag. 328, Ag. Records 47, Structural 25 = 400
 - ◆ FY 11/12 Ag. 429, Ag. Records 74, Structural 53 = 556
 - ◆ FY 12/13 Ag. 466, Ag. Records 96, Structural 62 = 624
- Annual Goal: Ag. 395, Ag. Records 85, Structural 40 = 520

- Our annual goal has been adjusted to accommodate for anticipated retirements and staff turnover. The staff turnover in the PUE program is expected to be between 40 and 50% within the next three to five years. Further adjustment in our field inspection goals may be needed as these retirements become a reality.
- Training inexperienced Inspector/Biologists in pesticide use enforcement will increase the time required to conduct inspections and follow through with the required enforcement response.
- Having a field presence is one of our highest priority activities in the PUE program. We continue to protect time for our field inspection commitment.

3. Current Inspections Focus Strategies

- Fumigations Applications: All restricted use applications of fumigants are monitored very closely. Pre-application and/or application inspections are conducted on fumigant applications near sensitive sites
- Restricted material applications adjacent schools and daycares are a priority for surveillance, pre-application and use monitoring inspections
- Applicators that have never been inspected
- Unlicensed maintenance gardeners using pesticides
- Applicators at sensitive/high profile sites
- Groundwater protection chemicals used in ground water protection areas
- Pesticides applied near waterways or well heads
- Applicators with a history of compliance problems
- Private applicators with employees
- Farmworkers in treated fields
- Weekend, night and off-hour surveillance of pesticide applications

4. Distribution of Inspection Work Goals

- Annual work goals are assigned to PUE Inspector/Biologists and evaluated as a component of the employee's performance evaluation. Work goals take into account current cropping patterns, pesticide use trends, type of applicators, applications and hazards within assigned districts.
- PUE Inspector/Biologists participate in monthly PUE program staff meetings to share information and improve consistency.
- A workload analysis is conducted annually and utilized to adjust and better target inspection goals.
- One bilingual inspector conducts most of the Field Worker Safety Inspections countywide.
- Bilingual staff members assist Spanish speaking clients countywide.

5. Inspection Improvement

- Increase surveillance of agricultural production restricted material use within ¼ of a mile of schools and licensed daycare facilities.
- Improve and standardize tracking inspection methods to ensure that Inspectors are meeting their targeted inspection goals.

6. Expected Results

- Provide increased oversight and ensure safe use of pesticides in close proximity to schools and daycares by tracking and targeting inspections of restricted materials use near schools.
- Standardized inspection tracking databases are developed and utilized to provide ongoing feedback related to achieving inspection goals.

7. Measures/Assessment (Internal County Department performance measure)

- Restricted material use adjacent to schools and daycares tracked and given priority for inspections. (Yes or No)
- Inspection tracking tools utilized to accomplish inspection work plan goals. (Yes or No)
- Inspection goals met. (Yes or No)

B. INVESTIGATIONS

1. Investigative Reporting

- Historical # of Investigative and Complaint Reports per year (5 year average)
 - ◆ 10 Investigative Reports
 - ◆ 30 Complaint Reports
- All pesticide incidents and complaints are investigated, logged into a countywide enforcement tracking database and documented with either a written investigative or complaint report. We track the complainant, respondent, location, type of complaint, pesticides involved and violations found and submit this information to DPR on a monthly basis.

2. Current Investigation Trends

- Most of our pesticide complaints take place in the agriculture/urban interface and involve complaints of odor or drift allegations.
- Conflicting land uses demonstrate a need for sound local land use decisions in which both the agricultural use and the public's health and safety are considered and protected. Proper location of new developments with adequate buffers is essential to meet continued demand for urban growth while protecting agriculture. Our department has an active Land Use Planning program which acts as an advisor to the County Planning Department and to the Board of Supervisors.

3. Investigative Improvement Goals

- Complete all reports within 30 days of completing the investigation and gathering evidence. This is an internal timeliness standard.
- Improve the investigative training module with investigative case file examples.

4. Expected Results

- Timely submission of investigative and complaint reports.
- Well written case file examples are available for use as a resource.

5. Measures/Assessment (Internal County Department performance measure)

- Investigative and complaint reports submitted within the time (Yes or No)
- Investigative training module and aids updated (Yes or No)

IV ENFORCEMENT RESPONSE

A. Statistical Analysis

- Historical # of Compliance Actions per year (includes all warning letters, notices of violation, cease and desists, and compliance interviews)
 - FY 03/04 251
 - FY 04/05 489*
 - FY 05/06 433*
 - FY 06/07 388
 - FY 07/08 122
 - FY 08/09 158
 - FY 09/10 156
 - FY 10/11 199
 - FY 11/12 168
 - FY 12/13 156

* There was a significant increase in the number of compliance actions due to our efforts to correct pesticide use reporting errors. We have eliminated some of the problems by utilizing the web-based use reporting system and by providing immediate feedback to applicators when there are reporting errors.

- A Decision Report is a written explanation and record of a commissioner's decision not to take an enforcement action (required by regulation since 2006). Historical # of Decision Reports written per year
 - FY 06/07 48
 - FY 07/08 45
 - FY 08/09 45
 - FY 09/10 63*
 - FY 10/11 49
 - FY 11/12 30**
 - FY 12/13 31

*18 Unlicensed Maintenance Gardeners (MG) attended our MG pesticide safety training and took the MG Qualified Applicator Exam in lieu of being fined.

**The Civil Penalty Regulation was amended 9/22/2011, resulting in a decrease in the number of cases requiring a decision report.

- Historical # of Fine Actions closed per year
 - FY 03/04 21 Agricultural and 1 Structural = 22 total fines actions
 - FY 04/05 27 Agricultural and 1 Structural = 28 total fine actions
 - FY 05/06 33 Agricultural and 3 Structural = 36 total fine actions
 - FY 06/07 34 Agricultural and 4 Structural = 38 total fine actions
 - FY 07/08 39 Agricultural and 8 Structural = 47 total fine actions
 - FY 08/09 40 Agricultural and 5 Structural = 45 total fine actions
 - FY 09/10 32 Agricultural and 0 Structural = 32 total fine actions*
 - FY 10/11 28 Agricultural and 2 Structural = 30 total fine actions
 - FY 11/12 37 Agricultural and 0 Structural = 37 total fine actions
 - FY 12/13 28 Agricultural and 3 Structural = 31 total fine actions

*18 Unlicensed Maintenance Gardeners (MG) attended our MG pesticide safety training and took the MG Qualified Applicator Exam in lieu of being fined.

- Hearing Requests - Historical level of hearing requests range from 1 to 5 per year.

B. Current Enforcement Trends

- We have a record of meeting or exceeding the requirements outlined in DPR's Enforcement Response Policy and Regulation.
- In making our enforcement decisions, we make every effort to ensure that we are being fair, equitable and that the penalty is appropriate to the violation.
- All non-compliances are logged into the Enforcement Tracking Log database with documentation of required follow-up.
- Inspectors use the Enforcement Tracking Log to review the history of non-compliance for each respondent, and consider the potential hazard when determining the appropriate level of enforcement.
- Notices of Proposed Actions (NOPA) and Decision Reports (DR) are drafted by Inspectors and reviewed by department management, prior to final approval by the Agricultural Commissioner.
- The Deputy makes a courtesy phone call to all respondents prior to sending the NOPA.
- Other enforcement options including denying restricted materials permits, licensee registrations or involving DPR and/or the County District Attorney for the more egregious cases, are considered.
- The Enforcement Response Policy and Regulation continues to shift staff time and resources out of the field. Each violation requires additional time to document, classify and justify our enforcement follow up.
- We continue to provide outreach and education to the regulated industry so that they are informed of enforcement trends and of changes in pesticide regulations, laws and pesticide labels.

C. Enforcement Response Improvement Goals

- Continue to track and implement enforcement follow-up on all non-compliances.
- Continue to streamline procedures and meet required internal timeliness deadlines for processing Decision Reports within 30 days.

D. Expected Results

- Implement Enforcement Response Regulations
 - Efficient timely processing of fine actions and decision reports
 - Decision Reports ready for review by DPR within 30 days

E. Measures/Assessment (Internal County Department performance measure)

- Enforcement Response Regulations fully implemented. (Yes or No)
- Decision Reports processed in a timely manner. (Yes or No)

V STAFF TRAINING

A. Historical Approach

- 40 to 50 % of the current PUE program staffing level is expected to retire within next 5 years, which will require a greater emphasis on staff training.
- It takes an average of two to three years for a PUE Inspector to become independent and proficient.
- Ongoing training for staff is provided at monthly PUE staff meetings and as needed in a continuous process of feedback related to performance standards and quality checks.
- Training is provided to county staff by DPR to implement new regulations and/or changes in policies and procedures.
- The Enforcement Branch Liaison provides assistance with training on an as needed basis.
- The PUE Deputy checks-in with each Inspector at least quarterly to discuss work goals and to determine training needs.
- We have developed training modules for the core program areas to assist in training new staff and to refresh experienced staff.
- Cross training is being utilized to help ensure succession planning.

B. Staff Training Improvement Goals

- Continue to develop and improve the PUE program training modules.
- Continue to use the modular training program with newly assigned staff.
- Take advantage of training opportunities offered by DPR and other agencies.

C. Expected Results

- The training modules are updated and maintained as a useful and up-to-date resource.
- The training modules are utilized as a tool for orienting and training new PUE Inspectors.
- Well trained resourceful staff able to work independently and within the PUE program guidelines.

D. Measures/Assessment (Internal County Department performance measure)

- Continue to update and improve the training modules for all core assignments. (Yes or No)
- Training modules are used for new and existing staff. (Yes or No)
- Staff is provided with training opportunities offered by DPR and other agencies. (Yes or No)

VI SPECIAL PROJECTS

- A. The San Luis Obispo County Agricultural Commissioner continues to work collaboratively with Central Coast Counties, the Department of Pesticide Regulations and the agricultural industry to evaluate current permit conditions for the safe use of field fumigants and recommend permit conditions for a regional and statewide consideration. The intent is to provide consistent and clear application of permit conditions and to provide for fair and equitable enforcement of regulations and to maximize protective measures to increase human health and safety and environmental protection.
- B. As a result of growing concern about pesticide use near schools, the San Luis Obispo County Agricultural Commissioner is increasing their oversight and surveillance of restricted materials used within a ¼ mile of a school. This goal of increased oversight of pesticide use near schools has been included in the SLO Ag Commissioner's Office budget document and the results will be reported on in 2015.
- C. In 2013 a local company began to operate a new state of the art commodity fumigation facility to expedite the export of regional produce to foreign countries. This facility may expand the types of fumigants used to export agricultural commodities. We are working closely with the fumigation facility, USDA and DPR to ensure that the fumigation requirements are met and people and the environment are protected.
- D. The US EPA labels for anticoagulant baits used for vertebrate control have changed and are now federally restricted. To ensure the effective, safe and legal use of rodenticides the department is collaborating with UC Cooperative Extension to provide rodent control training to agricultural producers and rural homeowners. In Spring of 2014, we participated several workshops for agriculturalist and homeowners, these efforts will continue in 2015 and 2016.
- E. San Luis Obispo County Agricultural Commissioner's Office continues to provide leadership for statewide information technology initiatives. The CalAgPermits permitting and reporting system was initiated for 2012 permit issuance and continues to be improved over time. Our office played a key role on the steering committee for this initiative. Currently San Luis Obispo Agricultural Commissioner staff is participating and contributing as a member of the Technical Advisory Committee related to a new initiative for a California Pesticide Enforcement Action Tracking System (CalPEATS). The goal of this initiative is to increase communication and tracking of pesticide use enforcement on a statewide level.
- F. San Luis Obispo County Agricultural Commissioner's Office continues to focus efforts on urban pesticide use in addition to the traditional focus on agriculture. Our Maintenance Gardener (MG) projects are an example of our efforts in the urban setting. In collaboration with University of California Cooperative Extension Office, we continue to offer continuing education workshops on integrated pest management and pesticide laws and regulations for Maintenance Gardeners (MG) at least once per year. This eight hour workshop fulfills all of the continuing education requirements for DPR licensed MGs. We have participated in three separate MG projects over time; outreach to the public using television commercials, offering local pesticide license training with DPR exam opportunities and providing integrated pest management training. As a result, pesticide safety compliance by MGs is improving and our efforts are continuing with outreach, surveillance and enforcement follow up.
- G. DPR often seeks input from counties to provide comments on local and statewide impacts of proposed changes to policies, procedures, or regulations. We take this role seriously and as time permits dedicate resources to providing detailed input.