

AGRICULTURE / WEIGHTS & MEASURES



**COUNTY OF
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**SAN MATEO COUNTY
PESTICIDE ENFORCEMENT WORKPLAN
2014-2016**

SAN MATEO COUNTY AGRICULTURAL COMMISSIONER
PESTICIDE ENFORCEMENT WORK PLAN FOR 2014-2016

County Program

This workplan outlines the San Mateo County Agricultural Commissioner Pesticide Use Enforcement (PUE) program for 2014-2016. The components of the workplan are program overview, resources, corrective actions, core program priorities and desirable activities.

The County Agricultural Commissioner serves as the principal local agency responsible for regulating pesticide use. The Pesticide Use Enforcement Program protects California's agricultural industry, wildlife, natural resources, and the health and safety of county residents and workers by promoting the safe use of pesticides. Key activities carried out by the Department include:

- Regulation of the use, storage and disposal of pesticides by farmers, pest control companies, governmental agencies, industry and the general public.
- Enforcement of worker protection regulations covering employees who apply pesticides
- Investigation of pesticide-related illnesses and complaints concerning possible pesticide misuse
- Inspection and monitoring of pesticide applications within San Mateo County

Program Changes

- On-Line Pesticide Use Reporting Outreach begun when County migrated to the CalAgPermit pesticide database for permits/operator identification numbers and pesticide use reporting and continues.
- Succession Planning: Due to the promotion of two Biologist/Standards Specialists assigned to Pesticide Enforcement, two other Biologist/Standards Specialists will receive training in pesticide enforcement in 2014.
- County changed to calendar year workplan tracking in 2013.
- Implement use of Department of Pesticide Regulation (DPR), Worker Safety Branch, Secure Access Website (SAW) for electronic notification of reported pesticide illnesses and submission of Pesticide Illness Investigation Reports to DPR.
- The number of Restricted Material Permits issued for non-agricultural uses has decreased due to pesticide label changes that prohibit the use of aluminum phosphide for vertebrate pest control in residential areas.

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- The number of agricultural production operations using Restricted Materials continues to decrease. The number of agricultural operations that are certified organic or in transition to certified organic has increased.

Personnel & Personnel Hours Available to Pesticide Regulatory Activities

- In FY 2010-11, 2011-12 and 2012-13, seven licensed Biologist/Standards Specialists were assigned to Pesticide Use Enforcement (PUE) at least part of the fiscal year. The Department has a total of 20 Biologist/Standards Specialist positions. All Biologists with PUE assignments work in other agricultural or weights and measures programs at least some portion of each fiscal year. In most cases, they are only working in PUE for a portion of each week.
- During 2013, 9052 licensed hours were available for PUE including approximately 4.1 Biologist personnel years and 0.3 of a Deputy personnel year.
- PUE inspection hours were redirected to several projects including training in use of CalAgPermits, the statewide pesticide use and pesticide permits database, AIRS, electronic inspection forms, and outreach to unlicensed Maintenance Gardeners.

Facilities/Assets/Equipment:

- Biologist/Standards Specialists assigned to pesticide enforcement work out of the Department's main office in Redwood City or one of two field offices: Half Moon Bay and San Bruno.
- Each Biologist has a county vehicle for his/her exclusive use or receives a mileage reimbursement for use of their personal vehicle.
- Computer workstations are available at the main office and the field offices. These stations are used for issuing restricted material permits (RMP), operator identification numbers, pesticide use report data entry, entry of inspection data via AIRS2 (Automated Inspection Report System). These terminals are also linked to the Department's county local area network and have internet and email access.
- Tablet laptop computers have been issued to each Biologist with pesticide field inspection assignments to document inspections electronically using AIRS2.
- Each Biologist assigned to PUE is issued a cell phone and a digital camera
- GPS units (2) are available for staff use.

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Pesticide Enforcement Workload Summary FY 2013

Number of Pest Control Businesses Operating in San Mateo County	356
Number of Resident Agricultural Pest Control Businesses	50
Number of Resident Structural Pest Control Businesses	50
Number of Pesticide Dealers	5
Number of Operator Identification Numbers Issued (non-permits)	71
Number of Restricted Material Permits (RMP) Issued	52
Number of Restricted Material Permits Issued to Growers	44
Number of Agricultural Sites on RMPs or Operator Ids	433
Number of RMP Notices of Intent Received	270
Number of Pesticide Inspections Performed	487

CORRECTIVE ACTIONS

The Department of Pesticide Regulation (DPR) conducted a performance evaluation of San Mateo County's pesticide use enforcement program for FY 2010/2011 through 2013/2014. The DPR report states the program was found to meet DPR standards and Enforcement Workplan goals. DPR determined that no corrective actions are currently needed to San Mateo County's program.

CORE PROGRAM PRIORITIES

A. Restricted Materials Permitting

Current status

- In the calendar year 2013, the Department issued 52 Restricted Material Permits of which 44 were for agricultural production operations.
- San Mateo County does not issue any multi-year Restricted Materials Permits. All permits issued are annual, expiring on December 31 of each year.

Permit Issuance Process/Permit Evaluation

- Only qualified, trained PUE Biologist/Standards Specialists and managers are involved in issuing Restricted Materials Permits (RMP). Each Biologist who issues RMPs is assigned to specific RMP holders and is responsible for initial permit evaluation, permit issuance, Notice of Intent (NOI) and use report review. This allows for better customer service by building in accountability from the initial permit evaluation through application and use report submission.

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- The Department strives to continuously evaluate hazards posed by proposed applications through review of NOIs and by conducting pre-application site inspections.
- RMPs are issued following the guidance contained in the Department of Pesticide Regulation (DPR) Pesticide Use Enforcement Program Standards Compendium, Volume 3, Restricted Materials and Permitting. Staff assigned to issue permits have attended DPR sponsored training on RMP issuance or have been trained using the DPR Compendium, Restricted Material and Permitting volume and other DPR RMP training references.
- San Mateo County uses CalAgPermits for permit issuance. Permits are valid through December 31st of each year. Occasional job permits may be issued with expiration dates prior to December 31. Current holders of RMPs are sent a reminder/notification letter each November or December regarding annual permit renewal for the upcoming calendar year.
- RMPs may be conditioned with DPR approved permit conditions or with additional conditions developed by the Department. A change in site conditions that occurs after the permit has been issued will result in future site/use evaluation prior to approval of a NOI and may result in additional permit conditions.
- Permit Conditions are reviewed at least once a year in the fall prior to the start of the permit issuance for the new calendar year, as DPR issues new suggested permit conditions for potential changes or as new sensitive site or pesticide use information becomes available.
- Biologists review maps in the CalAgPermits GIS application with permittees and make appropriate changes at the time of permit issuance.
- The PUE Deputy has developed a RMP checklist that summarizes the evaluation process for Biologist reference.
- The PUE Deputy holds a staff meeting each December at which permit and operator identification issuance policies, as well as any new permit conditions or regulation changes are reviewed with biologists who will be issuing permits for the upcoming calendar year.
- Permits are issued by appointment with the assigned Biologist who is responsible for reviewing the permittee's file prior to permit issuance. The Biologist looks over pesticide use activity (use reporting and NOIs), inspections performed and non compliance history as part of the evaluation process. The Biologist also edits the permit information in the RMMS database and prints out a copy of the final permit for signature. Biologists may make field/site visits for evaluation if site changes have occurred, if new sites are added or for sensitive areas, as appropriate.

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- Biologists evaluate each applicant to ensure that they meet the qualifications needed for a RMP. The Biologist then determines if the individual is the property operator or Pest Control Business Qualified Applicator. If a property operator, the Biologist determines if the individual holds a valid certified private applicator or qualified applicator certification. When a permit holder asks to amend a permit the assigned Biologist reviews the requested amendment with the permittee and then issues a new permit with the appropriate changes.
- Permit denials are documented on a permit denial form. A request for a permit may be denied if the applicant does not demonstrate a need for the particular restricted material or when the assigned Biologist or Deputy Agricultural Commissioner has determined that the permittee failed to comply with permit conditions, the NOI or use reporting requirements during the previous year.
- The CAC does not issue RMPs to homeowners.
- The PUE Deputy or an assigned Biologist, (a different Biologist from the issuing Biologist) reviews all RMPs before the original copy is filed in the main office files.
- Copies of all RMP documents are available for review by persons making a public records request at the main office in Redwood City.

Private Applicator Certification Evaluation

- Private Applicator Certificates are issued to qualified individuals through administration of a written exam and, thereafter, monitors continuing education hours for each individual wishing to renew his/her Private Applicator Certificate. Applicants are retested if they do not obtain the required continuing education prior to certification expiration.
- The Department uses the DPR Private Applicator certification application form. Applicants schedule an examination appointment. A licensed Biologist proctors and scores the exam. Applicants who pass the exam are issued a private applicator certificate card. Applicants who fail the test are given a chance to retake the test after waiting the required seven days.
- The Department organizes at least one continuing education session per year aimed at certified private applicators and other growers. A letter is sent out each December to certified private applicators to remind them of renewal deadlines and procedures.

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Strengths

- The San Mateo County Department of Agriculture has met or exceeded DPR's Effectiveness Evaluation criteria for Permit Evaluation and Issuance in all audits over the past 19 years. Staff experience and knowledge of local conditions helps to reduce adverse environmental impacts.
- Mandatory monitoring requirements focus staff resources on high hazard fumigants, aerial applications and sensitive sites.
- Grower cooperation facilitates inspections of non-restricted applications at agricultural-urban interface sites and other sensitive sites.
- Issuance of one-year permits allows for annual review of permits, reducing chances for potential adverse impacts.
- GIS data in CalAgPermits is used to generate site maps of restricted material permittees and Operator Identification holders.
- Periodically, PUE Biologists are sent to Integrated Pest Management (IPM) training sessions sponsored by University of California, Pesticide Applicators Professional Association, local Stormwater Pollution Prevention Plan groups and other agencies in order to keep current on recent IPM techniques.

Planned Improvements

No deficiencies were identified in the DPR Performance Evaluation

Goals

- Assure that the evaluation process for RMP issuance and NOI review is complete and thorough and handled in accordance with the DPR Restricted Materials and Permitting manual.
 - Maintain current level of performance in the issuance of RMP. RMP evaluations and issuance will be a high priority for the Department's PUE program. Continuously evaluate hazards posed by proposed Restricted Material applications.
 - Continuous review of existing sensitive sites and identify new sensitive sites
 - Analyze pesticide use patterns and trends of permit non-compliances.
 - Ensure that each non-agricultural use permit holder has a pre-application site inspection and/or a pesticide use monitoring inspection if Notices of Intent received.
- Estimated number of permits to be issued based on past years: 45

Projected Deliverables

- Review existing restricted material site maps with permittees and update to reflect current surroundings including any new sensitive sites using the GIS web application.

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- Follow established site definition guidelines for new site numbers.
- Continue to provide an updated hard copy and electronic version of the Restricted Materials and Permitting manual to each PUE Biologist.
- Review Restricted Material and Permitting manual for any new suggested permit conditions and implement permit conditions that are applicable to San Mateo County permittees.
- Continue to send PUE Biologists to IPM training opportunities.
- Conduct outreach to permit and private applicator certificate holders concerning any new laws and regulations, permit conditions and DPR policy changes.

Measure of Success

- Issue RMPs to qualified certified applicators according to County Agricultural Commissioner and DPR policies and procedures, including the DPR Restricted Materials and Permitting manual.
- During February and March, a random review of permits issued will be conducted to determine if permits have been issued according to DPR and Department policy.

Site-Monitoring Plan

Site-Monitoring Plan Development

- The San Mateo County Department of Agriculture considers the restricted material to be used and the sensitive nature of the surrounding areas to determine the need for both Pre-application Site and Pesticide Use Monitoring Inspections. Materials such as fumigants, and category 1 liquid restricted materials and proposed aerial applications are given a high priority for pre-application site inspections and pesticide use monitoring inspections. These applications are given increased attention because of the potential for increased off-site movement of materials and the toxicity of the materials involved.
- Licensed staff conducts Pre-Application Site Inspections on more than 5% of the sites named in NOI's. These inspections are conducted using the potential for increased hazards as primary criteria for conducting the evaluation.
- The Department has designated specific sites and fields as sensitive sites because of neighboring residential growth or major roadways adjacent to these sites. The property operators of these sites are required by the Agricultural Commissioner to give the department a NOI for any Restricted Material pesticide use on these sites and have provided NOIs for non-restricted pesticides on a voluntary basis. The sites are then monitored by a

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Biologist when any application occurs. Sites where aerial applications of restricted materials take place require a Biologist on site before the application may take place.

- PUE staff conducts a minimum of one use monitoring inspection and/or pre-application site inspection for each non-agricultural permit holder.
- The PUE Deputy encourages the staff to conduct application inspections of Maintenance Gardeners' use of restricted materials early in the year to assure that these inspections are completed. PUE Biologists conduct surveillance for Maintenance Gardeners applying pesticides as time allows.

Site Evaluation

The Department considers the proposed pesticide use and the nature of the surrounding areas to determine the potential need for preapplication site inspections and application inspection monitoring.

Pesticides such as soil fumigants, category 1 (Danger) liquids restricted materials and aerial applications are priorities for preapplication site inspections and use monitoring inspections. There are currently no restricted material permits involving aerial applications. In FY 2013, preapplication site inspections were performed for 21% of NOIs received.

NOIs are usually submitted by telephone or fax. The Department has a voicemail box for NOI messages which a Biologist is assigned to check periodically every weekday afternoon. NOIs are reviewed by qualified PUE licensed Biologists on an individual basis as they are submitted to the Department. They are then approved or disapproved based on that review. The reviewing Biologist signs and dates a faxed NOI to document approval or completes a NOI form and signs and dates it. The reviewing Biologist also ensures that a copy of each NOI is distributed to the Biologist assigned to that permittee and to the Deputy in the case of mandatory monitoring situations.

The assigned Biologist is expected to evaluate the need for a pre-site evaluation (pre-application site inspection) based on his/her overall knowledge of the site, the Department's sensitive site policies, an evaluation of the material to be used and the proposed application method. NOIs for CAC determined sensitive sites are immediately given to the Deputy Agricultural Commissioner for review so that the Deputy can evaluate if a Biologist will be available to perform a pre-application site inspection and to monitor the application. A list of mandatory monitoring pesticides, application types and sensitive sites is maintained and referred to by Biologists.

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Strengths

- The San Mateo County Department of Agriculture has met or exceeded DPR's Effectiveness Evaluation criteria for Permit Evaluation and Issuance including Site Evaluation in audits.
- All PUE Biologists are fully licensed and attend all available DPR training modules. PUE staff receives regular training through staff meetings and other hands-on training opportunities.
- The size and location of agricultural production pesticide application areas and experience of staff performing enforcement allows for a familiarity with pesticide usage, crop patterns and crop sites in the county.
- Relatively few types of restricted materials are used and on only a few crops
- Minimal changes occur from year to year to adjacent environments of agricultural sites to be monitored.

Areas for Improvement

- No areas of investigation response or reporting were identified as needing improvement.

Goals

- Assure that site monitoring for restricted material use is effective, preventative and comprehensive, taking into account pesticide hazards, local conditions, crop and fieldwork patterns and compliance histories.
- Perform Pre-application Site Inspections on at least 5% or more of the Restricted Materials NOI received.
- Complete at least one pre-application site inspection or one pesticide use monitoring inspection per year for each Non-Agricultural Restricted Material permit if NOIs received.

Projected Deliverables

- Identify if there are any new "high risk", or, "sensitive" sites (residential, daycare centers, schools, etc), and evaluate if mandatory pre-application site inspections or use monitoring of these sites is warranted.
- Telone fumigants: Staff will perform preapplication site inspections and/or use monitoring inspections for Telone applications with priority given to proposed applications at sensitive areas.
- Metam-sodium (Vapam) and metam-potassium (K-Pam) fumigants: Staff will perform pre-application site inspections and/or use monitoring inspections for metam-sodium and metam-potassium applications with priority given to applications at sensitive areas as defined in the MITC Permit Conditions. At least one pre-application site and one pesticide use monitoring inspection will be done for each permittee.

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- Deputy will contact the DPR Enforcement Branch Liaison (EBL) to set up a schedule for conducting oversight inspections with Biologists that are associated with restricted materials.

Measure of Success

- At least 95% of the Restricted Material permittees are in compliance with applicable laws and regulations related to the use of Restricted Materials as determined by pre-application site inspections, use monitoring inspections associated with Restricted Material use, RMP and NOI review.

B. Compliance Monitoring

Current Status

Number of Inspections Performed in 2013

Inspection Type	Number Inspections Completed
PreApplication Site Inspection	55
Pesticide Use Monitoring Inspections & Mix/Load	137
Field Fumigation	40
Fieldworker Safety	41
Pest Control Records	118
Structural Pest Control Inspections-Fumigations	56
Structural Pest Control Inspections-Non-Fumigation Applications	22
Structural Pest Control Records	23

Planned Improvements

No deficiencies were identified in the DPR Performance Evaluation

Pesticide Use Monitoring Inspections Evaluation and Comprehensive Inspection Plan

- San Mateo County has performed approximately 460 pesticide use related inspections per year in recent years. These inspections are performed by licensed and trained Biologist/Standards Specialists.
- PUE Biologists conduct ongoing surveillance for pesticide use monitoring inspections and field worker safety inspections. Follow-up inspections for any previously noted violations may be scheduled or unscheduled depending on the circumstances.
- Biologists document their inspections by completing DPR inspection forms and documenting their observations in the remarks section.

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- Biologists document their inspections using the AIRS electronic inspection program on tablet pcs.
- Supplemental Non-Compliance Reports are prepared when additional documentation is needed regarding the Biologists observations at the inspection site or subsequent follow-up investigation and contact with the business that was inspected.
- Inspection goals are determined by the PUE Deputy on an annual basis taking into consideration historical crop patterns, current crops grown, agricultural and urban pesticide use patterns, ag/urban interface and other sensitive site issues and staff availability.
- The Department has surveyed agricultural production operations and determined that no businesses are applying pesticides through chemigation. Biologists continue to monitor whether agricultural operations have changed their practices and begun using chemigation.
- The Department has prepared a “mandatory monitoring” list of sensitive sites and special focus pesticides. The PUE Deputy is informed of all NOIs for these sites or pesticides so that she can ensure that a Biologist is available to perform a pre-application site inspection and to monitor the application. All PUE Biologists are aware of the mandatory monitoring memo and have been instructed to give high priority to these sites or pesticides. This list may be updated during the year if land use, crop plantings or pesticide use patterns change.
- PUE Deputy prepares and updates annual PUE assignment policy document that includes inspection goals. Staff uses this reference in planning inspection activities during the year.
- The San Mateo CAC requires that all structural pest control operators provide a 24 hour NOI for all proposed structural fumigations. A structural fumigation NOI log in an Excel file on the Department's Share drive. A Biologist is assigned to update the Structural NOI information daily, Monday through Friday. Structural fumigation NOIs may be accessed by all PUE Biologists from any Department computer including those at the Half Moon Bay and San Bruno field offices so that targeted surveillance may be performed for applications or aerations.
- PUE Biologists conduct inspections of Branch 1 fumigations at the time of the fumigation or aeration with the structural crew present. Most inspections are found through unannounced surveillance. PUE Biologists also inspect structures that were fumigated or initially aerated without a CAC biologist present (after the crew has left, or on the following day). The Biologist visually inspects the exterior of the tarped structure.
- Deputy Agricultural Commissioner reviews every inspection report for accuracy, timeliness of follow-ups and nature of any violations. Inspection reports are submitted to the PUE Deputy daily.

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- Biologists are responsible for tracking the compliance history of businesses or individuals inspected. When noncompliances are noted, the inspecting Biologist and the Deputy Agricultural Commissioner review the inspection details and the Enforcement Response Regulations (ERR) to determine appropriate compliance or enforcement action. Inspections with non-compliances that could not be corrected at the time of inspection are scheduled for a follow-up inspection by the Biologist. Each PUE Biologist is expected to track and schedule noncompliance follow-up inspections.
- Department policy is that staff should plan to perform non compliance follow-ups within two weeks of the original non-compliance if circumstances allow and complete a follow-up inspection no more than 60 days after the original non-compliance.
- The Deputy Agricultural Commissioner maintains several logs in Excel that are saved to the Department's shared drive so that all PUE Biologists have computer access to the log information. The Deputy will continue to evaluate whether reports that can be generated by AIRS can substitute for some or all of the logs currently maintained in Excel.
- Logs maintained:

Non-Compliance Log: Each inspection non-compliance is logged in so that follow-up inspections or further compliance or enforcement actions can be tracked. Completed follow-up inspections are noted in this log as are NOV/Letters of Warning issued, .Notice of Proposed Action.

Pest Control Records Inspections are logged into an Excel file in order to track Resident Agricultural Pest Control Businesses and Structural Pest Control Operators inspection over the course of several years.

AIRS database of inspections performed.

Priorities of CAC Inspection Plan

- Continue to improve countywide compliance with personal protective equipment (PPE) requirements.
 1. Annual Headquarter/Employee Safety inspections of resident agricultural operators.
 2. Target pesticide use monitoring (application and mix/load) and structural pest control inspections with employee handlers.
 3. Target violators, high hazard activities, sensitive sites and businesses that have not been inspected recently.

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4. Increase surveillance for maintenance gardener pesticide applications and unlicensed landscape maintenance businesses that apply pesticides.
- Continue to ensure compliance with pesticide drift laws and regulations and label requirements.
 1. Monitor restricted and non-restricted pesticide applications with emphasis on agricultural or urban applications at sensitive sites or when application method results in increased risk of drift.
 2. Identify sensitive sites such as: fields adjoining residential development or schools; fields adjoining highways with frequent commuter traffic backups (Highway 92) and aerial application locations.
 3. Monitor all agricultural pest control pilot aerial applications at agricultural sites, restricted and non-restricted.
 4. Monitor non-restricted pesticides and biological control agent aerial applications performed by agricultural pest control pilots for the San Mateo County Mosquito Abatement District as staff time allows.
 - Continue focus on field and structural fumigations. Maintain compliance rate for methyl bromide field fumigations (if any occur), Telone and Vapam/K-pam applications and Branch 1 Structural fumigations.
 1. Train new staff and update training for experienced staff as needed (DPR, or in-house) on current Telone and metam-sodium or metam-potassium field fumigation regulations, labels and permit conditions.
 2. Review permit conditions, labels and laws and regulation requirements with permittees at permit issuance
 3. Conduct pre-application site inspections prior to all methyl bromide if a permit is issued and NOI received.
 4. Conduct application/fumigation-monitoring inspections at all methyl bromide field fumigation sites
 5. Conduct pre-application site inspections for Telone field fumigations and sensitive site metam-sodium or metam-potassium field fumigation locations with emphasis at sensitive areas.
 6. Conduct application monitoring inspections at the most sensitive Telone and metam-sodium/metam-potassium sites.
 7. Monitor Branch 1 Structural Fumigations with emphasis on pest control businesses with a history of noncompliance.
 8. Continue to educate growers on Endangered Species protection measures, wellhead protection, groundwater protection, and pesticide use/best management practices.
 - Improve compliance with pesticide labels, pesticide worker safety regulations and pesticide licensing requirements.

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1. Expand surveillance for maintenance gardener and agricultural pest control businesses performing pest control in urban areas of County.
 2. Conduct surveillance for landscape maintenance businesses using pesticides that are not licensed by DPR or registered with the County Agricultural Commissioner.
- Continue to improve countywide compliance with field worker safety regulations and related pesticide label requirements including field posting and notification.
 1. Perform fieldworker safety inspections (FWSI) for production agriculture operations that have employees who enter treated fields. Focus will be on Coastside greenhouse nurseries and vegetable growers.
 2. Staff will investigate and implement inspection strategies that target businesses that have not been inspected within the past year, violators and early entry fieldwork. Pesticide use reports will be used to assist in evaluation of businesses to target.
 3. Perform FWSI in conjunction with headquarter records inspection when practical.
 4. At least 20% of FWSI will be performed with assistance of a licensed PUE Biologist who is certified as bilingual in Spanish. This will facilitate interviews with Spanish-speaking fieldworkers.

Challenges

- Inspections at sensitive sites and for special focus restricted materials or application methods consume a considerable amount of staff time especially in the spring months.
- Attempts to perform only unannounced surveillance inspections of Branch 1 fumigations are very time consuming. It is particularly difficult to perform complete aeration inspections.
- There has been a decrease in the amount of state restricted materials applied in the county and therefore a corresponding decrease in the number of restricted material NOIs. With the increase in the use of non-restricted materials, it has become more difficult and more time consuming to catch pesticide inspections during normal business hours.
- Many NOIs are from a single agricultural pest control business that performs many of its applications between midnight and dawn in the Pescadero area.
- The two largest nursery operations on the Coastside have greatly reduced use of restricted materials and have shifted most of their pesticide applications to after 4 pm on Fridays or to Saturdays.

Strengths

- All PUE Biologists are fully licensed and attend all available DPR training modules.

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- Inspections are performed in accordance with the DPR pesticide enforcement inspection procedures manual.
- PUE staff receives regular training through staff meetings and other hands-on training opportunities.
- The size and location of agricultural production pesticide application areas and experience of staff performing enforcement allows for a familiarity with pesticide usage, locations with fieldworkers, crop patterns and crop sites in the county.
- Frequency of headquarters inspections of production agricultural operations is currently annually or biannually depending on compliance level and whether restricted materials are used or not. This frequency of inspection allows for effective identification and enforcement of pest control records and provides an opportunity to educate agricultural operators on regulatory requirements.
- San Mateo County has met or exceeded DPR Effectiveness Evaluation criteria for Compliance Monitoring in audits.

Areas for Improvement

- Currently use monitoring surveillance occurs as staff resources allow. Availability of trained staff to conduct inspections when there are other demands on their time for other agricultural programs including state contractual obligations is a continuing challenge.
- Use AIRS2 program to identify inspection history and to select businesses to inspection

Goals

- Increase compliance with pesticide laws and regulations involving pesticide use in San Mateo County.
- Maintain a pro-active compliance inspection program involving field inspections, communications with regulated businesses, appropriate follow-up including compliance and/or enforcement action when non-compliances are noted.
- Maintain a comprehensive compliance inspection plan that prioritizes restricted materials, fumigants, sensitive sites and ensures pesticide uses are adequately monitored throughout the county.
- Ensure safe and effective use of pesticides and the safety of the public and workers.
- Ensure that all permittees, applicators, and workers are properly trained and/or certified before applying pesticides.
- Redirect staff time to surveillance for maintenance gardener pesticide applications including pesticide use by unlicensed businesses. Conduct outreach to inform unlicensed landscape maintenance businesses that may use pesticides of the new DPR licensing category Q which is

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available for maintenance gardener businesses who do not plan to use restricted materials.

Projected Deliverables

- Continue to use AIRS software to maintain an inspection database and to submit inspection forms to DPR electronically.
- Monitor applications at identified "sensitive" sites.
- Increase surveillance for maintenance gardeners and unlicensed landscape maintenance businesses using pesticides.
- Conduct violation follow-up inspections promptly and no later than 60 days from date of original inspection. Insure compliance through violation follow-up inspections and, when necessary, continued surveillance of the violator.
- Continued surveillance for pesticide use and employee safety. Biologists will develop inspection plans for targeting use monitoring inspection at their assigned resident businesses that apply pesticides.
- Deputy to arrange for PUE staff to participate in oversight inspections with DPR Enforcement Branch Liaison.
- Attend Northern Fumigation Enforcement meetings held in Santa Clara county to share inspection issues with Santa Clara county and industry.
- Refer to table of inspection targets (Table 1).

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Table 1.

INSPECTION TYPE TO BE PERFORMED	TARGET
Methyl Bromide: Use Monitoring Inspections	100% applications that take place
Telone: Preapplication Site Inspections and/or Use Monitoring Inspections	50% applications that take place
Vapam (Metam-Sodium) or K-Pam (Metam-Potassium): Preapplication Site inspections and/or Use Monitoring Inspections	50% applications that take place
Pest Control Headquarters Inspections on County based Production and Non- Production Agriculture operations (Restricted Material permittees and Operator Identification Number holders).	Estimate based on 2013 calendar year: 70
Pest Control Headquarters and Employee Safety and Licensed Pest Control Business Records Inspections on all Resident Agricultural Pest Control Businesses with Restricted Material Permits.	Estimate based on 2013 calendar year: 1
Pest Control Headquarters and Employee Safety Inspections on 50% of resident pest control businesses that do not hold restricted materials permits	Estimate based on 2013 registrations: 25
Licensed Pest Control Business Records/Storage inspections on 50% of resident pest control businesses that do not hold restricted materials permits	Estimate based on 2013 registrations: 25
Fieldworker Safety Inspections: 20% will be done using a Spanish-speaking interpreter	40
Branch 1 Fumigation Inspections	40
Pesticide Use Monitoring-Production Agriculture	40
Pesticide Use Monitoring- Other	40

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Measure of Success

- Maintain a compliance level of at least 95% for all registered pesticide users inspected during year. Increased surveillance of maintenance gardeners may result in a lower percent of overall compliance.
- Deputy will compare number of inspections completed to our goals each quarter.

Investigation Response and Reporting

- The San Mateo County Department of Agriculture performs approximately 20 pesticide related investigations per year. The Department has consistently met or exceeded the DPR performance standards for investigation quality. The Department responds to and documents all complaints and incidents that are pesticide-related in writing. Investigations requiring extensive work are documented in a written format that is both comprehensive and detailed. All written complaint investigations are maintained on file and readily available for DPR review. The Department refers to the written policies and procedures provided in the manuals developed by DPR including the "Pesticide Episode Investigation Procedures Manual", and the "Pesticide Enforcement Investigative Sampling Manual". Continued training opportunities for new as well as experienced biologists are encouraged.
- The Department places emphasis on investigations and investigation reports. The investigations include complainant interviews, potential witness statements and other pertinent interviews. The investigations also provide the proper reference to pesticides, EPA registration numbers and specific equipment used. Investigations are conducted in a timely manner. The Department works with the DPR Enforcement Liaison when time constraints could lead to possible time extensions to complete the investigation. When completed, the Department submits required investigative reports to DPR.
- Employee interviews are conducted privately. These interviews are conducted in an atmosphere that maintains the confidentiality of the employee's statements. There is a Spanish-speaking Biologist on staff who has been certified as bilingual in Spanish by San Mateo County and who is available to provide interpreter service whenever necessary.
- Department policy is that all complaint investigations are to be started within 24 hours of the receipt of the complaint. The Deputy Agricultural Commissioner evaluates the initial information received in a Pesticide Illness Report (PIR) or Doctor's First Report of Injury or Illness (DFRII). All pesticide illness investigations triggered by a pesticide illness report (PIR) received directly from the County public health officer within 24 hours of the incident are also initiated within 24 hours of receipt of the PIR. Pesticide Episode Investigations triggered by receipt of a PIR or DFRII routed to the CAC by DPR

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are begun as soon as possible depending on the nature of the incident. Antimicrobial investigations are handled as time allows.

- All reports are required to be submitted to the Deputy for review within 90 days of the receipt of the complaint, PIR or DFRII.
- The Deputy maintains logs of pesticide investigations (illnesses and complaints) in Excel files. These logs contain basic information regarding the investigations including: date received, county assigned investigation number (and WHS Number, if applicable), pesticide(s) involved in the episode, episode type, episode location, respondent involved (if any), violations noted (if any) and date investigation closed.

Strengths

- All Biologists who conduct pesticide-related investigations have obtained their pesticide use enforcement licenses.
- PUE staff attends all DPR sponsored training. All current PUE staff have attended DPR Breaking Barriers training which provides English speaking Biologists with guidance on communication with Spanish speaking pesticide handlers and fieldworkers.
- PUE staff also receives regular training through staff meetings and other hands-on training opportunities. These training opportunities are documented and include staff attendance lists as well as tracking in training log.
- The Department maintains a Spanish voicemail complaint line which a bilingual, PUE licensed Biologist checks every weekday. This voicemail telephone number is printed on the Pesticide Safety Information Series A-8 and A-9 which are given out to County employers with pesticide handlers or fieldworkers. The phone number is also discussed during the annual bilingual fieldworker outreach/training which the Department schedules each spring or on request.
- The San Mateo County Department of Agriculture has met or exceeded DPR Effective Evaluation criteria for Investigation Response and Reporting.

Areas for Improvement

- No areas of investigation response or reporting were identified as needing improvement.

Goals

- Conduct pesticide episode investigations that gather data and evidence that will be used to determine if pesticide use violations have occurred and to evaluate pesticide use patterns and the effectiveness of the pesticide regulatory program including worker safety regulatory protections.

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- Ensure any Biologists newly assigned to PUE become proficient and remain proficient in preparing investigative reports.

Projected Deliverables

- Timely pesticide episode investigation initiation and completion.
- Investigation reports are accurate and complete.
- Respond to and document all pesticide-related complaint incidents.

Measure of Success

- Provide DPR with well-written, effective investigation reports that describe the investigative results and outline violations, if any, in a timely manner according to DPR protocols.

C. Enforcement Response

Current Status

Compliance and Enforcement Action in 2013

Total NonCompliances Identified: 28

Notices of Violation/Letters of Warning Issued: 13

Decision Reports issued and sent to DPR: 8

Enforcement Response Evaluation and Administrative Procedures

- San Mateo County utilizes systematic procedures to ensure that appropriate and consistent enforcement response takes place for all pesticide violations. The County objective is to ensure pesticides, when used, are applied safely and appropriately and in accordance with laws and regulations and to educate violators regarding pesticide use laws and regulations to ensure that all regulatory requirements are met in the future.
- The Department follows the Enforcement Response Regulations (ERR).
- The Department identifies violations and non-compliances through a program of inspections and investigations. A tracking program utilizing AIRS database and Excel spreadsheets to track inspections and non-compliances is maintained. The PUE Deputy and the biologists document the violations and assess the appropriateness of further action.
- The PUE Deputy also reviews all inspection and investigation reports to assure proper action is initiated. Inspection forms are used as NOV's if a noncompliance is noted on an inspection form. A NOV Word document is prepared for violations that are not documented on an inspection form. NOV's are issued in person to the grower or property operator for resident

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production and non-production agriculture businesses and by U.S. mail for pest control businesses.

- Biologists are encouraged to document follow-up actions in the supplemental remarks section of the inspection report. If the Deputy and the Biologist determine that a non-compliance warrants proposing an enforcement action or a NOV with a Decision Report, a written non compliance investigative report which describes any observations or communications related to the noncompliance and follow-up that is not already documented on the inspection report, summarizes the history of violations and the Biologist's recommendation for any further action may be prepared. This report is submitted to the PUE Deputy who, after review, forwards the report and her recommendation to the Commissioner. The Commissioner makes the final decision on all enforcement actions.
- Notices of Proposed Action (NOPA) for administrative civil penalties are drafted by the more experienced PUE Biologists for the Deputy to review or may be prepared by the Deputy. The Deputy then reviews the NOPA with the Commissioner.
- PUE Deputy confers with the DPR EBL regarding administrative civil penalty action case preparation and NOPAs as needed.
- The Deputy meets with the investigating Biologist to evaluate each enforcement violation to assign an appropriate fine level within the proper fine category then a recommendation is made to the Commissioner. The Department follows the ERR when evaluating a violation for enforcement action, and appropriate policies when evaluating options open to the Commissioner for possible actions against employees. A Decision Report is prepared to explain the final action when required under the ERR.

Challenges

- Because of limited staff resources, the Department must balance the time spent on use monitoring with enforcement case preparation. It can be very time consuming to prepare a NOPA case including such steps as gathering all applicable evidence for each element of the violation, documenting all follow-up investigations, evaluating the evidence and applying the ERR to the violation and preparing the NOPA. If a hearing is requested, the advocate must review the case file, prepare witnesses and prepare a presentation for the hearing.

Strengths

- PUE Biologists attended DPR sponsored training in the Enforcement Response Policy.
- ERR is incorporated into training of new pesticide enforcement Biologists.

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Areas of Improvement

- No areas of improvement were identified in the DPR Performance Evaluation
- The Department's Enforcement Response program would benefit from shifting staff time from other pesticide enforcement duties to ensure that non-compliance follow-up documentation, case preparation and NOPA preparation are completed within approximately 90 days from the date the non-compliance is noted. However, this could result in fewer pesticide regulatory inspections being performed.
- Decision Reports will be submitted to DPR within 60 days of the noncompliance and completion of all related follow-up inspections.

Goals

- Coordinate an enforcement response for violations of pesticide laws and regulations based on the ERR that ensures compliance and enforcement actions are implemented fairly, consistently, and swiftly.
- Assure timely response in issuing Notices of Violation (NOV) or Letters of Warning and NOPA. Speedy issuance of NOV's and NOPAs reinforces the importance of following proper procedures for the violator and promotes future compliance.
- Prepare and submit required Decision Reports to DPR within the time prescribed by Enforcement Response regulations.

Projected Deliverables

- The PUE Deputy will meet with PUE Biologists as needed to review current violations and make recommendations to the Commissioner on compliance or enforcement actions.
- Provide additional training or refresher training for staff on non-compliance documentation at time of inspection, follow-up documentation, preparing a case for the Advocate, and NOPA preparation.
- Adjust pesticide assignments as needed to emphasize the importance of prompt enforcement follow-up and to ensure staff time is available to prepare NOV's, Letters of Warning, Decision Reports, Non-compliance Reports, administrative penalty case files and NOPAs.

Measure of Success

- The Department will issue NOPAs within 90 days of the noncompliance or the close of the investigation.
- Decision Reports are submitted to DPR for review within 60 days of the date inspection follow-up of a noncompliance completed.

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Priorities and Other Pesticide Regulatory Activities

Compliance with Soil Fumigation Labeling

- The pesticide labels for soil fumigants metam sodium and metam potassium were expanded in 2012. Staff has spent time with each RMP holder to ensure that the new label requirements are understood. Department enforcement plan includes preapplication and/or pesticide use monitoring inspections at 50% of all application sites.

Pesticide Use Reporting System Evaluation

- San Mateo County issues Operator Identification (ID) numbers and site identification numbers according to DPR policies and requirements. The Department uses the RMPP Operator ID/RMP software. Property operators are evaluated for the materials they plan to use. If no restricted materials are planned to be used, an Operator ID number is issued for all agricultural uses. For operators requiring a RMP, the permit number is also the Operator ID number. A new Permit/Operator ID number and site ID number will be issued if there is a change in the property operator for a site. Production Agriculture operations may submit pesticide use reports electronically via modem or, over the internet.
- Pesticide Use Reports are reviewed by licensed Biologists for timeliness and accuracy. The Department developed a written policy that clarifies expectations with respect to use report review, follow-up and compliance or enforcement action. When a pesticide user demonstrates a history of late use report submissions or reporting failures, it is the assigned Biologist's responsibility to bring forward the noncompliance to the PUE Deputy for discussion regarding appropriate compliance or enforcement action to be taken as directed in the ERR.

County Registration/Notification of Licensee Evaluation

- The County sends notification/reminder letters in late November or early December to all pest control businesses that registered with the County during the previous year. For structural pest control operations, a blank *Notice of Intent to Perform Pest Control* form is enclosed to facilitate the registration process. San Mateo County usually begins accepting registrations for the new calendar year in mid-December.

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Desirable Activities

Outreach

- The Department holds yearly workshops for private applicator certificate holders and for fieldworkers. The workshop for certified private applicators provides growers with updates on laws and regulations and other pesticide safety topics and continuing education hours. The field worker pesticide safety training sessions provide agricultural production employers with an opportunity to send fieldworkers who will be entering treated fields to a training session that meets the requirements for fieldworker training. A staff Biologist qualified to translate in Spanish participates in the field worker training sessions.
- The Department participates in the County Stormwater Pollution Protection Program (STOPPP) IPM work group. A Biologist or Deputy will attend periodic meetings. The Department provides a speaker to discuss pesticide laws and regulation issues at an annual continuing education workshop aimed at municipal government pesticide users.
- Biologists answer questions and give IPM related information to pest control businesses, public agencies, county residents and property owners.
- The Department has expanded outreach and education of landscape maintenance businesses who may be using pesticides without holding an agricultural pest control business maintenance gardener license from DPR. Outreach will continue to be a priority for the Department.