

**Tehama County Department of Agriculture
2013 through 2015
Pesticide Use Enforcement Work Plan**

CORE PROGRAM AREAS

I. Restricted Materials Permitting

A. Current Status

- Restricted materials permit issuance: From FY 09/10 to 11/12, the number of restricted materials permits (RMP) issued dropped significantly from 306 to 225. This does not reflect a corresponding drop in work hours (889 vs 861) or sites (1626 vs 1594). The probable cause of the drop in RMPs are the consolidation of properties, especially orchards, under fewer ranches with larger holdings. Economies of scale have driven smaller landowners to sell or lease their properties to larger farms or farm management companies. Business costs, including land, inputs and regulatory requirements will sustain this trend in the near future.
- Tehama County issues annual permits. Some interest from growers has been expressed for multi-year permits, as some neighboring counties practice, but this has not been significant enough to change current policy.
- Permit issuance is done through the CalAg Permit (CAP) system. Currently this is the second complete cycle of using this program. This year, with greater familiarity and most of the mapping already done, staff workload is more in line with historical levels. The FY 11/12 workload was over 50% higher than the previous FY, when RMMS was the RMP program. It is too early to estimate, but FY 12/13 should be closer to historical levels. There is much good about CAP, but there are still difficulties with process flow, use report and queries that will need to be improved.
- Public notification of restricted materials applications is minimal. When required by label, regulation or suggested permit condition (e.g. soil fumigants) or when historically identified sensitive sites have been identified, adjacent landowners or residents have been notified, either as a neighbor to neighbor contact or as a site specific permit condition.

B. Planned Improvement

- Deficiencies identified in DPR performance evaluations will be corrected in a collaborative manner. It would be expected that deficiencies would be identified by DPR previous to them being noted in a performance evaluation so that the collaborative process could start as early as possible.
- Sensitive sites are continuously evolving. Existing sensitive sites are already identified and new sites will be added to this list as they are evaluated. Residential encroachment into traditionally

agricultural areas, the expansion of agriculture into new areas (especially orchards) and the changing demographics of the county will drive this evolution.

- Each non-agricultural permit holder will have a site evaluation, use inspection or headquarters inspection every year. Many times, all three are done, since the majority of these permits are commodity treatment (fumigation) sites that have always been a priority with our county.
- Trends of permit non-compliance are analyzed as an ongoing activity. Along with the Enforcement Branch Liaison (EBL), staff will evaluate non-compliances and modify permit conditions, increase monitoring or other corrective action. Permit non-compliances are relatively rare compared with label or regulation violations.
- Training of staff in the CAP system is ongoing. Tehama County Agriculture Department (TCDA) Staff attend all workshops put on by Environ and John Gless that are in the Sacramento Valley area. Staff also actively participates in the Sac Valley and Northern Computer Users Group and CAP Technical Advisory Committee. Rather than solely receiving training, TCDA is actively involved in CAP improvement through these bodies. Because of the developing nature of CAP, it is necessary that the entire state provide feedback as to the system's usability.

C. Goals and Projected Deliverables

- Permit issuance efficiency and accuracy are being optimized. Staff longevity and training leads to efficiency and accuracy. Continued training and oversight of the RMP process is a commitment.
- Decreasing the use of restricted materials and RMPs in and of itself is not a planned goal. Permits are evaluated by staff familiar with local conditions and are scrupulously processed to comply with DPR's requirements (which has certified the RMP process as the functional equivalent to an Environmental Impact Report required under the California Environmental Quality Act (CEQA). Growers and others must have access to tools that allow them to continue to provide the safest, most affordable and diverse food, fiber and fuel in the world. California FAC 11501 (a) codifies the essential nature of pesticides and there is no better judge of when pest control activities are needed than the grower, backed by research from University of California Cooperative Extension.
- TCDA will continue to host and participate in numerous educational classes and activities, including annual Walnut, Prune, Olive, and Almond Days. TCDA conducts two annual laws and regulations classes for growers and attend local county and city events to educate the public.

D. Measures of Success

- Measuring success by numbers can present challenges. Non-compliances can indicate a good surveillance and enforcement program without showing a numerical decrease. Historical low rates of non-compliances can be disproportionately affected by a cluster of non-compliances at a single incident or area. TCDA qualitative sense of compliance history gives us a good feel for the effectiveness of the pesticide enforcement program. TCDA is responsive to complaints,

illnesses and with problems associated with trends of the ag/urban interface. TCDA will work within the guidelines developed by CDPR and U.S. EPA.

- Annually, very few complaints and incidents related to RMPs occur in Tehama County. Most complaints or incidents relate to label or regulatory violations rather than RMP issues.
- Applicators are asked to consider alternative from using restricted materials that would lead to denials. The TCDA policy is to work with individuals to choose a material/method/timing that would be acceptable.
- TCDA has developed a RMP issuance process that continuously improves by feedback, recognizing that while adherence to the RMP process is important, as a functional equivalent to an environmental impact report (required under the CEQA), TCDA must also seek to serve our customers more efficiently.

II. **Compliance Monitoring**

A. Current Status

- See work plan goals (attached). TCDA has a goal of 120 of the various inspections each fiscal year. In FY 09/10, FY 10/11 and FY 11/12, Tehama County performed 150, 116 and 124 inspections, respectively. The number of inspections has dropped to near the goal due to increased activity in other programs, such as plant quarantine. We commit to meeting our goals in the future.
- Non-compliances for the three years above are 35, 26 and 10, respectively. Although there is a marked decline, these numbers can fluctuate greatly. For example, in FY 09/10, there were two inspections with 12 non-compliances. Such incidents can skew the average non-compliance rate greatly.

B. Planned improvement

- Any deficiencies identified in DPR Performance Evaluations will be resolved. To date, none have been identified.
- Inspection activities will be focused in non-compliance areas. Non-compliances, when found will be brought to the attention of the program manager, and compliance strategies will be developed. This will generally be applicator-driven, but some industry-wide issues can be addressed (e.g. closed systems). Focus issues will be addressed on continuing education sessions (e.g. respiratory protection, emergency medical information, etc.).
- Inspection completeness and quality control is ongoing, with oversight from veteran inspectors, managers and DPR ride-alongs and trainings.

C. Goals and Deliverables

- Field presence in areas of high non-compliance. Progressive oversight in areas of high or repeated non-compliances or repeated complaints has worked well. Neighbor-to-neighbor complaints are frequently driven by non-pesticide related issues and can be resolved with application notification and increased inspections. Although rare, repeat violations have required increased administrative civil penalty fine levels and license/permit actions.
- Fundamental program review will be regular and ongoing in order to keep our program focused on issues that arise. New regulations regarding surface water quality, soil fumigation label changes and worker protection (respiratory protection) are currently in the forefront.
- As noted above, TCDA sponsors or participates in at least six continuing education classes each year, attends Farm Bureau, Cattlemen's, beekeeper and other industry groups meetings to provide information and receive feedback regarding pesticide issues.

D. Measures of Success

- Goals and deliverables will remain at the same levels as previous work plans. These can be modified as trends or use patterns change.
- Although compliance rates do fluctuate, they are generally high and tend to be affected by aberrant incidents. Program improvements initiated within the county or suggested from outside the county will be evaluated and adopted.
- Trends are not apparent with the low levels of complaints, illnesses and drift incidents. Individual incidents are resolved using DPR guidelines. Bee kill reports have been increasing as beekeepers associate various chemical usage with colony collapse disorder, but no discernible correlation exists between pesticide applications and bee loss. Samples from hives show that various pesticide treatments for mites produce highest residue levels.

III. Enforcement Response

A. Current Status

- For the three previous Fiscal Years, there were 11, 5 and 5 violation notices respectively and 5, 8 and 2 administrative civil penalties issued. The TCDA will respond to all violations with either a compliance or enforcement action as required in the Enforcement Response Regulations. In addition, TCDA will use the action that will most likely ensure future compliance. To do so, TCDA will evaluate each situation, giving due consideration to the circumstances of each incident with violation(s), by identifying the risk (i.e. actual or reasonable possibility of a hazard or effect) and the violation history.
- Actions that meet the guidelines in ENF 09-18 will be referred to DPR for consideration. Multiple non-compliance events and administrative civil penalties will be reviewed with our EBL.

- All requirements of the ERR will be followed when considering administrative procedures and District Attorney referral.

B. Planned Improvement

- Any identified deficiencies in the performance evaluation will be continuously improved.
- Uniform enforcement is a key part of TCDA's program. TCDA has developed a flow chart for compliance actions in late use reports that ensures that uniform action is taken.
- TCDA takes advantage of all training offered. Basic inspector, Advanced, Breaking Barriers, Advocate, Hearing Officer, and Soil Fumigation are some of the recent classes attended. TCDA is willing to host regional meetings and use oversight inspections with our EBL and special projects (closed systems) to keep inspectors up to date.
- TCDA reviews investigations and enforcement actions with our EBL to ensure that adherence to guidelines and ERR

C. Goals and Projected Deliverables

- Working with managers and our EBL, investigations and reports will be continuously improved.
- TCDA immediately notify the EBL of priorities or cases where publicity or sensitivity may become an issue.
- Again, TCDA provide numerous Continuing Education opportunities, outreach sessions and high enforcement activity situation.

D. Measures of Success

- Investigations and enforcement actions will be reviewed for quality and consistency. Investigations will be conducted according to DPR guidelines and quality report writing will be emphasized. Enforcement actions will use past history, common violations and neighboring counties to ensure consistency.

IV. PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

- A. Non-Fumigant VOC Regulation Compliance (San Joaquin Valley), when regulations are final:
Does not apply to Tehama County
- B. Compliance with sole fumigation Phase II labeling: *TCDA staff has attended all DPR sponsored training sessions for the Soil Fumigant Training. These applications have always been high priority. All Nursery soil treatments are monitored and all orchard replant soil fumigations receive a pre-site or use monitoring inspection. TCDA works closely with CDPR, U.S. EPA, registrants and applicators to facilitate the implementation to the Phase II soil fumigant training*

in 2013. There are significant areas of this that are not resolved, difficult to interpret and still may change. TCDA is working on resolution of questions about dazomet use restrictions.

- C. Chloropicrin mitigation: *Measures will be implemented when available. In the meantime, there are areas of concern that is dealt with by permit conditions, increased surveillance and other measures. TCDA has provided feedback to DPR about the measures thus far proposed.*
- D. Structural inspection activity Branches 1, 2 & 3: *TCDA has few Branch 1 applications and perform at least one inspection for each operator every year. TCDA will continue to focus on resident operators for Branch 2 and 3, performing a headquarters or use monitoring inspection annually and will emphasize the new surface water regulation.*
- E. Efforts to work collaboratively with the State Regional Water Quality Board and DPR Environmental Monitoring Branch regarding applications of diazinon, chlorpyrifos and diuron near water bodies: *TCDA has not been asked by any agency to assist with water quality issues, but would do so if approached.*
- F. Staff Training: *The county work plan will be reviewed at regular staff meetings and staff will be focused to address goals. Staff will attend training provided by DPR or U.S. EPA when feasible.*
- G. Compliance with pesticide use at schools: *During routine headquarters inspection of pest control businesses, TCDA will identify any pesticide usage at schools and verify compliance with school pesticide use reporting.*
- H. Secured Web Access (SAW) for pilot counties: *Does not apply in Tehama County.*
- I. Compliance with Ground Water Regulations (i.e., participation with DPR's Environmental Monitoring Branch on related studies): *as with E, above, TCDA has not been approached to do this work, but would do so if requested.*
- J. Chilean Fruit Air Monitoring (CFAM) and other commodity fumigation focused activities: *does not apply to Tehama County*
- K. Regulatory outreach and education: *Sponsor and participate in Walnut Day, Prune Day, Olive Day and two grower meetings each year. Also provide monthly attendance and participation at Farm Bureau, Farm Service Agency and other meetings.*
- L. Investigative Review: *TCDA meets regularly with the EBL to discuss possible enforcement action, including referral to DPR for state action.*
- M. Compliance with Non-Ag Surface Water Regulations: *TCDA will incorporate this into the compliance monitoring scheme. Goals for this activity are described in attachment 1. Surface water regulations will be emphasized at appropriate use monitoring inspections and headquarters inspection.*
- N. Federal rodenticide regulation compliance: *will be ensured by requiring certification and enforcement of use restrictions. This is also evolving, as second generation rodenticides are being evaluated by U.S. EPA.*
- O. Focused inspections on employers with employees: *at least 25% of all headquarters inspections, as identified by use report data, will be targeted at employers who have employee handlers who use cholinesterase inhibitors. This will ensure compliance with 3 CCR 6728.*
- P. DPR reporting for report of loss related to bee kills: *TCDA will continue to maintain a log of complaints and track those regarding bee losses may be associated with pesticide applications.*

- Q. Collaboration with DPR in addressing U.S. EPA activities or requests: *should this arise, we will coordinate our efforts with DPR and U.S. EPA.*
- R. Other: *Historically, we have provided review, feedback and local support to state and federal projects. Examples have been effectiveness evaluation, mill assessment disbursement, close system regulation evaluation, and other special projects.*

**Tehama County Department of Agriculture
PUE Work Plan Goals 2013-15**

Inspection Type	Number
Application	42
Mix/Load	21
Fumigation	28
Fieldworker	9
Employer Headquarters	20

**Tehama County Ag Department
Pesticide Use Enforcement
Sensitive Sites**

Sensitive site includes, but are not limited to, schools, hospitals, convalescent homes, and daycare centers. Other sites may be designated as sensitive on a case by case basis by the Agricultural Commissioner.

Sensitive sites that have a transient population such as schools and daycare centers may not have restricted materials applied within 100 feet by ground or 300 feet by air of the property line during normal school hours or organized activities. Hospitals and convalescent homes may not have restricted materials applied within 100 feet by ground or 300 feet by air of the property line at any time.

Waivers to the above conditions may be granted on a case by case basis by the Agricultural Commissioner.

The Agricultural Commissioner will, when issuing Restricted Material Permits, consider the proximity of the proposed application site to sensitive sites. A map of known sensitive sites will be maintained by the Agricultural Commissioner to aid in identifying sensitive sites.