Calaveras County
Environmental Management Agency

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Pesticide Use Enforcement Work Plan
For Calendar Years
2014
2015
2016

County of Calaveras

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Title: Agricultural Commissioner

Dated: February 3, 2014

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Enforcement Work Plan for Calendar Years 2014, 2015, and 2016

County Resources

Personnel	Duties include	Time devoted to PUE
Agricultural Commissioner	Enforcement actions, permitting, outreach	20%
Deputy Ag Commissioner	Training, investigations, inspections, compliance	30%
Agricultural Biologist	Inspections, permitting, restricted materials, registration	30%
Accounting Technician	Clerical support –registration, use reporting	20%

Equipment
Vehicles with radio to contact with the office and other staff in the field.
Computers for permit issuance and tablets used for inspections in the field.

I. Restricted Materials Permitting

Current Status

- Current total restricted materials permits 58
- Current operator id numbers 127
- Issue approximately 40 permits and 50 Operator Id numbers per year.
    - Calaveras County may issue three-year permits for permanent crops.
- Small vineyards and rangeland constitute the majority of the permittees. Most of the restricted material permits are issued for phenoxy herbicides, strychnine, zinc phosphide, and aluminum phosphide.
- Licensed staff issues restricted material permits and operator id numbers only after reviewing accuracy and compliance history.
- Only qualified applicator licensees or those with a private applicator certificate qualify for obtaining a restricted materials permit unless all work is done by a licensed pest control operator.
- Alternative pesticides and hazard mitigation is discussed during permit review to determine if a material is subject to denial or approved only with conditions.
- Permit issuance or renewal, as well as, private applicator examinations are done individually in person and scheduled for Thursdays, or Fridays in November, December and January. At other times of the year they are scheduled by staff availability.
- The majority of the growers renew their certification through continuing education.
- Continuing education classes are given twice in the fall and once or twice in the spring.
- Assistance is offered continually in pesticide use reporting compliance including facilitating online use reporting utilizing CalAgPermits.
- Notices of Intent are inputted into CalAgPermits then reviewed by a biologist.
    - The majority of the Notices of Intent are for aluminum phosphide, strychnine, 2,4-D in forest situations, and paraquat in a few vineyards and walnut orchards.
    - If problems are detected, the NOI is denied.

- Most denials are due to expired permits or inaccurate information
- On weekends, holidays, and after hours, those notices not directly inputted by the applicator in CalAgPermits are received by voice mail or fax and is transferred to CalAgPermits the next business day.

- 124 Notices of Intent (NOI) in 2012; only 67 in 2013.
  - More than 5% of notices receive a pre-application site inspection.
- 80% of the notices of intent have been to control gophers in forest lands with strychnine.
  - Other uses include:
    1. Paraquat in walnut orchards for vegetation removal.
    2. 2,4-D on oats, and rangeland for difficult to control weeds.
    3. Zinc phosphide and aluminum phosphide for ground squirrels and voles.
- No high risk sites in the County.
  - No schools adjacent to agricultural fields, etc.
- A significant decrease in applications of 2,4D in forest/timber sites.
  - 120 NOIs in 2005/2006 down to just 6 in 2012/2013 being replaced by more selective, non-restricted herbicides on these same sites such as:
    1. Hexazinone
    2. Imazapyr
    3. Aminopyralid
    4. Sulfometuron
- There are not many new sites where restricted materials are applied.

Planned Improvement

- Supervisory staff has knowledge of local conditions, crops grown and pest management practices performed in the county. A recently hired Ag Biologist is not yet licensed and therefore able to work independently issuing permits and reviewing NOI's. In 2014 we plan to have her become licensed through county and DPR training and study of PUE compendium volume 3 with the goal of successfully passing the PUE state licensing exam for county inspectors.
- Continue ongoing staff training in permit issuance to keep up with changes regulations and in technology used to issue permits.
- Correct any deficiencies identified in the DPR performance evaluation.
- Decrease errors and omissions in permits by annually reviewing restricted materials files. Assure that a current map is included with the permit.
- Ensure that each non-ag restricted use permit has an annual use inspection.

Goals and Deliverables

- Assure potential hazards are thoroughly evaluated both at permit issuance and with each notice of intent.
- Reduce unnecessary permitted products by discussing alternative products and cultural practices with the permittee.
- Train the new Biologist so that she is licensed and capable of issuing permits and conducting independent inspections in the field.
- Work with landowners to perform inspections behind locked gates.

- Increase the awareness of the agricultural industry regarding endangered species protection requirements and resources for endangered species information during Permit appointments and CE classes.
- Encourage the use of buffers on the edge of agricultural enterprises on new land under cultivation in Ag-urban areas.
- Highlight new regulations and past incidents of non-compliance during continuing education classes.
- Ensure all workers are protected equally by having a bilingual staff member facilitate communication with Spanish speakers and assist with fieldworker and use monitoring inspections when needed.
- Review digital site maps inputted into CalAgPermits before renewal to ensure that each details adjacent:
    - Sensitive sites such as:
      Residential areas, schools, crops, wetlands, waterways, critical habitats, and wells.
- Determine if sites are in an ag-urban interface area where new construction is encroaching on traditional agricultural land.

Measures of Success

- Review restricted material permit files separate from permit evaluation for discrepancies and to ensure that each contains:
    - A Private applicator certificate, qualified applicator certificate, or qualified applicator license number.
    - A site specific map of suitable scale and quality to show adjacent crops and sensitive areas.
    - A letter of authorization when an authorized representative signs on behalf of a property operator.
    - Use reports and notices of intent as appropriate.
- Reduction in the pesticides on a restricted material permit for which a NOI was never received.
    - Many of the restricted chemicals have been gradually phased out for the last 2 permit cycles.
- Increase efficiency in issuing permits and approving or denying notices of intent while maintaining a high level of scrutiny of each permit.

II. Compliance Monitoring

Current Status

- In 2012
    - 8 Pre-application Site Inspections
        - 88% in compliance with 1 non-compliance
    - 10 Pesticide Use Monitoring Inspections
        - 60% in compliance with 9 total non-compliances in 4 inspections
    - 1 Fieldworker Safety Inspection

        - 0 non-compliances
    - 5 Pest Control Records Inspections
        - 60% in compliance with 4 non-compliances in 2 inspections
    - 3 Structural Pest Control Inspections
        - 0 non-compliances
    - 2 DPR/county oversight inspections

- In 2013
    - 13 Pre-application Site Inspections
        - 100% in compliance
    - 10 Pesticide Use Monitoring Inspections
        - 80% in compliance with 7 total non-compliances in 2 inspections
    - 3 Fieldworker Safety Inspection
        - 33% in compliance with 6 non-compliances in 2 inspections
    - 11 Pest Control Records Inspections
        - 70 % in compliance with 16 non-compliances in 3 inspections
    - 1 Structural Pest Control Inspections
        - 0 non-compliances
    - 5 DPR/county oversight inspections

Planned Improvement

- Training of new Biologist should focus on inspections that have revealed non-compliances in the past such as:
    - Use monitoring inspections of employees
    - Vineyards that employ or contract for fieldworkers
    - Operations that have not received any inspection recently.
- Focus records inspection on growers and businesses with employees that handle pesticides.
- Pesticide use monitoring inspections with any non-compliances tend to reveal multiple non-compliances. Follow- up by subsequent use monitoring inspection should be done quickly to reduce potential for safety hazards. If that cannot be accomplished within a month, a records inspection should be scheduled.
- There have been a high percentage of records inspections that resulted in non-compliance because use reports were not submitted. Time should be spent going through files to find permittees that have not submitted use reports in the previous season.
- Headquarters Inspection at least once every three years for businesses with employees.
- Tracking System in place for inspection history of non-compliances used to ensure follow-up
- Obtain use inspections of restricted material use in forest areas.
- Concentrate efforts to conduct surveillance is areas usually behind locked gates, especially where employees handle pesticides.

Goals and Deliverables

- Increase the number of inspections by conducting surveillance on crops likely to be actively treated and those with notices of intent.
- Dedicate time to surveillance of forest areas in order to obtain an unexpected inspection.

- Monitor vineyards when grapes are actively being treated
- Monitor rangeland when aerial applications take place
- Increase the number of inspections performed. Obtain well-rounded inspections with closure.
- Monitor landscaped areas and other non-ag sites during slow agricultural times.
    - Surveillance time should be scheduled for this purpose and in the appropriate times of the season.
- Ensure continuous communication with DPR by conducting routine oversight inspections.
- Have the new Biologist attend DPR training courses such as Breaking Barriers and Structural Regulatory Training.
- Have all inspections reviewed by another biologist to proofread for completeness, legibility, and accuracy.
    - Photographs should be taken as evidence of non-compliances whenever possible.
- Conduct regular training with biologists on program requirements.

Measures of success

- Work with the EBL to schedule and complete five oversight inspections.
- Increase compliance rate for submitting use reports. Continue coaching for electronic submittal.
- Have each inspection be a complete and accurate depiction of conditions in the field.
- Improve program by increasing and focusing surveillance where it will be most needed.
- Gradually increase the number of inspections as the new biologist becomes licensed and trained.
- Continue the history of low occurrence of incidents such as: illnesses, complaints, and drift even with increased acres under cultivation within the county.

III. Enforcement Response

Current Status

- 2011
    - One Administrative Civil Penalty for a vineyard that stored a restricted material in a prohibited container
- 2012
    - One Administrative Civil Penalty (Structural) for faulty equipment
    - Warning letters sent for:
        - PPE violations
        - PPE violations and inadequate decontamination facilities
- 2013
    - One Administrative Civil Penalty for PPE regulation non-compliance
    - Warning letters were sent to:
        - An unlicensed maintenance gardener applying herbicides.
- No referrals were made to DPR for state action.
- No cases were referred to the District Attorney in the last 3 years. We have referred cases to the DA in the past.

Planned Improvement

- Currently we follow the Enforcement Response Plan.
- The deputy commissioner and biologist will attend DPR training in both enforcement and investigation procedures.
- In order to ensure uniform enforcement we confer with the EBL on difficult cases subject to interpretation.
- A system is in place to track violations and enforcement actions.
- A system is in place to notify maintenance gardeners of pesticide laws and regulations

Goals and Deliverables

- Coordinate with EBL on priority cases
- Communicate with growers and businesses that use pesticides on common or repeat violations.
- Assure compliance and enforcement actions are taken in a timely manner.
- Prioritize compliance and enforcement actions that pertain to worker health and safety laws and regulations.
- Follow the Enforcement Response Plan in response to violations.
- All investigations commence as soon as possible.
- Timely submissions of accurate and complete illness investigations.

Priorities and Other Pesticide Regulatory Activities

- We attempt to perform at least one Branch 1 Pesticide Use Monitoring Inspection for each Structural Pest Control Business performing fumigations in the county annually. We prioritize Branch 2 and 3 inspections by companies that have employees or a history of recent non-compliances.
- Work collaboratively with the Regional Water Quality Board and DPR regarding applications of diazinon, chlorpyrifos and diuron near water bodies.
- The recently hired inspector will be trained by the Deputy and Commissioner on pesticide laws, regulations, PUE compendiums 1-8, and Policy letters to Commissioners with the expectation that she take the licensing exam this year. Continual training will continue in the course of accompanying licensed staff during routine inspections and DPR training.
- We have access to the Secured Access Web for illness investigation reporting.
- We hold annual CE classes where the public is invited to attend and learn about our role in pesticide regulation. We hold other meetings about topics of concern to our growers in which our role in pesticide regulation is emphasized. These meetings may include: Invasive Weeds such as yellow star thistle, Pest Management issues such as gopher control, etc.
- As noted above, no cases warranted referral for state action in the past 3 years, but we review all enforcement actions with this possibility in mind.
- Enforce surface water regulations when inspecting Non-Ag pest control businesses' use of pyrethroid pesticides.
- Ensure compliance with rodenticide label changes.
- Report all complaints of bee kills associated with pesticide use to DPR.
- Collaborate with DPR in any USEPA requests.