



**Lassen County Agricultural Commissioner's Office**  
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**PESTICIDE USE ENFORCEMENT PROGRAM**  
**ENFORCEMENT WORK PLAN**

**LASSEN COUNTY**  
**AGRICULTURAL COMMISSONER'S OFFICE**

**2015-2017**

**JANUARY 2015**

## **Program Overview**

The Lassen County Agricultural Commissioner's Office (LCAC) is the local agency responsible for regulating the use of all pesticides. Lassen County maintains a viable system of restricted materials permitting, compliance monitoring, and enforcement response that is mutually beneficial to the agricultural community, the environment, and the public, while continuing to abide by pesticide use laws and regulations. The LCAC will promote an atmosphere of respect and understanding that will benefit both the public and permittees. The LCAC staff provides training and assistance in regards to pesticide uses, pest management practices, and safety. The Department's goal is to promote agriculture in our county while protecting the consumer, agriculture worker and the environment. The LCAC continues to foster the relationship we have with our regulated community through the just administration of the laws and regulations which we administer.

## **County Resources**

Limited resources will require LCAC to prioritize activities based on risk assessment within the three core program elements incorporated into the pesticide use enforcement program plan. LCAC will continue to do an annual evaluation of inspections and investigations. The LCAC reserves the right to make changes to the work plan, necessary to achieve our goals and objectives within current and future constraints. Lassen County has a very limited staff consisting of one full-time Deputy and two half-time Inspector/Biologists. Approximate time allocated to Pesticide Use Enforcement (PUE) activities by each employee is as follows: Deputy spends 20% of time in PUE, and each half-time Inspector spends 40% of their time in PUE. Lassen County Agricultural Commissioner's Office does not have inspectors designated for specific programs within the county. The Deputy and two half-time Inspectors cover all the other agricultural and weight and measures regulatory responsibilities as well.

## **RESTRICTED MATERIALS PERMITTING**

### **Current Status**

The LCAC issues about 130 restricted materials permits and about 20 Operator Identification Numbers annually, using CalAgPermits. The majority of permits are issued for phenoxy herbicides, paraquat, strychnine, and aluminum phosphide.

To determine potential adverse environmental impact or health effects, during issuance of the permit we conduct a review of the adjacent and surrounding properties based on the following:

- Maps submitted by the applicant
- Discussion with the applicant
- Knowledge of the local area

Before issuing restricted materials permits, proposed application sites are evaluated and feasible alternatives and mitigation measures are considered if significant risk exists. Restricted materials permits are evaluated for potentially sensitive areas near pesticide application sites. Examples of sensitive areas include, but are not limited to: residences, schools, parks, water bodies, and sensitive crops.

The majority of the permits issued by Lassen County are where the owner/operator is responsible for various tasks including pesticide applications. Individual contact during permit issuance, on-site inspections and continuing education courses has been the most efficient means of information dissemination.

### Planned Improvement

The LCAC implemented the new CalAgPermits program in 2012. Conversion to the new program started out fairly labor intensive, especially with the slow CalAgPermits processing time, but has improved somewhat over the last few years. As this program continues to develop, it is expected that permit and use report processing time requirements will decrease, leading to greater efficiency throughout the rest of the PUE program.

### Goals and Projected Deliverables

Continue to assure that the evaluation process for restricted materials permit applications and NOIs is complete and thorough, taking into consideration all aspects of risk assessment through the use of updates and improvements to permit information necessary to make sound determinations on adverse effects.

Continue to conduct continuing education seminars to provide current, pertinent information specific to our region, including new laws and regulations, presented by high-quality speakers, which has generated a steady increase in meeting attendance. The meetings also provide another opportunity for individual contact with local growers and license holders.

### **Site Monitoring Plan:**

The Lassen County Agricultural Commissioner's Office will continue to maintain a high response level to sensitive areas, and review each NOI submitted. A minimum of 5% of NOIs submitted will be selected for pre-application site inspections, correcting a deficiency noted in the previous evaluation. Priorities for site monitoring inspections include, but are not limited to: areas where pesticide application pose a potential risk to people, animals and/or the environment, crops, schools, parks, and planned use of specific pesticides (Telone, Methyl Bromide, Chloropicrin). In addition, each non-agricultural restricted materials permit holder will be inspected at least once annually.

## Measures of Success

Even though Lassen County has very few owners with employees, employee safety including the use of personal protective equipment (PPE) remains a high priority. Required employee training ensures adequate knowledge of safe working conditions for both field workers and pesticide handlers/applicators. The LCAC conducts periodic inspections of employer training records to provide oversight of the employee training process. Training opportunities for employer include meetings to issue/amend restricted material permits and operator IDs, annual registration of license holders, annual grower/applicator meetings and on site education during pesticide use inspections. In addition, pesticide safety information is provided through general public contact (newspaper/radio/one-on-one). Comprehensive training of employers and employees results in safer pesticide applications, fewer incidents of non-compliance and fewer complaints from the public.

## **COMPLIANCE MONITORING**

### Current Status

The LCAC met the goals outlined in the previous work plan by creating an annual schedule, including seasonal targets.

- 35% of inspections are scheduled
  - Grower headquarter safety
  - Pre-application site
  - Restricted materials
- Majority of scheduled application inspections occur between February and May when weed control takes place for field crops with phenoxy herbicides and for alfalfa with paraquat.
- Of the inspections that are not scheduled, 75% are targeted and are concentrated in the major agricultural pesticide application area, the Honey Lake Valley, where field crops are grown.
- Targeted inspections are prioritized by:
  - Applicator compliance history
  - Employee handlers
- 25% of inspections are random in urban areas
  - Landscape maintenance
  - Structural pest control businesses

## Planned Improvement

There were no deficiencies in the previous evaluation.

### **Compliance Monitoring Plan:**

The site monitoring plan sets the stage for compliance monitoring. Sensitive sites identified in the site monitoring plan will be a priority when planning for use monitoring inspection. Effective and comprehensive compliance monitoring continues to be a priority in Lassen County. The LCAC realizes that it is essential to assure the safety of pesticide handlers, fieldworkers, the public, and the environment. The compliance monitoring plan includes pesticide use and records inspections, episode and complaint investigations, and surveillance. Structural, industrial, business, home owner and other non-agricultural application inspections are conducted, when possible, for their potential impact to sensitive areas. Structural, industrial, business, home owner and non-agricultural sites are the areas where a majority of pesticide complaints, incidents (including anti-microbial), and investigations originate. Non-compliances, not corrected at the time of inspection, and violations will receive timely inspection priority for follow-up compliance and enforcement actions.

### **Comprehensive Inspection Plan:**

Lassen County Agricultural Commissioner's Office will continue to conduct random inspections throughout Lassen County (including sensitive sites that have been previously identified). Many of the pesticides used in Lassen County are non-restricted. However, due to their potential toxicity to various sensitive sites, compliance monitoring is needed to help assure safe and legal use of these products. Inspectors must be familiar with pest management practices to know when specific pests are being targeted with pesticides that do not require a notice of intent. Surveillance often leads to opportunities for inspection which help to assure pesticide use compliance.

The LCAC provides inspector training to ensure uniform enforcement process consistent with the State guidelines. Cooperative (oversight) inspections with the DPR Enforcement Branch Liaison reinforce inspection practices and procedures. The Pesticide Use Enforcement Program Standards Compendium is the primary reference tool for inspectors.

The frequency of headquarters employee safety inspections is currently every 2-3 years depending on the level of non-compliances. The frequency of dealer inspections is every 1-2 years. This frequency schedule allows for effective identification and enforcement action of non-compliances.

### **Episode Investigation and Complaint Response Plan:**

The LCAC will conduct investigations, as well as complete and submit reports in a timely, accurate and thorough manner. Investigations, for the rare priority episode in Lassen County, will be initiated within two working days of notification. Preliminary update reports will be submitted to DPR within 15 days of the original notification and completed priority investigation reports will be submitted within 60 days. Non-priority investigations

will be given an appropriate and timely response and will be submitted to DPR within 120 days.

Investigations will follow the Enforcement Response Plan and Pesticide Use Enforcement Program Standards Compendium. Each investigation will follow the same initial steps that include, but are not limited to: interview the complainant and/or the injured and determine whether a violation has occurred. If a violation has occurred, then we will identify and locate the violator and collect and organize the evidence to prove his/her culpability for the violation. A thorough report will be prepared considering all evidence and information gathered during the course of the investigation.

### Goals and Projected Deliverables

See Appendix A: Annual Inspection Goals

### Measures of Success

Assure that compliance monitoring is effective and comprehensive, ensuring the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of an inspection strategy that has a measurable effect on compliance improvement.

## **ENFORCEMENT RESPONSE**

### Current Status

Lassen County Agricultural Commissioner's Office is committed to assuring enforcement response to violations is fair, consistent and timely. Our staff works to encourage all pesticide users to comply with the law through education, inspections and enforcement actions.

### Planned Improvement

The LCAC considers all appropriate enforcement options consistent with Enforcement Regulations. The circumstances and significance of the situation, including progressive discipline, especially with repeat violators, is considered in each case. We will consult with our assigned Enforcement Branch Liaison as appropriate. When all options available to the County have been exhausted, the case will be referred to the Department of Pesticide Regulation.

### Goals and Deliverables

LCAC will continue to identify repeat violators and non-compliance situations. Our office will also explore why non-compliances occurred, by identifying risk, violation history, pesticide episode occurrence, pesticide use activities, and develop a corrective plan with goals to measure the success for each situation and episode. Education and progressive discipline makes sustainable compliance more achievable.

### Measures of Success

Success can be measured by the compliance history following a compliance or enforcement action. Investigations and enforcement actions will be reviewed for quality and consistency. Investigations will be conducted according to DPR guidelines. Emphasis will be on identifying, monitoring and deterring “repeat” violators through both compliance monitoring and proper enforcement action.

## **Priorities and Other Pesticide Regulatory Activities**

- A.** Non-Fumigant VOC Regulation Compliance (San Joaquin Valley), when regulations are final: *Does not apply to Lassen County*
- B.** Compliance with Soil Fumigant Phase II Labeling: *Lassen County Agricultural Commissioner's Office (LCAC) staff has attended DPR sponsored training sessions for the Soil Fumigant Training. These applications have always been high priority. LCAC attempts to monitor all soil fumigations with either a pre-application site or use monitoring inspection. LCAC continues to work closely with CDPR, U.S. EPA, registrants and applicators to facilitate the implementation of the 2013 Phase II Soil Fumigant training.*
- C.** Chloropicrin mitigation: *Measures will be implemented when available. LCAC will address as applicable.*
- D.** Structural inspection activity Branches 1, 2 & 3: *LCAC rarely has Branch 1 applications, but will perform an inspection when an application occurs. LCAC will continue to focus on residential 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 Control Board and DPR Environmental Monitoring Branch regarding applications of diazinon, chlorpyrifos and diuron near water bodies: *LCAC has not been approached by any agency to assist with water quality issues, but would do so if approached.*
- F.** Staff Training: *Staff will attend training provided by DPR when feasible.*
- G.** Compliance with pesticide use at schools: *During routine headquarters inspections of pest control businesses, LCAC will identify any pesticide usage at schools and verify compliance with school pesticide use reporting.*
- H.** Secured Access Website (SAW) for pilot counties: *No longer applies. Roll out is over and LCAC already uses SAW.*
- I.** Compliance with Ground Water Regulations (i.e., participation with DPR's Environmental Monitoring Branch on related studies): *as with E, above, LCAC 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 Lassen County.*
- K.** Regulatory outreach and education: *LCAC sponsors one grower meeting and participates in 1-2 grower meetings each year. Additional training is provided, as needed, to assist growers and pest control businesses to understand and comply with new regulations.*
- L.** Investigative Review: *LCAC meets regularly with the EBL to discuss possible enforcement action, including referral to DPR for state action if appropriate.*
- M.** Compliance with Non-Ag Surface Water Regulations: *LCAC will incorporate this into the compliance monitoring scheme. Goals for this activity are described above. Surface water regulations will be emphasized at appropriate use monitoring inspections and headquarters inspections.*
- N.** Federal rodenticide regulation compliance: *This will be ensured by requiring certification and enforcement of use restrictions. Second generation bait requirements will be addressed as applicable.*

- O.** Focused inspections on employers with employees under medical supervision: *At the present time, LCAC does not have any entities that fall into this category. LCAC will focus on these types of inspections when they arise.*
- P.** Reporting to DPR, complaints or report of loss related to bee kills: *LCAC will continue to maintain a log of complaints and track those regarding bee losses that 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.*

APPENDIX A

**Annual Inspection Goals:**

	<b><u>Goal</u></b>
<b>I. Completed Investigations (Human Effects, Environmental Effects, Property Loss/Damage, Other)</b>	<b>100%</b>
<b>II. Application Inspections (Non-Fumigation)</b>	<b>11</b>
Property Operator (e.g. grower, government)	9
Pest Control Business (e.g. Agriculture, Maintenance Gardener)	1
Structural Control Business (Application, Mix/Load)	1
<b>III. Field Worker Safety Inspections</b>	<b>1 per evaluation period</b>
<b>IV. Mix/Load Inspections</b>	<b>1</b>
<b>V. Field Fumigation Monitoring Inspections</b>	<b>2</b>
<b>VI. Headquarter/Employee Safety Inspections</b>	<b>5</b>
Property Owner (e.g. grower, government)	4
Pest Control Business (e.g. Agriculture, Maintenance Gardener)	1
Structural Control Business (Application, Mix/Load)	1 every other year
<b>VII. Permit Monitoring</b>	
Pre-Application Site Inspections	5%
Use-monitoring, non-age permit holders	100%
<b>VIII. Pest Control Dealer Inspections</b>	<b>1 every other year</b>