

**LOS ANGELES COUNTY ENFORCEMENT WORK PLAN**  
**Agricultural Pesticide Division**  
**January 1, 2015 through December 31, 2017**

**RESOURCES: AGRICULTURAL PESTICIDE USE ENFORCEMENT**

PERSONNEL

- I. Inspection Staff
  - 4 Full-time Inspector IIIs @ 100%
  - 1 Full-time Office Inspector III @ 50%
  - 3 Full-time Inspector IIs @ 100%
  - 1 Deputy Commissioner @ 90%
  
- II. Clerical Staff
  - 1 Full-time staff @ 80%
  - 3 Full-time staff @ 30%
  - 1 Full-time staff @ 10%

PERSONNEL HOURS ALLOCATED TO THE PESTICIDE ENFORCEMENT PROGRAM

- Approximately 21,085 hours are available for a fiscal year.
  
- This includes supervision and clerical hours. This equates to 7.5 licensed inspector years, .9 deputy year and 1.8 clerical years.

ASSETS AGRICULTURAL PESTICIDE ENFORCEMENT

- Each Inspector III has a vehicle for his/her exclusive use.
  
- Inspector IIs have access to vehicles or use their personal vehicles when working in the field.
  
- Each Inspector II and all clerical staff have dedicated workstations with terminal access including the office Inspector III and one district Inspector III who work out of the Arcadia Headquarters.
  
- The three remaining Inspector IIIs work out of field offices located in Lomita, Lancaster, and Sylmar. All three inspectors have dedicated terminals.
  
- New inspectors rotated into the division receive initial training from the inspector they are replacing and the Pesticide Deputy. Inspector IIs also receive training on how to conduct inspections and investigations from the senior inspectors and the

Pesticide Deputy.

#### AGRICULTURAL PESTICIDE WORK ASSIGNMENTS

- Each of the four senior inspectors are assigned to a specific district within the county. One covers the Antelope Valley, the remaining three cover the greater Los Angeles basin area and adjacent Santa Clarita Valley. The senior inspectors conduct annual headquarters record inspections, issue restricted material permits, issue operator ID=s, monitor pesticide applications, investigate complaints and pesticide related episodes/illnesses, conduct pre-application site evaluations and field worker safety inspections. They collect statistical data from crop and ornamental growers within their districts, which is used for production of the Departments Annual Crop Report.
- The three Inspector IIs work primarily in the Headquarters office. They are responsible for: processing monthly pesticide use reports, review out of county restricted material permit applications and issue permits, conduct Private Applicator exams and issue certificates, review of Notices of Intent (NOI) (entering into the database and forwarding to senior inspectors), file and distribute Department of Pesticide Regulation (DPR) communications (Enforcement Letters (ENF), Special Local Need Registration (SLN), Section 18's and various bulletins), write and process Notice of Proposed Actions (NOPA), warning letters and decision letters, prepare and process hearing documents, respond to calls from the public or industry and provide requested information or service (e.g., answer questions, receive episodes, send forms, etc.), assist with the compilation of data and preparation of the Crop Report, and assist senior inspectors with various inspections, issuance of permits and operator IDs including covering their respective districts during scheduled vacations.

#### EXPECTED WORKLOAD-PERMITS AND OPERATOR ID ISSUANCE (Anticipate equivalence to 2014)

- Total Restricted Material permits issued in the calendar year 2014 473\*
  - A. Production Ag/Crop 51
  - B. Production Ag/Ornamental Nursery Stock 35
  - C. Non-Production Ag (Golf Courses, Parks, Govt. Agencies, etc.) 178
  - D. Pest Control Businesses (PCB) 209 (Includes 206 Non-Ag. Permits)

\*In 2014, an additional 43 Non-Ag permits were issued to importers of Chilean grapes and kiwis.

- Total Operator IDs issued in 2014 210
  - A. Production Ag/Crop 50
  - B. Production Ag/Ornamental Nursery 76
  - C. All Others 84
- NOIs 6979

- Total private applicator certificates issued (3-yr period) 119

#### EXPECTED WORKLOAD-COUNTY REGISTRATION

- Pest Control Advisors (PCA) registered 100
- Pest Control Business (PCB) registered 407
- Maintenance Gardeners (MG) registered 99
- Pilots registered 16

#### DESCRIPTION OF CORE ACTIVITIES-RESTRICTED MATERIALS PROGRAM

##### Site Monitoring/Hazard Evaluation

- The Inspector IIIs are responsible for site evaluations and issuance of permits in their districts. Aerial views are available of sites throughout the county via the Internet. All inspectors have Internet access.
- Operator IDs and permit applicants are annually inspected by their respective district inspectors. Inspector IIs can also write both. They receive training prior to issuing permits or IDs and an Inspector III reviews their paperwork. Subsequently all permits are evaluated by the Deputy.
- Targeted pre-site and application monitoring inspections include all methyl bromide soil fumigations and all aerial applied pesticides within the greater Los Angeles basin. (Aerial applications in Los Angeles County of ANY non-restricted or restricted pesticide require a 24-hr NOI.)
- There are two sites where methyl bromide is used to fumigate soil prior to strawberry planting. These sites and existing conditions have been static. Adequate buffer zones are established. Each year, prior to issuance of a methyl bromide permit, the sites are re-evaluated along with the growers work site plan by the district inspector to verify no new conditions exist and the established buffer zones meet requirements.
- Methyl bromide commodity fumigation permits are re-issued on an annual basis. District inspectors review work site plans and conduct site evaluations prior to issuance of a permit. Fumigation monitoring is conducted on a random non-scheduled basis. Averages of 20 or more inspections are conducted on an annual basis.
- Metam sodium applications adjacent to sensitive sites are also targeted.

#### DESCRIPTION OF CORE ACTIVITIES-COMPLIANCE MONITORING

##### Priority Investigations

In the past three years, the Agricultural Pesticide Regulation Division has had six priority investigations. One involved the killing of 12 Chinese Elm trees. The trees were city street trees located in Culver City adjacent to the 405 freeway. Cal Trans applied an herbicide and pre-emergent along their right-of-way that caused the damage to the street trees. One was the result of exposure to a leaking bottle of Diazinon in a passenger's carry-on luggage. Five custom inspectors at LAX were exposed. One involved the intentional ingestion of Diquat and Malathion. Two involved accidental ingestion; a four year old drank drain cleaner, the other was an adult who accidentally ingested Malathion. The last one involved four County firemen and

one County Sheriff exposed to phosphoric acid when a container of Aluminum Phosphide residue caught fire. The District Attorney filed charges in this case and the respondent pleaded guilty.

#### ROUTINE INVESTIGATION/COMPLAINTS

- The number of episodes investigated has averaged 24 for each of the last three years.
- Over the last three years our investigations have resulted in five enforcement actions with civil penalties.
- We have been able to reduce the number of complaints going to the district inspectors for investigation through training of office staff in conducting a more thorough screening while interviewing the complainant. The reduction of episodes has been of the type involving neighbor versus neighbor. The majority of our episode investigations now are generated from illness reports, documented incidents, and legitimate complaints.

#### INSPECTIONS

- Ornamental nursery stock production continues to be L.A.s leading crop. Over 55% of our total annual crop production value is generated by this industry. Monitoring of pesticide applications by nurseries is a major focus. Pesticide handler workers safety issues are one concern. The majority of non-compliances observed at production nurseries involved PPE.
- The number of field worker safety inspections performed has averaged 20 for each of the last three years. Inspections are conducted at agricultural and ornamental sites. The greater percentage of inspections conducted were at wholesale nurseries. The department will continue to monitor field worker safety compliance.
- The proximity of most of the nurseries to residential areas and other sensitive sites is another reason for concern and reason to monitor pesticide activity.
- Due to the proximity of strawberry acreage to sensitive sites (ALL are located within the greater basin area of the County), every methyl bromide application is monitored. The Department budgets overtime to assure coverage of applications on weekends, if necessary. Applications of methyl bromide to strawberry acreage traditionally occur September and October.
- The Department will also budget overtime to cover other high profile applications such as aerial applications which can occur in the greater basin area of the County.
- New regulations to reduce emissions of volatile organic compounds (VOCs) went into effect in 2008. The regulations apply to the field fumigation use of seven fumigants during the period of May 1st through October 31st, each year. Los Angeles County is

within two of the ozone non attainment areas identified in the state. Additional time for inspections and reissuing of restricted materials permits is now required. The amount of additional workload will be determined by the number of permit request received.

- Chemigation is widely used by growers in the Antelope Valley area of the County. This pesticide application method is primarily used in carrot and onion production. Metam sodium and other non-restricted pesticides have been traditionally used about equally. We plan to continue our monitoring of both restricted and non-restricted pesticide chemigation applications to assure compliance.
- Pest control record inspections are another major component of the Department's pesticide regulation program. Inspectors traditionally inspect the records of over 60 pest control businesses, 120 production agriculture businesses and 200 other types of businesses and agencies that apply pesticides to their properties.
- Applications by California Department of Food and Agriculture (CDFA) to eradicate fruit fly infestations or other state eradication projects, such as Asian Citrus Psyllid and Light Brown Apple Moth, are also monitored each time a new area is treated. Public concern regarding general pesticide use necessitates this action.

## REVIEW PROCESS

- All inspections, investigations, and applications for permits and operator ID numbers are reviewed by Pesticide Deputy for completeness and accuracy.
- A DPR Enforcement Branch Liaison schedules visits to audit the division's records and work in the field with inspectors. Oversight inspections conducted to ensure consistency with state guidelines may uncover discrepancies. If a discrepancy occurs, the Pesticide Deputy will review the inspection procedure with the inspector to ensure that correct procedures are understood and the error is not repeated.

## ENFORCEMENT PROGRAM

- When non-compliance is observed by an inspector during an inspection, the inspector will assign a violation number to the inspection form and provide a copy of the form to the person inspected.
- The inspection form is forwarded to the Pesticide Deputy for review and further action. A copy of the inspection form is stamped with bold and large red lettering VIOLATION NOTICE. This copy serves as the violation notice and is mailed to the business owner or property operator which had been inspected. The inspector keeps a copy of the inspection so that they can follow up on any violations that were not corrected at the time of inspection.
- If a violation is uncovered during an episode investigation, the non-compliance is documented on a Notice of Violation form. The notice is forwarded to the Pesticide

Deputy for review and action. A copy is mailed to the person/firm in violation.

- The inspection data, notices of violation and the enforcement or compliance actions are entered into the pesticide data base. Additionally, a hard copy violation file is established and kept with the program record files. This is done to establish a compliance history of the person/firm inspected.
- Follow-up inspections are difficult to obtain on landscape companies. The problem can be from a low frequency of applications, the fact that they may be headquartered outside of the county or low probability of contact with the same firm due to the large urban area which comprises Los Angeles County. Low frequency of applications can also impact follow up inspections involving growers.
- The Pesticide Deputy makes the decision on which action to take regarding violations. The process includes a review of the regulated entity's compliance history. Subsequent violations in a two year period will result in a higher fine or a raise in fine category.
- In general, all violations are considered for civil penalty action on the first occurrence. If a company or individual inspected is required to have, but does not possess, a DPR business license, a stop work order is also issued. Compliance actions in the past have been taken in the form of a violation notice or both violation notice and warning letter for minor oversight violations.
- The Pesticide Deputy's recommendation for an enforcement action or compliance action is forwarded to the Bureau's Deputy Director for review and approval.
- Once a NOPA has been written for a civil penalty action, the NOPA is forwarded to the commissioner for review and signature.
- If a hearing is requested by a respondent, the Pesticide Deputy serves as the Department's advocate. During the past 14 years, a total of 15 hearings were held. The civil penalty actions were upheld, with the exception of two. One was overturned by the hearing officer, the other was reduced.

#### PREVIOUS GOALS AND ACCOMPLISHMENTS FOR THE AGRICULTURAL PESTICIDE PROGRAM

- In 2002 the Ag Pesticide Division developed and published a Growers Guide to provide general information on what is required of a grower who uses pesticides or has pesticides applied by a pest control company for the production of agricultural or ornamental commodities. The guides covered the basic requirements including record keeping, labels, training, field posting, PPE, medical care information, decontamination facilities, equipment and storage. Three hundred copies were published and distributed. In 2006, the Department re-ordered an additional 400 copies of this guide for future distribution. In 2011 the guide was revised again and additional 400 copies were ordered. The guide is also available online at <http://acwm.lacounty.gov/>.

- In February 2008 a guide for other types of property operators similar to the Growers Guide was published. This informational booklet was distributed to all non-production property operators throughout the County, (golf courses, cemeteries, parks, public agencies, etc.), as part of an additional outreach to pesticide users.
- The monitoring of landscape pesticide applications to residential, industrial, and institutional sites by PCBs and Landscapers were areas where we increased our attention. The majority of violations written continue to come from this part of the industry. Lack of Personal Protective Equipment (PPE) use, training, and possession of a valid state business license are the most common violations. To improve overall compliance, the Department initiated an outreach program targeting landscape contractors conducting business within Los Angeles County. An informational letter regarding state pest control business license and County registration requirements was developed. A total of 4,025 Landscape Contractors, located in Los Angeles, Ventura, Orange, San Bernardino and Riverside Counties were mailed a copy of the letter in August 2006. In addition, the Department provided outreach to potential clients of Landscape Companies such as Housing Authorities, Apartment Owner Associations and cities located within the County. The information provided covered state licensing and County registration requirements, workers safety issues, notification requirements, and other pertinent regulations.
- Outreach to first responders, (L.A. County Fire Department, Hazardous Material Force), was initiated in November 2008. The training was provided to Fire Department personnel located in the Antelope Valley.
- In May 2009 an informational letter was mailed out to all cities located within Los Angeles County, all County Departments, special districts, each Board Supervisor, and their respective Deputies. The letter provided information on licensing requirements for contract vendors who provide landscape or building maintenance services and may also be providing pest control as part of their regular routine maintenance services.
- English and Spanish flyers providing general information regarding licensing requirements for the landscape maintenance industry were developed and distributed during 2009.
- In March and April 2010 an informational letter was produced and distributed to rental property owners, property managers, and various homeowner associations. The letter provided information pertaining to licensing requirements for vendors providing pest control services as part of their routine maintenance work.
- In May 2010 the Pesticide Deputy spoke at two meetings of the Greater Los Angeles Apartment Owners Association. The association has over 35,000 members. The topic covered was contracting with vendors who provide pest control services as part of their routine maintenance and the licensing requirements for those types of operations.

- During 2011 the Pesticide Deputy reviewed all out of County pesticide dealer sales reports. Numerous sales, primarily to landscape maintenance companies, were found. Although in most cases the owner or manager possessed a DPR qualified applicator certificate (QAC), they did not possess a DPR pest control business license. Most of these businesses thought a QAC was all that was required to provide pest control services as part of their regular routine maintenance.
- One of the first landscape businesses investigated had an enforcement action taken against them for unlicensed activity in April 2005. Most of the businesses found in violation of FAC 11701 had received the Department's outreach letter dated August 2006. The non-compliances were documented with a violation notice and a Stop Work Order, FAC 11737.
- In October 2012 a second outreach letter was mailed out to all licensed landscape companies located in the Counties of Los Angeles, Ventura, Orange, Riverside and San Bernardino. A copy of the second mailing list was provided to the Pesticide Deputies in each of the four Counties. This letter provided more clarification on business licensing, county registration and other pertinent information.
- Pesticide sales by licensed Dealers, both in-county and out-of-county, were monitored for sale to unlicensed landscape companies.
- The Pesticide Deputy spoke at numerous continuing education seminars for state certified applicators. The topic focused on when a state business license is required. Also covered were safety equipment, application equipment, use reporting and storage.
- The Pesticide Division working in conjunction with the Worker Health and Safety Branch of DPR, monitored off gassing of Methyl Bromide from Chilean grapes and kiwis at cold storage facilities. The fruit must be fumigated to meet USDA quarantine requirements. The program enabled DPR to develop successful mitigation plans for numerous facilities in order to deal with this serious problem.
- Implementation of the CalAg Permitting and Reporting Program.
- Use of CalAg and the internet to identify businesses performing pest control for hire without possessing the proper state business license.
- Providing label clarification to Public Health on chlorine use in public and commercial pools, such as Health Clubs.

#### GOALS FOR THE AGRICULTURAL PESTICIDE PROGRAM

- The Pesticide Division will continue to uphold established policies. Inspections will be thorough and evidence collected will support the enforcement action taken.
- The Pesticide Division will continue to monitor applications conducted by landscape

companies to assure compliance with licensing, PPE use, training, and other state regulation requirements.

- The Pesticide Division will continue to review pesticide dealer sale records to assure compliance with licensing, Food and Agricultural Code Section 11701, and compliance with California Code of Regulations Section 6568, Dealer Responsibilities.
- The Pesticide Division will continue to provide outreach to the regulated industry through seminars, meetings and the Department's website.
- Continue to monitor the internet and media for advertisement and solicitation of pest control for hire by unlicensed businesses.
- Monitor CalAg pesticide use reporting to track companies to ensure compliance with proper license, County registration, restricted material permits and use of CA State registered products only.