PESTICIDE USE ENFORCEMENT PROGRAM WORK PLAN

for

Pesticide Use Enforcement Activities

by the Solano County Agricultural Commissioner

for

Calendar Years 2013-2015

COUNTY

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Name: Alicia Scott

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Dated:

COUNTY

Name: Jim Allan

Title: Agricultural Commissioner/Sealer of Weights & Measures

SOLANO COUNTY DEPARTMENT OF AGRICULTURE

CORE ENFORCEMENT PROGRAM

I. Restricted Materials Permitting

a. Permit Evaluation

b. Site Monitoring

II. Compliance Monitoring

a. Comprehensive Inspection Plan

b. Investigation Response and Reporting Improvement

III. Enforcement Response

COUNTY RESOURCES

Asst. Agricultural Commissioner /Sealer 40% of time in Pesticide Use Enforcement (PUE)

Senior Agricultural Biologist/Weights & Measures Inspector (4) 60% of time in PUE

Office Assistant 2 (2) 30% of time in PUE

All Biologists possess Pesticide Use Enforcement licenses

Program Challenges:

Negligible Spanish language ability

Two Biologists that have been recently added to the PUE program are still learning program duties and responsibilities

Activities in other Departmental programs (due to staffing reductions) draw upon staff hours in the pesticide program during certain parts of the year. Examples: phyto field walking, crop reports and certified producers certificates.

Goal:

Well trained and adequate staffing levels to address program workloads

Deliverables:

Provide in-house training on inspections and investigation techniques. Send staff to DPR sponsored training events to increase knowledge. Provide program goals including workload assignments at the beginning of each calendar year

Measure:

Complete all inspections as assigned following DPR inspection procedures and all investigations within DPR guidelines for both content and timeliness.

Achievements:

The program is now fully staffed with four biologists. Some program duties have been moved providing additional staff time for pesticide enforcement.

I. RESTRICTED MATERIALS PERMITTTNG

Issue restricted materials in accordance with applicable laws and regulations. Use the Department of Pesticide Regulation (DPR) Restricted Materials Compendium for supplemental permit conditions and as a reference when issuing permits.

a. Permit Evaluation process:

Approximately 300 Restricted Materials Permits/Operator Identification (OID) numbers are issued annually. This number has been reduced from over 1000 permits annually, as many of the permanent crop permits and OID's have been issued for 3 year periods.

Permits can be issued by all licensed staff, but with the addition of more biologists to the pesticide program the majority of permits are now reviewed and issued only by pesticide staff.

Permits updated on Cal-Ag Permits from changes submitted by operators prior to their scheduled appointment.

Initial permits issued to, signed and dated by the operator of the property.

PUE program supervisor reviews permits for accuracy prior to issuance

Maps required and submitted by Operator of the Property. Sensitive sites such as streams, ponds, riparian areas, residential tracts, shopping centers, schools, hospitals, recreational areas, buildings and farm labor camps are identified on maps

Seasonal permits are site specific and valid up to one year and expire no later than December 31st of the current year

Multi-year permits valid for up to 36 months issued to operators with permanent crops or for non-ag use as long as compliance with applicable laws and regulations is maintained.

Infrequently job permits are also issued, this is usually for fumigants or perhaps a specific aerial application in a sensitive site.

Cal-Ag Permits updated for any crop or pesticide changes. Supplements signed and dated by operator of the property or property operator's authorized representative

Permittee required to verify alternatives and mitigation measures considered and adopted, when feasible

A Check off list is used to ensure Restricted Materials Permit is correctly issued with all necessary supporting documentation

Strongly recommend property operators remove any unnecessary restricted materials from their permit

All field sites are digitized in the Cal-Ag Permit program

Few restricted materials permit denials, usually due to lack of a certified applicator

Permits for all field fumigant uses, endosulfan and Section 18 chemicals are issued just prior to use rather than on initial permit, allowing the biologists to do a focused assessment of the site prior to issuance.

Permit denials documented

Permit conditions reviewed and updated annually

Program Challenges:

Maps occasionally lack information such as site identification numbers, names of roads or disclosure of sensitive sites, mapping needs to be digitized for larger growers.

Numerous crop changes from year to year and even during the season, increase permit changes and workload

Mapping identity on Cal-Ag Permits is new and labeling is difficult to read

Goal:

Issue all permits in a timely fashion while completing a thorough review of applicable permit conditions

Deliverables:

Review procedures for permit issuance with staff before seasonal permit issuance and emphasize the use of applicable permit conditions.

Revise permit check off list used for permit issuance each year.

Complete any mapping gaps in Cal-Ag database

Begin adding permit conditions to Cal-Ag Permits to allow more opportunity to highlight conditions of use for specific locations.

Measures:

Permits completed within 2-3 weeks of submission, include location narratives as permits are renewed, move conditions from permit condition package to Cal-Ag permit program.

Achievements:

Restricted materials reviewed for accuracy and inclusion of maps and site identification

Growers are submitting their permit changes earlier

Mapping and site identification are more complete

Permit issuance and updates are occurring earlier in the year

More Pesticide Use Reports are now being processed through the online Cal Ag Permit system

Permits have been issued in a timely manner

Restricted materials permit conditions are reviewed and updated annually

b. Site Monitoring Process:

Notices of Intent called in during regular business hours and logged into Cal Ag Permits by support staff

Notices of Intent left on Voice Mail recorded on log the following business day by assigned Biologist, then into Cal-Ag Permits by support staff

Faxed Notices of Intent reviewed by assigned Biologist by the following day

Biologist generates Notices of Intent from previous day and reviews to ensure a valid restricted materials permit issued for site and material and that application is appropriate for job and surrounding area

Department's Cal-Ag Permit program is utilized to assess surrounding sites

The operator of the property, the authorized representative, or the applicator is contacted if there are any properties or conditions that would impact the application

Notice of Intent denied and documented if the application does not meet all conditions. Alternative methods or feasible mitigation measures may be proposed to allow for the application.

Sites for pre-application monitoring selected based on known or perceived hazards, method of application, chemical, and adjacent sensitive areas

Program Supervisor or experienced Biologist reviews fumigation plans for field and commodity fumes

Program Challenges:

High percentage of NOI'S are generated during peak permit season making it difficult for staff to conduct Presites or observe applications.

Urban development in agricultural areas increases complaints/issues

Goal:

Comprehensive review of recommendations, labels, rate, and adjacent crops during NOI and preapplication site inspections

Deliverables:

Review of all NOI's received

Measure:

At least 5% of NOI's received are inspected

Achievements:

Updated fumigant conditions to reflect changes labels and regulations

Notices of intent entered in a timely fashion

Developed a spreadsheet to monitor submission of monthly summary pesticide use reports for pest control businesses

II. COMPLIANCE MONITORING

a. Comprehensive Inspection Plan:

Inspections performed by four licensed biologists

Inspections usually performed during regular business hours but will be expanded to weekend work when workload justifies time expenditure

Biologists assigned a specific number of inspections dependent on other Pesticide Use Enforcement activities, experience, and workload in other programs

Records inspections focused on operators with employee handlers, then fieldworkers. Review ed all handler records and recorded dates for last inspection to a central data base.

As staffing permits conduct records inspections for pest control businesses and growers without employees and those with previous compliant inspections

Program Challenges:

Many applications occur during permit issuance period, and we lack staff resources to conduct inspections at this time - Other program responsibilities draw staff time

Appropriate completion of follow up inspections as workloads are geared toward initiating inspections

Monitoring inspections for commodity fumigations, aerations, non-ag permittees and Branch 3's tend to be scheduled due to difficulty in randomly finding these activities

Goals:

Increased total number of pesticide inspections while maintaining quality and effectiveness

Communicate requirements and successes in compliance to regulated community

Deliverables:

Increase number of inspections with a gradual increase in urban applications such as maintenance gardeners and structural applications.

- Conduct a total 120 monitoring inspections with growers, government agencies, and pest control businesses (including agricultural, aerial, structural, maintenance gardeners and non-ag restricted materials inspections)
- Conduct a total of 16 fumigation inspections including; structural, field and commodity fumigations
- Conduct a total of 80 headquarter audits for; growers, government agencies,pesticide dealers, pest control advisors, pest control businesses, and structural operators

Assign individual inspection goals to PUE team members

Begin weekend and off hour inspections

Conduct 3 training and outreach activities for regulated industries

Focus inspection on those businesses and operators who have not received inspections in the last few years and/or those who have employee handlers.

Measure:

Conduct a greater percentage of inspections within the county compared with 2010-11 (base line when new assignments were introduced).

Shorten timeline between HQ inspections for growers with in employees, and focus on areas in the County or growers who have not been inspected in the last 5 years.

Achievements:

Conducted 3 outreach activities with a total attendance of 150.

Increased number of inspections on unlicensed maintenance gardeners and pest control businesses

Investigation Response and Reporting:

Investigations completed by four trained Biologists

Complaints processed by a Biologist on duty or referred to Program Supervisor as necessary, complaint forms

All investigations recorded on log with date of the incident, complainant

name, pesticide name (if known), respondent name, type of episode, location of the

incident, whether violations were found, and closing date of the investigation

All investigations reviewed by the Program Supervisor

Program Challenges:

Timely completion of investigation reports with available staffing and workloads

Completion of investigations due to time lag in receiving results of Lab analysis

Deliverables:

Complete all investigations within state guidelines

Increase surveillance in areas where the department lacks a regular presence to reduce complaint calls

Plan for improvement:

Program Supervisor to track progress of investigations

Measure :

Complete all non-priority investigations within 120 days of assignment

Achievements:

All Investigations completed in accordance with the investigative procedures manual and submitted to DPR

III. ENFORCEMENT RESPONSE

Apply new regulatory changes to enforcement response plan when reviewing non-compliances for further action.

Process:

Compliance history for previous two years reviewed for any grower or business with one or more non-compliances on an inspection

Enforcement Response Regulation is used to determine appropriate enforcement action

Response based on the respondent's history and severity and type of violation. Greater emphasis put on Environmental and Worker, Health, and Safety violations.

All inspections and investigations reviewed by the Pesticide Use Enforcement Program Supervisor

Copies of inspections kept in grower business file. Compliance or Enforcement actions written or drafted by Program Supervisor.

Program Supervisor reviews actions with Agricultural Commissioner

District Attorney consulted for formal prosecution on significant Class A violations

Program Challenges:

Timelines from violation to Notice of Proposed Action can be extended due to staffing shortages

Goals:

Use of enforcement actions in conjunction with outreach, regular inspection monitoring and education to achieve compliance with pesticide laws and regulations in Solano County.

Deliverables:

Biologists to generate Warning Letters and Decision Reports to reduce time between violations and enforcement actions

Measure:

Initiate majority of enforcement actions within 6 months of incident

Achievements:

Referrals submitted to the District Attorney for Class A violations and compliance that could not be accomplished through the civil penalty process

Special Project Areas

Ag Plastic Recycling Event's- The Department held it first event in November of 2012 and will host another event on May 2013, increase participation by looking at timing, locations and outreach choices.

Look for opportunities to provide safe disposal for unwanted and unused pesticides, as IPM has increased, County growers have moved from more "traditional" formulations to newer chemistries. This leaves many with pesticides in storage that they no longer have a need for. Disposal is difficult at an individual level. Work with DPR, County Resource Management even perhaps DTSC to find ways (grants, contracts) to economically and legally remove these pesticides from the system.

Apply for grants as available to increase education at the consumer level on pesticide handling.

Online Registration for PCB's, PCA's Etc. Using a credit card is normal at most business locations and online purchases etc. are now a common practice. Work with our IT Department initiate a pilot project allowing online registration for pest control businesses.

Continue hosting CE classes for growers and government agencies. Offer a Field Worker Training Class at Dixon May Fair and hold a Dealer/PCA requirements and regulations class

Continue the ongoing collaboration with Solano Resource Conservation District as part of the irrigated lands program. Providing pesticide use report data points as needed that are in turn used in targeted outreach activities. Continue review of materials developed to assure regulatory requirements are not compromised.