

Ventura County Enforcement Work-Plan 2015

Resources

- ✓ Personnel
 - (3) Senior Agricultural Inspectors
 - (1) Agricultural Inspector IV
 - (2) Agricultural Inspector II
 - (1) Agricultural Inspector I

- ✓ Managerial
 - (1) Deputy Agricultural Commissioner
 - (1) Supervising Agricultural Inspector

- ✓ Man Hours utilized in Pesticide Enforcement
 - We project 16,000 inspector hours adjusted for vacation, sick leave and holidays
 - We project approximately 2,000 hours for supervision
 - We project approximately 2,000 hours for managerial
 - We project a total of 20,000 hours for Pesticide Enforcement staff
 - We project a total of 6,600 hours for clerical and student aides
 - Student Aides are involved in Spanish translation and Pesticide Use Report data entry

- ✓ Assets
 - Each inspector has a vehicle for his/her exclusive use
 - Each inspector has a terminal available for issuing permits
 - All personnel including Student Aides have internet access and an Outlook Mail account for email.

- ✓ Training

We send our Inspectors to as many training opportunities as available. Inspectors will attend the following trainings:

 - DPR- Structural Enforcement Training
 - DPR- Investigative Techniques training
 - DPR- Sampling training
 - DPR- N.O.P.A. training
 - Cal EPA- Basic Academy
 - State license exam preparation

- ✓ Office Space
 - We have two offices to provide service to the Industry and the public.
 - Santa Paula
 - 2 Inspectors
 - Camarillo
 - 5 Inspectors, 1 Supervising Agricultural Inspector, 1 Deputy Commissioner

- ✓ Challenges
 - We lose personnel to other counties and to industry that can offer permanent positions with benefits and offer higher pay incentives. This means that we are constantly training new personnel in the PUE program.
 - Our current PUE staff consists of 7 inspectors having less than 2 years total average with PUE experience. This poses additional time challenges:
 - Training for newer staff
 - Oversight of inspections

Core Program Areas

- ✓ Restricted Materials Permitting-Background

Ventura County is its own attainment area for volatile organic compounds (VOC's). The successful efforts of Ventura County growers to achieve reductions in VOC emissions, by reducing the amount of Methyl Bromide (MBR) used in the county has resulted in additional pressure on the alternative fumigants. Rather than using a single fumigant like MBR, growers now resort to combinations of the remaining fumigants to successfully control pests. This has created challenges for staff in the evaluation process of NOI's for the many field fumigation scenarios.

Additional regulations for field fumigation (VOC's) with fumigants have increased the time Inspectors spend reviewing and mapping permitted sites. Regulatory changes have increased the time that inspectors spend evaluating and determining if the permittee has considered all feasible alternatives to the requested pesticides. The acreage in Ventura County dedicated to field grown nursery stock and cut flowers continues to increase. The acreage devoted to raspberries and other hand harvested commodities continues to increase. This exacerbates the shortage of agricultural labor and causes delays in harvesting some commodities compounding scheduling issues for fumigation sites. We commonly have residences and other sensitive areas in or near the buffer zones. There are over 90 schools in Ventura County within ½ mile of conventional agriculture. There are also 29 schools that are directly adjacent to conventional

agriculture. Each of these create additional conditions and precautions to the growers/applicators, and additional work and time spent on evaluation of the proposed work within the department.

Expected Workload

- ✓ Restricted Materials Permits- 634
- ✓ Operator Identification Numbers- 587
- ✓ Notices of Intent
 - Agricultural 1496
 - Structural Fumigation Notifications 5041

- ✓ Fumigation Related Activities
 - Implement of Phase Two labels for all fumigants
 - Fumigation activities increased inspector time in evaluating these labels, NOI's and fumigant management plans
 - Increased inspector time in the review process of fumigation workplans
 - Increased time in review/updating and issuance of computer generated maps for all fumigation sites
 - Assurance that only one grower has the site on his/her permit
 - Consistency between the permit and the GIS mapping layers, and the fumigation work site plans

- ✓ Changing Regulations
 - Additional workload in enforcing and processing updates to restricted materials – specifically expected updates to the chlorpyrifos classification and our projected 500 hour workload increase in evaluation time of proposed applications

- ✓ Permit Issuance Procedures
 - Applicants for permits and OPIDs make an annual appointment for renewal
 - Inspector trainees and any inspector who does not have at least one certification in the PUE area works with a Senior Inspector who reviews their paperwork
 - Permits are reviewed by a Senior Agricultural Inspector or Supervisor

Planned Improvement

- Continued refinement of permitting in Cal Ag Permits Software
- Provide adequate assistance and training to newly hired inspectors
- Complete training for existing inspectors in core areas
- Complete 2015 PEIR's and T cases within a reasonable time period
- Complete Decision Reports within a 60 day time period from violation date
- Restricted Materials and the Permitting Process - Increase the available office staffing during the renewal period.
- The Registration Process for Pest Control Businesses with the County -Increase the available office staffing during the registration period.

Goals and Deliverables

- Continue to complete the mapping of the crop layer
- Detailed mapping of fumigation sites
- Verify fumigation buffer zones in the field prior to the application
- Target permitted sites within 500 feet of a sensitive area for pre-site inspections
- Develop and implement permit conditions that reflect the unique situation in Ventura County
- Increase oversight of Notices of Intent through pre-site inspections
- Permissions, vacating agreements, resolving disputes among competing applicators and fumigation blocks- act as a mediator when needed to accomplish agreements with conflicting schedules among industry and/or the public
- Updating and improving our GIS layers to manage multiple fumigation blocks in real time.

Compliance Monitoring-Background

There has been an Increase in the number of episode investigations over the past 3 years. In 2011 there were 8 PEIR cases assigned to Ventura County. From 2012 through 2014, the average number of PEIR cases has risen to 23 cases per year. Most of these are antimicrobial in nature. The number of illegal residue cases referred from DPR has also increased. In 2012 we received 9 illegal residue cases assigned to Ventura County. In 2013 we received 17 illegal residue cases and 12 illegal residue cases in 2014. This is due primarily to the change in screening methods which expands the number of pesticides that can be detected on produce.

Compliance Monitoring Procedures and Focus

✓ Focus

- Field fumigation
- Monitoring compliance with Phase Two labels and new permit conditions for fumigants
 - Field fumigations commonly occur between May 1 and October 15 in Strawberries. March 1- July 1 in bell peppers and tomatoes
 - Some fumigations in cut flowers and nursery stock occur all year round. These are normally small fields.
- As a result of the phase out of Methyl Bromide we are seeing use of alternative fumigants in all fumigated crops.
- We have two PCB's in the county that perform field fumigations.
- Permit conditions require that NOIs for field fumigation be submitted a minimum 72 hours prior to the proposed application date. This insures that we have the opportunity to conduct pre-site inspections on any proposed fumigation in a sensitive area.
- The use of the VOC tracker allows us to track fumigant use and resulting emissions. This ensures that we do not exceed the annual emission allowance between May and October.
- Applications of Restricted Materials in sensitive areas
- Applications of any material in areas where there is a concentration of complaints
- Other Inspection Strategies
- Structural Pest Control Inspections
 - Continue to send staff to structural trainings
 - Regularly attend local PCOC meetings
- Growers applying their own restricted materials
 - Increase Headquarter Safety Inspections from previous year
 - Increase field workers safety inspections from previous year

- Chemigation Inspections
 - Continue to target equipment used for chemigation to assure compliance with worker health and safety and environmental requirements.
- Commodity Fumigation
 - These inspections are done to insure compliance with regulations and phytosanitary requirements of the importing country.
- Review Process
 - All inspections are reviewed by the Supervising Agricultural Inspector and/or the Deputy Agricultural Commissioner
 - Oversight inspections scheduled with the EBL
 - When a non-compliance is noted on an inspection a meeting is scheduled with the Grower/PCB to discuss the violations and issue a Notice of Violation.
 - The inspector then follows up on any non-compliance not corrected at the site

Planned Improvement

- Additional training for newer inspectors
- Assistance for newly hired inspectors for purposes of passing the two exams that focus on Pesticide Use Enforcement

Goals and Projected Deliverables

- Cal-EPA Basic Inspector Academy for newly hired inspectors for compliance improvement / education for industry
- Increase training in field inspection
- Increase number of inspections completed from last year to help address and decrease any non-compliances
- Mix load and application inspections
- Chemigation inspections
- Fieldworker Safety inspections
- Fumigation Use Inspections
- Pesticide Records Inspections as a follow up to investigations
- Meeting all negotiated target numbers

- Have consistency throughout the year in all available inspections, focusing on fumigations inspections during the May to October months
- Maintain follow-up inspection procedures
- Continue using the follow-up tracking system
- Conduct records inspections as appropriate
- Monitoring to assure that all non-compliances are corrected
- Additional Training in investigative techniques
 - Have all inspectors receive training from DPR to specialize in illegal residue investigations
- Develop additional resources for prioritizing information requests
 - Information request tracking system implemented
- Develop additional resources for prioritizing complaints and more efficiently utilizing our existing personnel in responding to complaints.
 - Complaint records and tracking system implemented
 - Clarify when to go to the site
 - Clarify procedures for response to nuisance complaints.
 - Complete investigations in a reasonable amount of time

Enforcement-Background

The majority of non-compliances noted by PUE staff are for failure to supply or utilize Personal Protective Equipment and failure to follow label requirements

- ✓ Enforcement Procedures
 - Set a standard goal for enforcement response time
- ✓ Planned Improvement
 - Improved tracking of complaints, PEIRs, and residue investigations
 - Improve tracking of Notices of Proposed Action
 - Issue decision reports in a timely manner
 - Issue NOPA's in a timely manner
 - To make sure EBL receives the NOPAs and Decision Reports in a timely manner

Goals and Projected Deliverables

- ✓ Increase participation of staff in the enforcement response process
 - Additional training in writing the Notice of Proposed Action
 - Additional training in appropriate enforcement response

- ✓ Ag outreach
 - Pesticide container recycling event- continue to improve and incorporate pesticide container recycling and outreach
 - Continuing education- conduct our continuing education classes
 - Present field worker pesticide information at various events

- ✓ Improve issuance time of enforcement action to the grower/Pest Control Business
 - Time between the non-compliance and the issuance of the Violation Notice
 - Time between the Violation Notice and the issuance of a Decision Report or a Notice Of Proposed Action

TARGET INSPECTION NUMBERS 2015

<u>Inspection Type</u>	<u>Target number</u>
Pre-site Application Inspections	105
Application Inspection –Grower	45
Application Inspection -Pest Control Business	30
Mix Load Inspection-Property Operator	20
Mix Load Inspection -Pest Control Business	15
Field Fumigation Inspections	50
Commodity Fumigations Inspections	5
Field Worker Safety Inspections	55
Headquarter (HQ) Inspection- Grower	20
HQ Inspection- Pest Control Business	10
HQ Inspection- Structural Pest Control Business	5
HQ Inspection- Pest Control Dealer	3
HQ Inspection- Pest Control Advisor	10
Structural Branch I Inspection	50
Structural Branch II Inspection	8
Structural Branch III Inspection	3