

## DEL NORTE COUNTY ENFORCEMENT WORK PLAN 2016

### I – PESTICIDE USE ENFORCEMENT RESOURCES

#### A) Personnel

1. Ag Commissioner, currently vacant. We are in discussions with a neighboring county regarding a possible MOU for commissioner services.
2. One (1) Agricultural Inspector III, primary resource for pesticide use enforcement (PUE); has other duties in Agriculture, Weights & Measures and Animal Control.
3. One (1) Agriculture Aide, support hours
4. One (1) clerical position, support hours

#### B) Expected Workload PUE

1. Our four Lily Bulb growers are responsible for the majority of our pesticide use, especially restricted materials. It is our goal to conduct at least one application inspection on each grower annually as well as a headquarters inspection every other year.
2. Restricted materials use is concentrated in summer fumigations (Metam-Sodium, Telone), and fall planting (Thimet, Mocap). All restricted materials permitting have been converted to electronic format. Other PUE documents will be computerized whenever possible.
3. Because of issues concerning surface waters being contaminated by pesticides, an increase in the number of inspections of fungicide applications is anticipated.
4. There have been changes in the permit process and regulations of fumigation activities. Fumigant Management Plans are now required and are requiring more time to monitor.

#### C) Corrective Actions

1. No corrective actions were noted on our last Pesticide Program Effectiveness Evaluation.

## II – Core Program Activities

### A) Site Inspections

#### 1. Restricted Materials Permitting

- a) Pre-site inspections shall be made on all fields next to schools.
- b) Pre-site inspections shall be targeted on sensitive sites for summer fumigation and fall planting. Sensitive sites shall include, but not be limited to, mobile home parks, housing projects, child day care centers, commercial buildings, and homes next to fields.
- c) All of the above pre-site inspections are a high priority for worker safety and/or environmental reasons.
- d) If pesticide illnesses occur on these sensitive sites, or there are excessive violations noted, then the site monitoring plan will be assessed and changes made as needed.

#### 2. Hazard Evaluation

- a) Well-Head Protection: All maps shall list well locations.
- b) Condition permits to mitigate newly-identified hazards. As an example, restricted materials use next to schools and child care centers. Additional buffer zones are in place for schools during fumigations.
- c) Review individual sites on permits for issues such as well-head protection and sensitive sites. The Department of Pesticide Regulation (DPR's) oversight/evaluations and pre-site inspections are used to assess decisions made in the reviewing process.
- d) Review the need for restricted materials versus non-restricted materials.
- e) Episode investigations/complaints are considered when issuing permit conditions. Pre-site inspections are done as needed and as staff is available.

#### 3. Permit Guidance

- a) Our department relies strongly on training provided by the DPR. Staff will continue to receive guidance as needed from DPR when making fumigation inspections.
- b) Del Norte County will use DPR manuals concerning RMPs and permit issuance training supplied by DPR. We will also use the permit process as an opportunity to distribute updated DPR materials to applicators.

#### 4. Strengths

a) Allows flexibility to review the need for restricted materials versus non-restricted materials. This includes written policies and procedures provided in manuals developed by DPR including Inspection Procedures Manual, and Restricted Materials and Permitting Manual. Continued training opportunities are appreciated and supported by the Ag Commissioner.

b) Participation at the Bulb Growers Meetings allows rapid and effective communication to the majority of permit holders to any changes and/or anticipated changes in restricted materials process. As an example, give out information concerning fumigation rule changes and new permit conditions, regulations for fumigants, new surface water regulations, etc.

#### 5. Areas Needing Improvement

a) Del Norte County is in the process of implementing a GIS mapping program that can be incorporated into the permit process.

b) There are major changes in locations of lily fields every year, since these locations change every year. All maps must be updated with new field locations, sensitive sites, etc.

c) During the permit process, growers will be informed of the worker safety requirements for their replacements.

B) Compliance Monitoring: Enforcement Response Regulations (ERR), is the major guidance for compliance monitoring. (See attached ERR)

##### 1. Priority Investigations

a) Del Norte County has not had a priority investigation in over twenty years. If there is one, it will be investigated immediately, and a 15-day report will be made, following all guidelines in the Pesticide Episode Investigations Procedures Manual. The investigation report will be complete, thorough, and we will keep DPR informed of the investigation.

##### 2. Routine Investigations/Complaints

a) We will submit all illness investigations to the DPR through the SAW (Secure Access Website), and will use their feedback to make any necessary changes to improve our pesticide episodes investigations.

b) Staffing issues have resulted in a longer than ideal turnaround time on complaints, although it is still within DPR requirements. Our goal is to shorten this time considerably, working toward a goal of resolving complaints within sixty days.

### 3. Pesticide Use Inspections

a) Strategy: The goal is to improve the program so that violations are detected and corrected before they can cause pesticide episodes where people are hurt or environment is harmed. The main emphasis of our targeted inspections will be summer fumigations (Metam-Sodium, Telone), fall pre-plant (Thimet, Mocap), and field worker safety inspections. We do not anticipate any aerial applications of pesticides in Del Norte County. The restricted materials listed above present a hazard to applicators and the public if used improperly. There have been concerns about fungicide applications presenting environmental issues to surface waters that must be addressed and monitored. Flexible scheduling is used when after-hour inspections are needed.

b) Review Process: All pesticide use monitoring inspections shall be reviewed by the Commissioner and/or DPR specialist, to check for accuracy and completeness of inspections. Consultation with DPR is encouraged, and when available, attendance at DPR-provided training, is encouraged.

### 4. Strengths

a) Past evaluations indicate a history of conducting investigations thoroughly and in a timely manner.

b) Past evaluations indicate the majority of inspections are thorough and complete. The DPR oversight inspections and evaluations will be used to review our inspection strategy and to determine errors in compliance. These oversight inspections will also allow training for our new inspector.

c) The county Ag Commissioner's tracking program of pesticide violations is updated monthly to ensure that re-inspections, appropriate follow-up procedures and enforcement actions as needed, are implemented.

d) Attendance at Easter Lily Bulb Growers Meetings will allow Del Norte County to go over pesticide labels, laws and regulations to keep a high level of compliance with pesticides laws and regulations. Our department gives regular updates at these meetings and stressed the importance of avoiding repeat violations. Training has been given at these meetings, and I regularly go over new rules and regulations at these meetings. Surface water issues are regularly gone over at these meetings. We have a unique situation here where the majority of our production agriculture can be reached via the bulb growers meetings. The Easter Lily Research Foundation was awarded an IPM innovator award by DPR, and the manager gives regular updates at these meetings.

e) Training is an integral part of any improvement plan. Particular attention has been given to the summer fumigation period, and training is now required for fumigants such as Metam-Sodium. Fumigant Management plans are now required before fumigants can be applied.

The County Ag Commissioner has, and will continue to show, a strong willingness to encourage participation in DPR's sponsored training and the oversight inspection program. These programs will provide feedback on the level of performance the county inspector is accomplishing and will also help reinforce the knowledge and skills needed to perform PUE inspections. These inspections will enhance the biologist's knowledge and skills.

#### 5. Areas Needing Improvement

a) We continue to have substantial personnel challenges that limit our ability to conduct routine inspections and surveillance.

b) There is an on-going problem of Federal pesticide labels vs. California labels. The farming area for Easter Lilies includes a grower who farms in both California and Oregon. The only pesticide dealer is 100 yards into Oregon. This makes for on-going pesticide label problems. The bulb growers meetings help to facilitate sharing information on California requirements.

#### C) Enforcement Response

##### 1. Violation History Tracking

a) The majority of restricted materials use in Del Norte County is, by far, lily bulb growers, so tracking repeat violations is relatively easy. The tracking system provides a summary that is easily used to target specific violators, types of violations and identify repeat offenders.

b) We have used the tracking system in the evaluation of our PUE program.

##### 2. Review and Decision Process

a) If violations are the "fix-it" type, (examples are legible storage signs, pesticide use reporting violations, etc.), a re-inspection will be done to make sure corrections have been made.

b) Other violations will be evaluated based on severity, repeat violations, etc., and consultation will be made with DPR to determine the course of outcome.

##### 3. Strengths

The ERP, and discussion with Ag Commissioner and EBL, will be used to determine what enforcement actions will be used.

a) The DPR has given training on fumigation monitoring regulations, new notification regulations and will give training on surface water regulations, which will help us implement enforcement actions.

b) Attendance at Bulb Growers Meetings will facilitate getting important worker safety information and training to the bulb growers. (Example: new notification regulations near schools and new training requirements for fumigation applications.)

c) This training has increased compliance rates in issues such as fumigation inspections.

d) Attendance at the Bulb Growers Meetings, education, reinspections, Notice of Violations, and warning letters and enforcement actions have all contributed to compliance with pesticide laws and regulations.

#### 4. Areas Needing Improvements

a) Due to ongoing staff limitations, attendance at DPR provided training will continue to be limited. Until we are at full strength having our inspector attend out of county trainings/meetings leaves us without any coverage in areas that require a licensed inspector.

### III – Desirable Activities

#### A) Attendance at Easter Lily Research Foundation Meetings (Bulb Growers)

There are currently four (4) Easter Lily growers in Del Norte County. Most attend the Bulb Growers Meetings on a regular basis. About three miles north of the California/Oregon border in Brookings, OR, is the Pacific Bulb Growers Research Station. Lee Riddle, Research Manager, gives updates at these meetings. Various chemical companies also attend. Between them, they give updates and training on subjects such as nematode and disease control, new chemicals, label changes, registration status, new pythium control chemicals, bio-fungicides and nematode control alternatives. Mr. Riddle, an IPM Innovator Award winner, also updates the growers on alternatives to Methyl-Bromide, new methods of pest control, less toxic alternatives to pesticides use, and methods to reduce resistance problems on certain fungicides. UC Nematologist, Dr. Becky Westerdahl, has experimental plots at the station and gives periodic updates. Oregon State Cooperative Extension personnel, Debra Giraud, University of California Farm Advisor, USDA Natural Resource Conservation Service, etc., attend these meetings. The Agricultural Commissioner has attended a majority of monthly growers meetings and plans to continue to do so in the future. Communications at meetings is valuable and will help keep a high level of compliance with pesticide rules and regulations. Environmental issues concern water quality, (well water and surface water runoff in the Smith River Estuary). The opportunity for training at the meetings will allow Ag staff and growers to earn continuing education credits.