

Mendocino County Department of Agriculture

**Pesticide Use Enforcement Work Plan
2016-2018**

I. Restricted Materials Permitting

1. Current Status

- Approximately 10 Restricted Material Permits (RMPs) are issued in a calendar year.
- The majority of permits have been converted to operator identification numbers (OPIDs).
- Three licensed Agricultural Measurement Standards Specialists (AMSSs) issue RMPs.
- AMSSs refer to Department of Pesticide Regulations (DPRs) “Restricted Materials and Permitting” (Pesticide Use Enforcement (PUE) Program Standards Compendium Vol. #3) as a guide when issuing RMPs.
- AMSSs will also use the document created by the Mendocino County Department of Agriculture (MCDOA) entitled “Permit Issuance” as a check list of information to gather before issuing permits.
- All permits are issued using the statewide system known as CalAgPermits.
- Permit issuance takes 45 minutes on average.
- An appointment must be scheduled with an AMSS in order to get a new permit or renew an existing permit. This allows for one-on-one communication with the applicant to discuss type of operation: pesticide use, applicator certification, sensitive sites, recommendations, use restrictions and conditions, maps, certified applicators, letter of authorization (if needed), use reporting process and the notice of intent (NOI) process.
- Private applicator exams are administered by a licensed PUE specialist by appointment only.
- MCDOA provides 3 trainings annually to help operators fulfill the continuing education (CE) requirement for renewal of their private applicator license.
- Permittees are encouraged and instructed on how to submit pesticide use reports (PURs) and NOIs in CalAgPermits.

- Currently 80% of PURs are being submitted in CalAgPermits.

2. Planned Improvements

- Continuous training for staff with regard to CalAgPermits.
- MCDOA will conduct an annual review of permits and permitting process to identify areas that need improvement.
- MCDOA will continue to provide training to users of CalAgPermits.
- Correct deficiencies identified during annual review and the DPR performance evaluation.

3. Goals and Projected Deliverables

- MCDOA will strive to assure that the permit review process is thorough, that all pertinent information is collected and documented prior to issuance of permit, and the entire process, including the NOI, assures that restricted material applications are made in a manner that complies with all applicable laws and regulations, while eliminating potential for damage to the public's health, the environment, and those involved in the application.
- Continue efforts to reduce the number of RMPs issued and/or convert them to OPIDs. By querying each grower, we are able to significantly reduce RMPs to be more in line with actual use.
- Provide growers with assistance on using the CalAgPermit system.

4. Measures of Success

- Complete and accurate permits.
- Increase in submissions of PURs using CalAgPermits.
- Decrease in number of NOIs and permits denied.

II. Compliance Monitoring

1. Current Status

- There were approximately 592 annual restricted materials sites in 2015. Approximately two thirds of the sites are forest/timberland sites.
- Pesticide Use Monitoring inspections are performed in seven different geographic regions of Mendocino County: Hopland, Ukiah, Anderson Valley, Redwood Valley, Potter Valley, North Coast and South Coast.
- Inspections are performed by the three AMSSs.
- All NOI's are reviewed by AMSSs.
- Pre-application site inspections are performed on all ag-use fumigations and for other applications when it is determined that only an on-site evaluation will allow for appropriate assessment of risk.
- Mendocino averages 15 agricultural and 50 structural NOIs per year.
- Pre-application site inspections exceed the 5% required.
- The majority of pesticide uses monitoring inspections are conducted February through August. This is the primary pesticide application season for apples, pears and wine grapes.
- Pesticide use monitoring inspections are usually performed Monday through Friday during regular business hours. During the peak pesticide application time of late spring/early summer, early morning inspections (from about 6 to 8 A.M.) are conducted as well. A few weekend inspections are done on ag-use fumigations and other targeted applications and/or Pest control Businesses (PCBs) or operators.
- When selecting a pesticide application to inspect, the AMSS considers several variables: Last time operator was inspected, operators with employee handlers or fieldworkers, type of inspection, pesticide being applied, application/inspection site and

operator's compliance history, type of application equipment, and proximity to sensitive sites.

- Structural fumigation inspections and record inspections are conducted throughout the year.
- MCDOA has developed five synopsis sheets which are intended to provide growers with a quick reference to the requirements for the following:
 - Headquarter/Records Inspection
 - Production Agriculture Application Inspection
 - Non-Production Agricultural Pesticide Application
 - Field Worker Safety
 - Respiratory Program Summary
- Synopsis sheets are available on website and upon request.

2. Planned Improvement

- Discussions with our DPR Enforcement Branch Liaison (EBL) will be used to address statewide goals and concerns and correct deficiencies identified in the DPR Performance Evaluation.
- Provide periodic in-house training to staff on inspection procedures.
- Inspections will continue to be focused on areas where past inspections have identified increased non-compliances.
- More focus on inspections that may get overlooked due to difficulty getting to application site i.e., locked gates, escort required due to remote location, and no way to reasonably monitor site activities.
- Use our resources most effectively for the purpose of protecting the public health and the environment.
- Pesticide deputy will provide more oversight on inspection form completeness and quality control.
- MCDOA will conduct annual review of inspection records and PURs in order to identify possible additional inspection areas.
- Staff will utilize the supplemental inspection form to capture a more accurate picture of the operation or application being inspected.
- Increased opportunities for DPR EBL to conduct oversight inspections with AMSSs.

3. Goals and Projected Deliverables

- Provide sufficient compliance monitoring in order to ensure the safety of public, fieldworkers, pesticide handlers and the environment.
- More attention dedicated to cannabis producers, school sites structural branch II&III and maintenance gardener inspections.
- Provide compliance assistance to new pest control businesses and new property operators.
- Develop guides on Best Management Practices for making pesticide applications near or around schools and bee hives.
- Inspection Goals:
 - Application Inspections (Non-Fumigation) 15
 - Field Worker Safety Inspections 5
 - Mix/Load Inspections 7
 - Field Fumigation Monitoring Inspections All
 - Headquarter/Employee Safety Records Inspections 15
 - Pest Control Business Record Inspections 3
 - Pest Control Dealer Record Inspections 1
 - Agricultural Pest Control Advisor Record Inspections 5
 - Structural Pest Control Inspections 7
 - Pre-Application Site Inspections 5% of NOIs
- 25% of Employer Headquarter Inspections will be conducted as “follow-ups” to “use monitoring” (field) inspections where employee safety non-compliances were identified. These follow-up inspections will be initiated within 30 days of the initial use monitoring inspection.
- Provide growers with DPR’s document “What Pesticide Applicators Can Do to Help Protect Bees.”

4. Measures of Success

- Inspection reports indicating improved compliance.

- Decrease in pesticide illness exposures and drift complaints.
- Reduction in inspection reports sent back from DPR to county for corrections or missing information.
- A portion of all application inspections includes inspections on cannabis production, maintenance gardeners and structural branch II and III.
- MCDOA will create and distribute a list of “Best Management Practices” for operations making pesticide applications near schools and bee sites

III. Enforcement Response

1. Current Status

- Three AMSS and the Assistant Commissioner have experience conducting pesticide investigations.
- Illness investigations initiated at DPR are received through the SAWS system.
- All illness investigations are sent to DPR through the SAWSs system.
- All complaints are logged and initiate an immediate response to determine if further investigation is required.
- High priority is given to investigations involving human exposures and drift incidents.
- The Ag Commissioner is the only staff member that has experience advocating cases and being a hearing officer.
- 3 CCR 6128 is applied to all violations.

2. Planned Improvement

- Coordinate with DPR to assist county with advocacy training for Assistant Commissioner.
- DPR EBL will provide training in 2016 on how to write Decision Reports and Notice of Proposed Actions (NOPAs).

- Arrange for new staff to receive DPR or CAC training related to enforcement and investigations.
- Assure investigations are completed in a timely manner.
- The department will coordinate with DPR on investigations involving bee kills and refer to US EPA's "Guidance for Inspecting Alleged Cases of Pesticide-Related Bee Incidents".

3. Goals and projected deliverables

- Assure that all investigations are conducted following DPR's "Investigative Procedures Manual" (PUE Program Standards Compendium Vol. #5) and lab samples are submitted according to DPR protocols.
- Provide the respondent with due process, and be well prepared if a hearing is requested.
- Confer with assigned EBL on cases to assist with achieving appropriate and consistent enforcement response.

4. Measures of success

- Less compliance and enforcement actions due to an increase in overall compliance.
- Successful outcomes for the MCDOA when enforcement actions are taken.

IV. Priorities and Other Pesticide Regulatory Activities

- The department will provide trainings to Cannabis growers in the county, on how and when to obtain OPIDs, which materials they are allowed to use and how to use them safely, and provide training on the submission of use reports.

- All farming operations making applications in close proximity to school sites and licensed day cares will be identified. BMP's will be developed to assist operations on how to safely make applications near schools or licensed day cares.
- The inclusion of pesticide use enforcement topics in the annual MCDOA newsletter.
- Continue to provide staff to speak about pesticide use enforcement at trainings sponsored by at events sponsored