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RIVERSIDE COUNTY PESTICIDE USE ENFORCEMENT WORK PLAN

Calendar Years 2014, 2015 and 2016

The Riverside County Agricultural Commissioner's Pesticide Use Enforcement Work Plan has been developed using the California Department Pesticide Regulation (CDPR) Enforcement Letter ENF 08-18, Pesticide Use Enforcement Program Planning and Evaluation Guidance. This document was used as a guidance to effectively target core program priorities and to evaluate the pesticide use enforcement program within Riverside County. This document allowed the Agricultural Commissioner to effectively analyze what resources are available to focus on the core enforcement program in order to assure a high level of compliance by the regulated community regarding pesticide laws and regulations.

The core enforcement program covers the following elements:

- Restricted materials permitting
- Compliance monitoring
- Enforcement response

The Riverside County Agricultural Commissioner's Office has 4 District offices in 4 different regions of Riverside County – Riverside/Corona District, San Jacinto District, Coachella Valley District, and Palo Verde Valley District. Within each of these districts, the Agricultural & Standards Investigators (ASI) have multiple responsibilities, including pesticide use enforcement (PUE). Approximate hours worked in PUE activities are:

- Riverside/Corona District (Two ASIs): two ASIs work 80% to 85% of hours in PUE.
- San Jacinto/Temecula District (Two ASIs): one ASI works 50% to 60% of hours in PUE; one ASI works 20% to 25% of hours in PUE.
- Coachella Valley District (Three ASIs): two ASIs work 90% to 95% of hours in PUE; and one ASI works 15% to 25% of hours in PUE.
- Palo Verde Valley District (One ASI): one ASI works 60% to 65% of hours in PUE.

Approximately 19,438 hours were devoted to pesticide use enforcement activities in Calendar Year 2011, consisting of approximately 12,200 hours for ASI and Deputy activities (this equates to approximately six full time staff), 4,700 hours for clerical support and 2,500 hours for supervision / management. Approximately 18,646 hours were devoted to pesticide use enforcement in Calendar Year 2012, consisting of approximately 11,450 hours for ASI and Deputy activities (this equates to approximately six full time staff), 4,700 hours for clerical support and 2,460 hours for supervision / management. Approximately 17,250 hours were devoted to pesticide use enforcement in Calendar Year 2013, consisting of approximately 11,110 hours for ASI and Deputy activities (this equates to approximately six full time staff), 4,014 hours for clerical support and 2,126 hours for supervision / management.

Resources allocated to pesticide use enforcement activities in Calendar Year 2013 decreased from resources allocated in Calendar Years 2011 and 2012 due to PUE personnel assisting in other programs in order to fulfill mandatory contracts Riverside County has in programs with the California Department of Food and Agriculture. Consequently, personnel and hours devoted to pesticide use enforcement activities were reduced in Calendar Year 2013. In Calendar Years 2014, 2015 and 2016 it is anticipated that resources for ASI PUE activities will remain consistent with the resources allocated in Calendar Year 2013. All hours expended on pesticide regulatory activities are reported on the Pesticide Regulatory Activities Monthly Report (PRAMR).

Agricultural & Standards Investigators (ASI) use county supplied vehicles to conduct their work, and communication is primarily through the use of personal cell phones and departmental cell phones. Each District office has a computer station for ASI use so that they may receive and send email and have access to CDPR enforcement letters and other information on line. Each computer station is also used by ASIs to issue Restricted Materials Permits.

The core enforcement program, by the element, is listed below with the anticipated staffing hours for calendar year 2014, calendar year 2015 and calendar year 2016:

		2014	2015	2016
Restricted Materials Permitting	–	2,600 hours	2,600 hours	2,600 hours
Compliance Monitoring	-	7,000 hours	7,000 hours	7,000 hours
Enforcement Response	-	900 hours	900 hours	900 hours
Supervision/Management	-	3,000 hours	3,000 hours	3,000 hours
Support Hours	-	3,500 hours	3,500 hours	3,500 hours
Totals		(17,000 hours)	(17,000 hours)	(17,000 hours)

A. RESTRICTED MATERIALS PERMITTING

Annual evaluations conducted by CDPR of Riverside County's Restricted Materials Permitting program have found that the program meets the requirements of CDPR, including issuing restricted materials according to the California Food and Agricultural Code (FAC) and California Code of Regulations (CCR), with no corrective actions necessary. The self-evaluation of the Restricted Materials Permitting program by the Riverside County Agricultural Commissioner's Office also found that restricted materials permits are issued according to pertinent California laws and regulations. Each of Riverside County's four Districts has its own unique situations and conditions. The Restricted Materials Permitting program is constantly monitored to assure that all four Districts issue restricted materials permits in a uniform manner and in strict accordance with the state requirements mentioned above. The goal is to continue this uniformity in Calendar Years 2014, 2015 and 2016.

Deliverables:

To achieve and maintain uniformity in the Restricted Materials Permit (RMP) issuance process, the Deputy will have an annual meeting with the PUE staff to assure that all personnel are aware of what items need to be issued during the RMP issuance process. During this meeting it will also be explained that each District can address their local concerns when the RMP is issued, but to make sure that the Deputy is aware of local District RMP conditions of use. In addition, the Deputy will visit each District during the time that RMPs are issued to make sure that RMPs are being issued uniformly in all four Districts.

Restricted Materials Permit Evaluation – Process Evaluation and Improvement Planning

Riverside County Restricted Materials Permits (approximate number)

* Agricultural Annual	300
* Agricultural Multi-Year	420
* Non-agricultural	130
Total	850

Restricted Materials Permits are issued according to the guidelines and procedures of the Pesticide Use Enforcement Program Standards Compendium (Volume 3), Restricted Materials and Permitting. Agricultural & Standards Investigators (ASIs) review each application for a permit, as well as each site on the permit application, and condition the permit as necessary following CDPR protocol and Riverside County conditions of use.

Approximately 35% of the Restricted Materials Permits issued by Riverside County are for annual production agricultural use situations and are generally issued to the same permittee each year for the same pesticides for use on the same crops and sites.

Approximately 50% of the Restricted Materials Permits issued are multi-year permits and are issued for a period of up to 3 years. These permits are issued to cities, golf courses, parks departments, growers with "permanent" crops, such as citrus and grapes, and pest control businesses (non-agricultural permits). A Permittee with a non-agricultural permit is required to submit a Notice of Intent for each year of the multi-year permit until a Pesticide Use Monitoring Inspection is done by the Riverside County Agricultural Commissioner's Office.

In addition to the 850 Restricted Materials Permits, Riverside County has approximately:

- 370 Operator Identification Numbers
- 350 Agricultural Pest Control Businesses registered annually
- 70 Maintenance Gardeners registered annually
- 680 Structural Pest Control Operator registrations annually
- 110 Agricultural Pest Control Advisers registered annually
- 95 Farm Labor Contractors registered annually
- 40 Pilots registered annually
- 2,000 Structural Notices of Intent (Branch 1) reviewed annually
- 150 Private Applicators Certified

Site Monitoring Plan

The existing site monitoring plan for Riverside County has been successful for many years. Approximately 1,500 Notices of Intent (NOI) are received by Riverside County each year. Each NOI is reviewed according to the requirements of the California Code of Regulations. High priority is given to the most toxic restricted materials, such as field fumigants, cotton defoliants, phenoxy herbicides, Hydrogen Cyanamide (a plant growth regulator), commodity fumigants and proposed sites for treatment near sensitive areas. This same high priority for site monitoring is also given to other pesticides of a lesser toxicity that have a history of non-compliances or complaints associated with them.

Deliverables:

The following is a list of the pesticides receiving high priority monitoring in Riverside County. For each of these pesticides, there are potential hazards associated with them, especially in an agricultural/urban setting. Consequently, the Agricultural Commissioner's Office will dedicate the necessary resources to monitor the use of these pesticides to ensure that these pesticides are used safely at the site being treated. The monitoring done by the Agricultural Commissioner will assure compliance with all applicable laws, regulations, and permit conditions in an effort to protect the public, workers, and the environment. Crops listed are those crops on which each of the respective pesticides are most commonly used; the acreages listed are approximate.

- Permit conditions for the use of field fumigants (Metam Sodium, Metam Potassium, Methyl Bromide, 1,3 Dichloropropene, Dazomet, Chloropicrin) will be developed based on the new EPA labels and suggested permit conditions from

CDPR. Permit conditions will maintain consistent use of these field fumigants across the county regardless of the label present at the use site.

- Field Fumigants - Riverside County has two Non-attainment Areas (NAA), South Coast and Southeast Desert. The use of these pesticides will be closely monitored due to the VOC Regulations and Permit Conditions.

  - Metam Sodium/Potassium (Winter, Spring, Summer, Fall)
    * 48 hour Notice of Intent (all Districts except Coachella Valley);
    * 72 hour Notice of Intent (Coachella Valley District);
    * Job permit required in Riverside District and San Jacinto District;
    * Pre-application site inspections done on 100% of proposed applications;
    * Coachella Valley District – peppers, miscellaneous vegetables.

  - Methyl Bromide (Winter, Spring, Fall)
    * Job permits are required in Riverside and San Jacinto Districts
    * Pre-application site inspections done on 100% of proposed applications;
    * Coachella Valley District – miscellaneous vegetables;
    * Riverside District – strawberry;
    * San Jacinto District – strawberry, turf.

  - 1,3 Dichloropropene (Winter, Spring, Fall)
    * Job permit required in Riverside and San Jacinto Districts;
    * 48 hour Notice of Intent required (all Districts);
    * Pre-application site inspections done on 100% of proposed applications;
    * Coachella Valley District – miscellaneous vegetables;
    * San Jacinto District -- strawberry, potatoes.

- Cotton Defoliants – Palo Verde Valley District
  - Thidiazuron
  - Tribufos
  - Paraquat
  - * 24 hour Notice of Intent required for all cotton defoliants;
  - * Pre-application site inspections done on proposed sites near sensitive sites.

- Hydrogen Cyanamide (HCN) – Coachella Valley District
  - Closely monitored due to the potential damage to lemons by HCN;
  - Table Grapes – December and January;
  - 72 hour Notice of Intent required;
  - Equipment inspection (mix/load, application, safety) required prior to first use of the season;
  - Pre-application site inspections done on 100% of proposed applications;
  - Compliance monitoring occurs 7 days per week, including nighttime;

- Phenoxy Herbicides (2,4-D)
  - Palo Verde Valley District – wheat;

- San Jacinto District – wheat;
- Riverside District – wheat;
- 24 hour Notice of Intent required;
- Pre-application site inspections are done on sites near sensitive sites as shown on the Restricted Materials Permit.

B. COMPLIANCE MONITORING ELEMENT

The annual evaluations done by CDPR of Riverside County's compliance monitoring program have found that the compliance monitoring element of the PUE program to be acceptable and within the requirements of CDPR. The self-evaluation done by Riverside County of the current compliance monitoring component found that the PUE program meets all of the requirements of CDPR, including proper enforcement of applicable laws and regulations. Riverside County will continue to monitor the components of the compliance monitoring element to assure that the requirements of CDPR are met during Calendar Year 2014, Calendar Year 2015 and Calendar Year 2016. The way this will be done is proposed as the following:

Deliverables:

- Assure that inspection forms are thorough and accurate.
  * Riverside County Agricultural & Standards Investigators (ASIs) will conduct inspections per the procedures in the Inspection Procedures Manual, Volume 4 of the Pesticide Use Enforcement Program Standards Compendium. ASIs will review forms for completeness and accuracy prior to submitting the forms and PRAMR to the Deputy

- Assure that investigations are conducted according to the requirements of CDPR.
  * ASIs will conduct and complete investigations per the procedures in the Investigation Procedures Manual, Volume 5 of the Pesticide Use Enforcement Program Standards Compendium

- Communication between ASI staff and the Deputy.
  * Interaction of Deputy with ASI staff in the field; quarterly meetings between the Deputy and ASIs.

- Coordinate oversight inspections and effective evaluations with the EBL assigned by CDPR to Riverside County so Riverside County can maintain an effective Compliance Monitoring Program.

Training and Outreach

In an effort to achieve and maintain compliance, the Riverside County Agricultural Commissioner's Office participates in training and outreach sessions for growers, licensees throughout the year. Outreach is accomplished by having individual and group

meetings with the various regulated industries, letting them know how to comply with California laws and regulations and local Riverside County pesticide use conditions. Information about various websites is also given to persons or groups during these meetings, including CDPR, CDFA and the University of California Cooperative Extension.

The following are mandatory Stewardship Training Sessions required by Riverside County prior to the issuance of the restricted materials permit:

** Metam Sodium/Potassium - all handlers of these pesticides are required to attend a Stewardship Training class offered by the manufacturer. Riverside County ASI PUE staff also attend to review permit and use conditions with permittees and handlers.

** Hydrogen Cyanamide (Coachella Valley) -- all handlers of this pesticide are required to attend a Stewardship Training class offered by the manufacturer. Riverside County ASI PUE staff also attends to review permit and use conditions with the permittees and handlers.

Compliance Assistance inspections are also utilized in an effort to assist those individuals and businesses without prior knowledge of pesticide laws and regulations achieve compliance. In calendar year 2013, several compliance actions were issued to "specialty crop" growers for violations of pesticide laws and regulations. These violations were committed due to a lack of knowledge and understanding of pesticide laws and regulations. Compliance Assistance inspections will be utilized in an effort to increase the compliance level of "specialty crop" growers.

Investigations

The Riverside County Agricultural Commissioner's Office prioritizes completion of investigations and puts special emphasis on:

- Illness & Complaint Investigations – 50 to 75 per year

  There are approximately 50 human illness investigations that Riverside County investigates each year. In addition, a variety of complaints are received, ranging from odor complaints, damage to crops caused by drift or contaminated application equipment, people complaining about pesticide misuse by their neighbor, and pets that become ill from pesticides applied on or near a homeowner's property. Each illness and complaint will be investigated according to the procedures in the Investigation Procedures Manual, Volume 5 of the Pesticide Use Enforcement Program Standards Compendium. Additional guidance will be requested from CDPR, as necessary, so the investigation will be completed in a timely manner.

- Priority Investigations – as needed

  We will conduct these investigations according to requirements in the Investigation Procedures Manual, Volume 5 of the Pesticide Use Enforcement Program Standards Compendium. CDPR will be updated

with 15 day progress reports. The investigation will be completed within 60 days of initiation.

The following is an estimated number of the types of inspections that Riverside County will conduct during calendar year 2014, calendar year 2015 and calendar year 2016. These inspections and the estimated numbers of each are used as a tool to assist Riverside County in accomplishing the goals stated above. Adjustments to the individual numbers may need to be made as the calendar Year progresses and the work plan is assessed.

CY 2014, 2015 and 2016

I.	**Completed Investigations (Human Effects, Environmental Effects, Property Loss Damage, Other)**		**100 %**
II.	**Application Inspections (Non-Fumigation)**		**456**
	Property Operator (e.g. grower, government) -	260	
	Pest Control Business (agric., maintenance gardener) -	115	
	Structural (Application & Mix/Load)		
	Branch 2	76	
	Branch 3	5	
III.	**Field Worker Safety Inspections**		**61**
IV.	**Mix/Load Inspections**		**229**
	Property Operator -	141	
	Pest Control Business –	55	
	Structural Branch 2 -	30	
	Structural Branch 3 -	3	
V.	**Fumigation Monitoring (Inspection + Equipment)**		**121**
	Field -	23	
	Commodity -	40	
	Structural Branch 1 – Application/Aeration –	58	
VI.	**Headquarters/ Employee Safety Inspections**		**224**
	Production Ag./Other –	130	
	Pest Control Business –	42	
	Structural Pest Control Business –	52	
VII.	**Permit Monitoring**		
	Pre-Site Evaluations – 5%		
	Non-Agric. Permit – 100%		
VIII.	**Pest Control Business Records Inspections**		**52**
IX.	**Structural Pest Control Business Records Inspections**		**53**
X.	**Pest Control Dealer Inspections**		**14**
XI.	**Agricultural Pest Control Advisor Record Inspections**		**23**

Total Compliance Monitoring Inspections (does not include item VII)	**1,233**

Emergency Response Plan to Pesticide Incidents

The Riverside County Agricultural Commissioner's Office responds to and investigates all pesticide emergencies and incidents that occur within the county. This response is done both during regular business hours and during after business hours. The Riverside County Agricultural Commissioner's Office maintains a list of PUE personnel with contact telephone numbers that will respond to pesticide incidents and emergencies. This list is shared with the following agencies in an effort to have improved coordination during a pesticide related incident or emergency: Riverside County Department of Environmental Health, Riverside County Sheriff Department, Riverside County Fire Department, Riverside County District Attorney Environmental Crimes Task Force, California Department of Pesticide Regulation, California Department of Fish & Game, as well as local police and fire departments.

C. ENFORCEMENT RESPONSE

The annual evaluation by CDPR determined that Riverside County's enforcement program met the requirements of CDPR during calendar years 2010, 2011 and 2012, including the appropriate and proper application of laws and regulations. The program has been found to be acceptable by CDPR and it has been determined and that no corrective actions are needed. The enforcement response program in Riverside County has been in place for a number of years and has been applied on a consistent basis. This has provided Riverside County with a sound basis for its enforcement response program and has resulted in appropriate enforcement actions being taken on consistent basis. A self-evaluation done by Riverside County during calendar years 2011, 2012 and 2013 of the enforcement response program found that the requirements of CDPR are being met by Riverside County.

The enforcement response of Riverside County is made up of the following elements:

- The Enforcement Response Regulation (ERR) is followed when considering an enforcement response.
- After the discovery of a non-compliance, the ASI schedules a follow-up inspection, if possible, to make sure that all non-compliances have been corrected.
- Each time a non-compliance is noted by an ASI during an inspection or investigation, a compliance action /enforcement action is taken.
- History of each person or company with a non-compliance is kept and tracked so that appropriate enforcement actions are taken, per the ERR.

- If it is determined that an enforcement action needs to be taken, then a Notice of Proposed Action is prepared and sent by certified mail to the respondent.
- If necessary, cases will be referred to the District Attorney, or to the Director of CDPR or to the Structural Pest Control Board for a statewide licensing action or Attorney General action.

For Pesticide Enforcement Activities
by
Department of Pesticide Regulation
and the
Riverside County Agricultural Commissioner
for
Calendar Years 2014, 2015 & 2016

County

Name: Robert Mulherin
Title: Deputy Agricultural Commissioner
Date: 3/7/14

Name: John Snyder
Title: Agricultural Commissioner
Date: 3/7/14

DPR

Name: Bhupinder Dhillon
Title: Environmental Scientist
Date: 2-25-2014

Name: Jahan Motakef
Title: Environmental Program Manager I
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