

Sacramento County Agricultural Commissioner
Pesticide Use Enforcement Workplan
Calendar Years 2013-2016

Revised January 25, 2013

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Resources – 3 offices

Sacramento County has one main office and two field offices. The Sacramento office has one Pesticide Use Enforcement (PUE) Deputy who manages the PUE program and oversees urban PUE, and two senior agricultural inspectors who spend about 78% and 20% of their time, respectively, in the urban PUE program. The Galt field office is staffed with one Deputy who also supervises the Walnut Grove field office. The Walnut Grove field office is staffed with two Senior Agricultural Inspectors, who spend about 60% of their time in the PUE program, primarily involving agricultural production.

<i>Sacramento Office (main)</i>	<i>Galt</i>	<i>Walnut Grove</i>
1 PUE Deputy (70%)	1 Deputy (62%)	2 Sr Ag Inspectors (60% ea)
1 Sr Ag Inspector (78%)		
1 Sr Ag Inspector (20%)		
1 Clerical		

Note: In addition to the 3 inspectors eliminated from the PUE program in 2009, and another in 2010 budget cuts, further budget reductions occurred in FY 2010/2011, resulting in the layoff of 3 full time inspectors in June 2011. Two of the three inspector positions were fully restored in October 2011. One of the re-instated inspectors was formerly a Weights & Measures inspector and has been working in PUE since October 2011. There is no projected replacement for the 4 inspectors who formerly worked in the urban PUE program.

Enforcement and compliance actions are written by the PUE Deputy and Urban Ag Inspector assigned to the main Sacramento office. Enforcement and compliance actions resulting from violations originating out of the Galt or Walnut Grove offices are written by the Sacramento based PUE Deputy and reviewed by the Galt Deputy for accuracy.

I. Restricted Material Permitting

A. GOALS

Sacramento County’s goal is to provide timely, business friendly service to permit applicants while providing a comprehensive and thorough evaluation of the situation and making informed and well thought out decisions when determining when, where or if restricted materials should be used. The goal is prevention or control of pests with protection of people, animals (including bees) and the surrounding environment.

Improvement in several areas could make this goal more easily attainable. These areas include a more user friendly, efficient, and streamlined software program for permit

issuance, faster computers and increased knowledgeable staff to make service more timely.

B. Current permit Issuance Practices

In 2012, Sacramento County issued 298 restricted materials permits (RMP's) and 217 operator ID#'s. These numbers have remained fairly consistent over the last three years.

The Galt & Walnut Grove field offices issue the majority of the agricultural production RMP's and operator identification numbers (ID#'s). Permits are primarily issued in the office and occasionally in the field depending on the situation and the inspector's knowledge of the site. Currently, permits are most often issued on handwritten forms to the customer and later entered in CalAgPermits due to the extensive time involved in entering the data in CalAgPermits.

The Sacramento office primarily issues RMP's and ID#'s to non-production sites such as cemeteries, golf courses, parks and government agencies by office appointment and are generated directly on the computer using CalAgPermits.

RMP's are issued to the operator of the property to be treated or to licensed pest control businesses for urban non-ag permits. The name of the certified private (PAC) or commercial applicator, business address and license or certificate number with expiration date is included on the permit. The permits are signed by the permittee or an authorized representative (3 CCR Section 6420). When signed by an authorized representative, written documentation of that authorization is required. Permittees agree that they have considered feasible, reasonable and effective mitigation measures when using pesticides that require permits. All ag permits are site specific and issued for a period of one year or less. Applicants are required to provide a map of the intended application sites. Maps must include any sensitive sites located around the intended application site. Sensitive areas include hospitals, schools, playgrounds, daycare centers, residential areas, labor camps, crops, parks, lakes, waterways, livestock, bee yards & critical habitat for endangered species and other wildlife.

RMP's issued to pest control businesses or other non-ag entities are not necessarily site specific but are also valid for a period of one year or less. Sacramento County does not issue any multi-year restricted materials permits. Permit conditions are issued at the time of permit issuance and in most cases are either pesticide and/or site specific. Permits are generally only issued to licensed or certified individuals. Private Applicator Certificate (PAC) holders provide documentation of required continuation education to renew their PAC. (If an individual expresses an interest in obtaining a PAC, exams are available free of charge in the office by appointment.) In cases where the permittee is not licensed or certified, the RMP is conditioned so that the material may only be applied by a licensed, registered pest control business. RMP's are only issued by inspectors that possess the

statewide Pesticide Regulation License issued by CDFA (California Department of Food & Agriculture). If an applicant has employees, appropriate worker safety requirements are discussed. A Worker Safety Packet (which includes a written training program, training record & required respirator use documentation) is provided, in addition to the Pesticide Safety Information Series leaflets. Respirator regulations are discussed if applicable and previous violations are reviewed and discussed. The electronic use report submittal process using CalAgPermits is explained and customers are often times signed up for an account during the registration appointment. The new Surface Water Regulations are discussed with pest control businesses and copies of the applicable definitions and code sections are distributed.

Permittees are required to file a Notice of Intent (NOI) at least 24 hours prior to start of an application of a restricted material in Sacramento County. NOI's may be submitted by phone (a recorded line), fax, mail or in person. A log of received NOIs is maintained at the main office and at both field offices (Galt & Walnut Grove). The NOI requirement may be waived by our office in the case of urban pest control businesses that make large numbers of applications every month and have a good compliance record. This waiver is only granted after a minimum of an annual application inspection indicates no non-compliances. A NOI with less than 24 hour prior notice may be approved when the commissioner (or inspector) determines, due to the nature of the commodity or pest problem, effective control cannot be obtained or it is determined 24 hours are not necessary to adequately evaluate the intended application. The determination is noted on the NOI log.

Permits are evaluated to determine if an adverse environmental impact or health hazard may result, at the time of issuance and when notice of intent is received. A permit or NOI is denied or conditioned recognizing and utilizing appropriate mitigation measures. Appropriate mitigation considered includes but is not limited to: knowledge of local conditions, pest management guidelines, restricted material hazards, pesticide information series, locally developed permit conditions, laws & regulations & nearby high hazards (to both human exposure and damage to environment or other non-target sites).

C. PROJECTED DELIVERABLES/PLANNED IMPROVEMENTS

Permit Issuance/CalAgPermits:

- With the implementation of the CalAgPermit program in August 2012, which replaced our existing AgGIS program, our level of efficiency and productivity has been impacted significantly. CalAgPermits was introduced just prior to registration season and created a challenge with slow computers and adjusting to a program which required multiple screens and inputs. In the Walnut Grove and Galt offices, permits are currently issued on paper to the customer and later entered in the program, due to the

extraordinary amount of time necessary to enter the data in CalAgPermits. We do not foresee the process improving unless changes are made to simplify the CalAgPermit program to require less redundancy and more efficiency in issuing RMP's, ID#'s and creating maps. It is anticipated that the time expended using CalAPermits will negatively impact the hours available by staff in other areas, such as use monitoring, headquarters, surveillance and other activities. Fortunately, the Sacramento office issues RMP's and ID#'s with less complexity primarily to pest control businesses, non-production ag and small growers and has not been affected as adversely.

- We will focus on decreasing the number of restricted materials indicated on permits and reduce the number of RMPs, by emphasizing permit renewal if the restricted material (RM) was actually used within the last year, discouraging the "just in case" scenario. Decreasing the number of RMPS's will also reduce the annual number of regulatory required inspections.
- We will also focus on improving availability of mapping information in CalAgPermits by having staff update the data throughout the year as time permits. Currently, Google Earth maps and GIS data from various sources are being used for maps. Maps kept in the files are updated manually. Field boundary information is updated in CalAgPermits but is not printed out due to the poor map quality produced with the current black & white printers in the field offices. Extensive time is needed to input the data in CalAgPermits and extremely slow computer processing time has affected productivity in other programs.

Registration:

- To accommodate more customers, the Sacramento office has expanded the registration/permit issuance & renewal season to commence on December 1st of every year. We have increased scheduled registration appointments to one hour for RMP's and ID#'s to allow more time using CalAgPermits. The field offices begin permit/ID# renewal in late fall for the next calendar year.
- For calendar year 2014, our office will allow the option of mail-in registration for PCBs, PCA's, & Pilots who are based in our county. Businesses requiring a RMP will need to continue to obtain/renew RMPs in person by appointment. The registration forms, additional documentation required and fees are currently available on our website. Due to staffing levels, this new policy

will allow more time for PUE staff to continue to direct resources in other on-going programs, while processing all the mail-in registrations and continuing with scheduled registration appointments. Currently, only the Deputy and one senior ag inspector are handling registrations which require a RMP or ID# out of the Sacramento office. This new policy will help to alleviate the workload until staffing levels are restored someday.

Use Reports

- The electronic submittal of use reports via CalAgPermits was highly promoted during the 2013 permit renewal and registration season. Sign-up sheets were made available in the registration rooms or a handout was provided with information on how to sign up for a CalAgPermits account. Handouts were used & provided to visually explain the process which helped to facilitate customer participation. An informational email was sent out to all the businesses in our database for which we had an email address. The email explained the process with contact information on how to sign up for a CalAgPermits account. Proactive outreach will continue for the foreseeable future to reduce the number of paper use reports being submitted to our office. We anticipate updating our website to include information on signing up for a CalAgPermits account and links to the YouTube tutorials.

D. Measures of Success:

The best measure of success of this program is a lack of problems associated with restricted material use in our county. We will continue to evaluate our permit program on an on-going basis to watch for areas needing improvement. We are hopeful that changes and enhancements planned for CalAgPermits will result in improved efficiency and simplification of the permitting process and reliability of the query function of the program.

Site Monitoring Plan

A. GOAL

Sacramento County's goal is a commitment to implement measures that ensure a site-monitoring plan that takes into consideration pesticide hazards such as toxicity, formulation, volatility, proximity to sensitive crops, proximity to high hazards (homes, schools, farm labor camps, ag-urban interfaces, etc.), proximity to environmentally sensitive sites, groundwater protection issues, local conditions and compliance histories of the parties involved in pesticide use.

B. Current Site Monitoring Practices

Licensed staff monitors ag production RMP's by performing pre-application inspections as required by 3CCR Section 6436. A minimum of 5% of the sites for which restricted materials are permitted will have pre-application inspections conducted when NOIs indicate that a restricted material application is imminent. In 2012, we performed 102 pre-application inspections, accounting for approximately 13% of all the agricultural production NOIs received. This monitoring includes a review of the written recommendation if there is one for the application. Priorities for performing these inspections include but are not limited to: toxicity of the pesticide to be applied (Category 1 being the highest priority), proximity to high hazard areas (such as schools, homes, farm labor camps or ag-urban interface), environmental concerns (endangered species, groundwater protection), proximity to sensitive crops, areas that have had concerns in previous years, section 18 registrations, etc. All non-production ag permit holders are subject to application inspections every year. Permit holders with a history of non-compliance are monitored more frequently if possible.

Inspections are entered in a pesticide use enforcement database to make it easier to track which permit holders are due for inspection. The hard copies of the inspections are filed in the individual's permit file. All non-compliances noted on any inspection forms are entered in the database and addressed as later noted in the Enforcement Response.

C. PROJECTED DELIVERABLES

Review all NOIs to ensure:

- A valid RMP exists for the application and site
- Pesticide is appropriate for the pest to be controlled
- Surrounding areas will not be adversely affected by application
- No high hazard situation exists
- Crop, site, rate, dilution and method of application are label compliant
- All NOIs (including those for Structural Fumigations) are reviewed and approved or disapproved by licensed staff; if the NOI is denied, the filer will be contacted directly by staff
- NOIs that are denied will be documented on NOI denial form and indicated on the Pesticide Regulatory Activities Monthly Report (PRAMR)
- Monitor 5% of the agricultural production NOIs received with pre-application site inspections
- Use & follow procedures in the Enforcement Program Standards Compendium Volume 3 – Restricted Materials & Permitting

- **Rice Monitoring Program**

- Conduct and document water hold inspections to assure that no illegal releases occur
- Monitor rice pesticide applications to ensure compliance with worker safety, buffer zone requirements and permit conditions
- Work cooperatively with other Sac Valley rice producing counties to ensure consistency in program
- Prepare and deliver rice program reports at end of growing season to help evaluate the current year and make plans for the following year

- **Agriculture/Urban Pesticide Applications**

Monitor agricultural applications to ensure safety to workers, the public, the environment and non-target properties, particularly in high sensitivity areas such as ag-urban interface situations

- **Groundwater Protection Areas**

- Ensure when issuing RMP's that Groundwater Protection (GP) materials are not issued in a Groundwater Protection Area (GWPA) or that permittee can meet all GWPA conditions
- Sites in GWPAs are identified on permits issued
- NOIs are required for all GWP materials use
- Monitor applications in GWPA to ensure that regulated materials are not applied or are only applied when permit conditions are met
- Address problem areas with timely follow up inspections and training when indicated
- Identify GWP materials on use reports and address use during Headquarters inspections

D. MEASURE OF SUCCESS

The measure of success will be the ongoing evaluation of our site monitoring plan for concerns associated with restricted material use. Complaints and investigations will indicate a possible need for revision to our plan. In such cases, or if indicated by our Department of Pesticide Regulation (DPR) Enforcement Branch Liaison (EBL), we will assess and amend our site monitoring plan as needed. This may include focusing on different pesticides, cropping situations, newly indicated sensitive areas, or other environmental concerns. We will document any changes to the plan when and if, they are needed.

II. COMPLIANCE MONITORING

A. GOAL

Sacramento County's goal is to implement a comprehensive compliance inspection plan to ensure pesticide uses are adequately monitored throughout the county, while protecting human health & the environment. Compliance monitoring aims to identify violations of laws or regulations so that appropriate corrective action can be taken. By evaluating the compliance problem areas, we are able to identify where we should focus and redirect our efforts to improve compliance with our available resources, budget and staff.

B. Current Compliance Inspection Program

Evaluation of Sacramento County's inspection program reveals that 38% of our inspections are scheduled. These are primarily headquarters and records inspections for our growers, pest control businesses, government agencies and other licensees. Most of these inspections are scheduled because we have found this to be the most efficient means of performing these inspections and have found that in general the number of non-compliances revealed during these inspections is not affected by whether the inspection is scheduled or unannounced. The exception would be in the case of a complaint, in which case the inspection would be unannounced. Targeted inspections comprise another 46% of our inspections. These inspections are prioritized by chemical hazard, environmental concerns, historical applications that have shown problems, and applicator compliance history. The remaining 16% of our inspections are more random and focus on general applications.

The number of inspections targeted in the last DPR Work Plan for Calendar Years 2009-2012 was revised in 2010 to reflect the loss of 4 PUE inspectors over this time period. The rural PUE program has remained essentially unaffected in terms of personnel, but the focus and program hours have been affected not only by the excessive time spent in issuing RMP's/ID#s in CalAgPermits, but also an increased demand in other departmental programs, such as Pest Detection, field inspection of seed crops for ag export certification & hazardous materials inspections at rural facilities which began in 2012. With the significant reduction of personnel in the Urban PUE program, a revision to our inspection schedule goals for the next three years are as follows:

- ✓ Headquarters/records inspections for businesses without employees & without violations on their most recent inspection – every 3-4 years
- ✓ Headquarters/records inspections for businesses with employees & without violations on their most recent inspection – every 3 years
- ✓ Headquarters/records inspections for businesses with or without employees that have violations on their most recent inspection – follow up completed within 60-90 days and inspection the following year

- ✓ Continue to conduct application inspections annually for those agencies and businesses that have current RMP's, with a focus on those that have actually used a RM within the last year
- ✓ Increase number of application and mix/load inspections, preferably found through surveillance and if necessary, by appointment

The current compliance monitoring program strengths are:

- An effective targeted inspection plan utilizing the following components:
 - An up-to-date non-compliance tracking database
 - Documented NOI tracking in each of the offices
- Enforcement district areas are assigned to inspectors, which allow them to become intimately familiar with pesticide usage and cropping patterns in those areas.
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare center and wildlife areas.
- A scheduled inspection process that is effective in identifying non-compliances during headquarters and records inspections.

Areas identified as needing improvement are:

- Frequency of grower headquarters inspections need to be increased to every 3 years
- Increase focus on conducting Branch II & III application inspections through a combination of increased surveillance and scheduled appointments. More surveillance of PCBs and SPCBs (structural pest control businesses) is needed to ensure compliance with the new Surface Water Regulations.
- Need to increase time available for use monitoring activities, by re-directing time spent in other areas, workload permitting

C. PROJECTED DELIVERABLES

- When multiple worker safety violations are discovered during application inspection activities, a follow up headquarters inspection will be performed where feasible. If the grower is headquartered in another county, that county will be notified of the problem and a headquarter inspection will be requested.
- Strive to increase number of structural pesticide use monitoring inspections in Branch I, II, & III
- Use & follow procedures in the Enforcement Program Standards Compendium Volume 4 – Inspection Procedures

Based on our inspection program evaluation and resources, the following inspection goals have been determined for the next two fiscal years:

<u>Pesticide Use Monitoring Inspections</u>	(per year)
Pre application Inspections	5%
Application inspections	
Property Operators	20
Pest Control Businesses	25
Field Fumigations	*0-1
Commodity Fumigations	12
Field Worker Safety	5
Mix Load	
Property Operators	3
Pest Control Businesses	3
<u>Rice Water Holding Inspections</u>	20-25

<u>Pest Control Records Inspections</u>	
Business Records Inspections	18
HQ/Employee Safety – Business	18
Dealer Records Inspections	3
Adviser Records Inspection	3
HQ/Employee Safety – Production Ag	20
HQ/Employee Safety – Other	15

* due to new Phase II Soil Fumigant label requirements

Structural Pest Control Inspections

Structural Application Inspections	
Branch I Fumigation	12-15
Branch 2	10
Branch 3	4
Mix Load	
Branch 2	1
Branch 3	0-1
HQ/Employee Safety – Structural	18
Structural Business Records	18

We have had to decrease many of our previous inspection goals due to significant losses in staffing. Rice water holding inspection projections have increased slightly due to an increase in planted rice acres. Sacramento County has approximately 6400 planted rice acres. The type of rice herbicides used may vary from year to year depending on need and recommendations by grower and industry and this will affect the need for rice water holding inspections.

Targeted surveillance activities will be carried out during the rice pesticide program as in past years. Sacramento County has approximately 6400 planted rice acres, reflecting an increase over the last 2 years. The inspector assigned to the rice growing area (primarily in the north part of the county) is currently helping with coverage in the Delta area and is based out of the Walnut Grove field office. Rice herbicide applications had decreased over the last decade reflecting a shift from rice to other low water requirement crops such as corn and winter wheat. We are refocusing our use monitoring in the rice growing region with the increase in planted acreage, anticipated increase in rice herbicide applications and the close ag/urban interface which has developed in that area over the last decade.

Notices of Intent (NOIs) are received for structural fumigations on a regular basis and are tracked in the NOI log. In 2011 & 2012, our office received an average of approximately 410 structural fumigation NOIs, which are conducted by 3 structural pest control businesses. After evaluating the number of structural fumigations occurring in the county, we plan on conducting inspections at least monthly.

We will also perform targeted surveillance when needed as determined by environmental concerns and applicator compliance history. Targeted inspections will be used to most efficiently focus manpower on areas of the enforcement program to improve compliance within the county.

The Urban PUE Deputy will completely review all inspections reports and activities of the enforcement personnel. As in previous years, all non-compliances will be tracked and followed up on as required.

D. Measures of Success

The goal of a comprehensive inspection plan is to increase compliance. A decrease in the percentage of non-compliances noted can be an indicator of success if all other things are equal. Striving to increase the effectiveness of our compliance activities by further refining focused and targeted inspection schemes may in the short term, increase the number of non-compliances identified, but in the long run, these should lead to a decrease in non-compliances. Periodic review by licensed staff and by our DPR EBL will help in analyzing our measure of success in this program.

INVESTIGATION RESPONSE AND REPORTING IMPROVEMENT

Investigation Response and Reporting

GOAL

Sacramento County's goal is to do a thorough unbiased investigation in a timely manner of every pesticide episode and to address and document all complaints received. It is our further goal to provide information and/or training that will help prevent future pesticide episodes and compliance/enforcement actions that will encourage compliance with pesticide laws and regulations.

Sacramento County recorded formal investigation of 51 pesticide illnesses/exposures and 17 pesticide related complaints in calendar year 2012. In 2011, our office investigated 40 pesticide illnesses/exposures and 11 pesticide related complaints. Our turn around time for investigations has increased over the last 2 years, due to an increased workload and a significant decrease in staff. The urban PUE staff investigates the majority of the pesticide illnesses, except for the exposures involving production agriculture which are investigated by the Galt or Walnut Grove office. One PUE inspector in the Sacramento office conducts the majority of the pesticide illness investigations and complaint follow ups. Another senior ag inspector conducts the home pesticide exposures received from Poison Control. The Urban PUE Deputy investigates the pesticide illnesses and complaints which are more complex, or involve a Spanish speaking only individual.

The current investigation response process strengths are:

- A log is maintained of pesticide illness investigations that indicates their status and if they result in any enforcement action.
- Completed pesticide illness investigations are sent to DPR WH&S (Worker Health & Safety) via the electronic secured access or SAW. Improvements were made in 2012 to allow copies of completed reports to be submitted to DPR Enforcement, when appropriate. Retrieval of PIRs (Pesticide Illness Reports) from SAW has also been extremely convenient allowing efficient submittal & tracking of completed investigations.

- The Urban PUE Deputy has over 18 years of experience conducting pesticide illness investigations which is beneficial for guidance and training of staff assisting in the investigation of PIRs.

Areas identified as needing improvement are:

- The timeliness of completing investigations will be attempted despite limited resources and an increased workload.
- Continual training of staff on investigation techniques, laws, regulations, and report writing

Sacramento County has identified that our investigative response and reporting has resulted in thorough investigation of pesticide episodes and well written reports. The timeliness of their submission to DPR has improved somewhat, despite the number received and other workload demands. The follow-up on investigations that reveal non-compliances or workplace problems is good in that uneducated employers are given information that will help them come into compliance. Those that are knowledgeable or in which the non compliance contributed to the pesticide illness receive either a compliance or enforcement action appropriate to the situation.

PROJECTED DELIVERABLES

- Timely initiation and completion of all priority and non-priority investigations
- Initiate priority investigations within 2 working days of receipt of CAC
- Submit preliminary update on priority investigations to DPR within 15 days
- Complete and submit all investigation reports within 120-180 days of receipt at CAC
- Maintain an accurate and complete complaint log
- Set up consistent paper flow so that all complaints are documented, submitted to and reviewed by Urban PUE Deputy and reported to DPR on Report 5
- Keep staff trained in proper report writing techniques
- Use and follow procedures in the Enforcement Program Standards Compendium Volume 5 - Investigation Procedures
- Maintain a pesticide illness investigation log that indicates:
 - Name of affected person
 - Employer if applicable
 - Type of exposure (agriculture, structural, antimicrobial, not pesticide related)
 - Action taken (i.e ACP, NOV, WL, info sent, etc.)
 - Date report received
 - Date assigned to investigator
 - Investigator
 - Date reviewed by PUE deputy
 - Date submitted to DPR

- Submit investigations that are complete and thorough and that contain adequate evidence if needed for appropriate enforcement action

MEASURE OF SUCCESS

The best measure of success for this program is the yearly evaluation of our investigation and response reporting for deficiencies. Success would include completion and submission of all priority investigations within 60 days of notification to the Sacramento County Agricultural Commissioner's Office and completion and submission of all other investigations within 120 – 180 days. The number of returned or incomplete investigations will also show a direct correlation to the success of this program.

III. ENFORCEMENT RESPONSE

A. GOALS

The goal of the enforcement response plan summarized above is to provide a swift and fair response to non-compliances that results in future compliance by the respondent. The actions must be consistent and fair in order to maintain the respect of the regulated industry as well as maintaining the integrity of this office.

B. Current Enforcement Response Practices

Inspections and investigations (pesticide illness investigations and complaints) are reviewed by the Urban PUE Deputy. Those that indicate a non-compliance are set aside for follow-up action. In the Sacramento office, on a minimum bimonthly basis, a meeting is held at which non-compliances are addressed, and the progress of other work assignments is discussed as well. Copies of the inspection or investigation are given to the inspector as well as a compliance history on the company or agency. The non-compliance is reviewed by the inspector and deputy. The enforcement response regulations are used to determine the class and range of appropriate actions. The decision as to the appropriate action is made by the Urban PUE Deputy with input from the inspector that is pertinent to that action.

During this bimonthly meeting, the investigation or inspection is reviewed to ensure that adequate evidence is present to prove any cited violations. If the evidence is inadequate to prove the violation, the case is returned to the inspector for further investigation or if inadequate evidence is available, the case is returned to the inspector to write a justification as to why we are not taking any type of enforcement response relating to the non-compliance. All incidents are addressed with the appropriate enforcement response according to CCR 6128 & 6130.

Actions, whether they are compliance or enforcement actions, are written by the Urban PUE inspector or Urban PUE Deputy. Once approved, compliance actions (Notices of Violation (NOV's) and Warning Letters) are sent by certified mail to the respondent. Notices of Proposed Action (Agricultural or Structural Civil Penalties) and Cease & Desist Orders are submitted to the Ag Commissioner for approval and signature.

If an agricultural civil penalty action is taken, the fine guidelines found in Title 3 California Code of Regulations (CCR) Section 6130 are applied to determine the appropriate fine. If a structural civil penalty action is taken, the fine guidelines found in Business & Professions Code, Division 16, Section 1922 are applied to determine the appropriate fine.

Compliance and enforcement actions are to be completed and turned into the Deputy for review within 30 days of the action decision. In most cases, actions are sent by certified mail to the respondent within 60-90 days of the inspection or completion of investigation.

A member of our support staff is responsible for maintaining a log of all compliance and enforcement actions: status, certified mailing, etc. This log is reviewed by the Urban PUE Deputy every month when preparing the monthly PRAMR (Report 5).

PROGRAM STRENGTHS

Use of PUE inspectors when deciding actions helps to get all the mitigating factors out on the table prior to taking an action and also results in more consistent enforcement.

Review of evidence at the bimonthly PUE staff meetings and returning those with inadequate evidence, helps inspectors to understand what level of evidence is needed to prove a non-compliance and leads to more comprehensive future inspections or investigations.

Documentation of review of all non-compliances is desirable if our program is ever monitored by the public and also during oversight of our program by DPR and is necessary for attaining a more transparent enforcement program.

AREAS NEEDING IMPROVEMENT

During the last two years, several non-compliances have not been addressed in a timely fashion. The Urban PUE Deputy and Urban Senior Ag Inspector write all the actions. Due to additional non-PUE related responsibilities of the Urban PUE Deputy and the increased workload and reduction in staff, this may not improve in

the foreseeable future. We will strive to address non compliances within 90 days of the violation date.

Continued training of staff to improve investigations, reporting skills and experience in sampling techniques is ongoing.

C. PROJECTED DELIVERABLES

- Consideration of all appropriate enforcement options
 - Fair application of the Enforcement Response Regulations
 - Use of Citable Sections as a resource
 - Application of the Fine Guidelines, in accordance with DPR policy
 - Progressive enforcement
- Timely response
 - Set PUE staff meetings on regular schedule
 - Oversee support staff to be sure actions are sent out immediately upon signature of the Commissioner
 - Shorten time to process enforcement actions to 90 days

D. MEASURES OF SUCCESS

The best measure of success of the enforcement response program is the resulting compliance record of those entities that have been affected by the program. We will monitor the compliance history of those companies that have been on the receiving end of our enforcement response program to see if their compliance has indeed increased. There should also be an improvement in the compliance of other entities that have not been directly affected by our enforcement response program just through word-of-mouth but that would be difficult if not impossible to measure in many cases.

We will continue to review program priorities and make adjustments and improvement as warranted and where feasible.

IV. - PRIORITIES & OTHER PESTICIDE REGULATORY ACTIVITIES

Non-Fumigant Volatile Organic Compounds (VOC) Regulation Compliance – when regulations are final

Sacramento County is in the Sacramento Metro Non-Attainment Area (NAA). The fumigant VOC emission limit is currently required in San Joaquin only and does not affect Sacramento County. Outreach to dealers who sell to growers applying high VOCs in the San Joaquin Valley during May 1 to Oct 31, would be beneficial, to remind PCA/growers about the PCA Recommendation requirements for high VOC products containing abamectin, chlorpyrifos, gibberellins or oxyfluorfen.

Compliance with Soil Fumigant Phase II Labeling – effective December 1, 2012

The new Soil Fumigant Phase II Labeling has significantly impacted the strawberry growers in our county. Strawberry growers are currently the only industry conducting field fumigations in Sacramento County. Sacramento County strawberry growers will be unable to comply with the changes to the labels, especially the buffer zones and possibly the monitoring requirements, which will most likely result in the inability to eliminate/control soil pathogens with soil fumigants. Strawberry growers will have to seek other alternative pest control measures. As a result, the number of field fumigation inspections is expected to decrease to zero.

Chloropicrin Mitigation Measures when implemented by DPR:

Telone is currently used on pre-plant vineyard sites by several growers. Pre-application inspections and use monitoring will be targeted at these sites to ensure compliance when new labeling is in effect.

Efforts to work collaboratively with the State Regional Water Quality Board and DPR Environmental Monitoring Branch regarding applications of diazinon, chlorpyrifos and diuron near water bodies:

Our office keeps growers informed by providing literature and outreach at meetings and one-on-one when possible regarding the Irrigated Lands Regulatory Program. The use of diuron is monitored through the ID#/RMP issuance process, use monitoring inspections and use reports.

Regulatory Outreach & Education:

The Sacramento CAC regularly engages in outreach to the regulated community through various methods - during the permitting process, trainings for growers throughout the year in Herald & Sloughhouse, specific training targeted to strawberry growers, participation in Farm Safety Day in Lodi, at professional organization trainings such as Pesticide Applicators Professional Association (PAPA), California Association of Pest Control Advisers (CAPCA), Pest Control Operators of California (PCOC) meetings and others. Due to staffing levels, talks at professional organization meetings have declined over the last few years. Consultation inspections are provided upon request to assist new businesses. Literature is made available to the public in our office lobbies and at the Farm Bureau and other appropriate places.

Reporting to DPR, complaints or report of loss related to bee kills associated with an alleged pesticide application:

All complaints reported to our office are addressed and/or investigated. Copies of pesticide complaints are kept in the office but have not historically been provided to

DPR, unless requested. We will begin reporting complaints of loss related to bee kills associated with an alleged pesticide application to DPR, effective immediately.

Ensure compliance with recent U.S. EPA approved rodenticide label changes:

Our office ceased selling rodent bait in 2011, a service which had been provided to the public for decades. Most customers who had previously purchased the diphacinone bait from our office, applied the product to control rodents on residential property. With the recent designation of diphacinone as a Federally Restricted Pesticide, and the removal of the residential use designation on the product label, individuals who are still interested in purchasing the rodent bait for ag use from the Yolo CAC, are offered the opportunity to take the PAC exam. If successful in passing the PAC, they are issued an operator ID#. By conducting use monitoring inspections of rodenticides, label requirements are enforced.

This work plan has been review and approved by Juli Jensen, Agricultural Commissioner.

_____ Date: _____