

ENFORCEMENT WORK PLAN

Pesticide Regulation Program

2014 - 2016

County of Santa Barbara Pesticide Enforcement Work Plan – 2014/2016

The Santa Barbara County Agricultural Commissioner's Office (SBCAC) will continue to focus on the safety of the public, field workers, and the environment. We will also promote and protect agriculture by facilitating and supporting increased communication between growers and the public.

County Resources

Staffing

A total of 12 agricultural biologists staff the Santa Barbara Agricultural Commissioner's office. We are hiring another agricultural biologist to augment existing staff. 4 biologists work in the Santa Barbara office, covering Carpinteria, Santa Barbara, Goleta and Santa Ynez. 8 biologists work in the Santa Maria office, covering Santa Maria, Lompoc and Cuyama.

Currently, one Agricultural Deputy supervises two supervising biologists; the North County supervisor has 8 biologists as direct reports, the South County supervisor has 4 biologists as direct reports. The Compliance Coordinator is responsible for enforcement issues in all agricultural programs, produces all the NOPAs, and serves as the department advocate in civil penalty hearings.

Staffing issues: (May 2014) The department is currently recruiting to fill a vacant biologist position in the Santa Barbara office. The position has been vacant since February 2014. It is anticipated that the position will be filled by mid-May 2014. The number of inspections has been impacted by this vacancy.

Since December 2013, a biologist position assigned to the Santa Maria office has been vacant due to maternity leave. The biologist will return to work on a part-time basis (60%), by the end of June, 2014.

The Program Specialist position in the Santa Barbara office has also been vacant since March 2014. The Program Specialist was responsible for the noxious weed program and provides lead direction for the Santa Barbara Weed Management Area (WMA). .5 FTE of a biologist position in the Santa Barbara office has been reassigned to work on the noxious weed program. This reassignment will impact the number of inspections. The Program Specialist position will be deleted and a Deputy Agricultural position will be added and assigned to the Santa Maria district office. It is anticipated the Deputy position will be filled in mid-August. At that time, the department will have two Deputy Agricultural positions, two supervising biologist positions, and 13 biologist positions.

In the Santa Maria office, there are 2 biologists who work primarily in PUE. The other 6 biologists devote their time on all agricultural programs on a two week rotational schedule in the Santa Maria district in addition to providing backup support for the Santa Barbara office. In the Santa Barbara office, all 4 biologists work in all agricultural programs on a two week rotational schedule as well. All biologists are licensed in pesticide regulation, 10 out of 12 are fully licensed in all 5 CDFA license categories. 5 out of the 12 biologists have worked for the department for 3 years or less. At any one time, there are 6 biologists working in PUE and may increase to 8 or 9 depending on the workload. Positive aspects of this division of labor for staff include variety of work throughout the months, appreciation for the knowledge required in each program, ability to work in different areas of the county and opportunities to become a lead/specialist in a particular agricultural program. This requires biologists to be flexible, adaptable to changing workloads and organized to accomplish all their work in all areas. Positive aspects for the department include different perspectives and ideas rotated into all programs and diversity of staff performing inspections, conducting investigations, and issuing permits. Good communication, job tracking and program cross-training are essential.

Regional differences within the County

Agricultural products and size of farming operations vary greatly between regions in Santa Barbara County. This diversity often requires a different focus and use of different tools for permitting, inspections, and staffing. Principle crops grown in the Santa Maria, Lompoc, and Cuyama areas are strawberries, broccoli, carrots and wine grapes. Strawberry acreage has increased and will continue, due to market demand and the current drought. Strawberry growers in Ventura are being displaced and having to find acreage in other counties that have a good supply of water. It is anticipated strawberry acreage will increase, possibly an additional 2000 acres, in 2014. This has led to an increase workload for staff issuing fumigant permits and pre-site inspections. Fumigations require a thorough understanding of highly technical labels and permit conditions.

The Santa Ynez office issues a large proportion of permits and operator identification numbers for winegrapes and hay. The Santa Barbara, Goleta and Carpinteria areas has a large proportion of permanent crops such as avocados and lemons, as well as a large number of nursery and greenhouse products.

Core Program Areas

Restricted Materials Permitting

A. Current Status

- The CalAgPermit system has been in use since October 2011. While the system itself presents challenges, particularly in the mapping program, the staff is fully trained and functional in CalAgPermits. The department continues to conduct careful restricted material permit review, write conditions, and conduct pre-application inspections based on historical and sensitive-site data.
- The number of restricted material permits issued in Santa Barbara County increased from 651 in 2012 to 801 in 2013 and may be attributable to the increase in strawberry, vineyard, cane berry, and carrot acreage in North County. Biologists will continue to evaluate permits and discuss use of feasible alternatives, conduct pre-application inspections as required by regulation, and give priority to fumigant NOIs and site monitoring. Multi-year permits are issued to non-rotational crops to growers with good compliance records. Operator Identification numbers average 425 per year.
- US EPA fumigant label changes, including work plan requirements, new permit conditions, grower and PCA/PCB education, and onsite monitoring have created a significant increase in workload, straining the department's resources. We anticipate that fumigants will be a continued area of intense workload. We have committed 4 biologists to work primarily in fumigants during the May-October fumigant season. Additional biologists from the South County have been fully cross-trained and augment the fumigation team 3 days a week during peak season. Methyl bromide use continues to decline and 1,3-dichloropropene, chloropicrin and metam sodium/potassium uses are increasing. As strawberry and cane berry acreage rises, we expect to expend more time with fumigation activities in the next few years. For comparison, 97 methyl bromide permits were issued in 2008, with 4,482 acres fumigated and around 800 hours spent in fumigation activities. In 2013, we reviewed and issued 207 fumigant permits and work site plans, with 9035 acres fumigated and 1350 hours spent in fumigation activities.

- Every year the SBCAC removes soil fumigants from all permits. This allows a fresh review of each site before the new permit is issued. Permit conditions include restrictions on daily acreage amounts, time of application and temperature at the site, use of buffer zones, and timing and numbers of water seals. Due to the complexity of fumigant labels and conditions, the department continues to increase time spent in issuing permits, reviewing NOIs, performing pre-application inspections, monitoring posting, tarp integrity, buffer zones, tarp cutting, aeration and tarp removal times.
- In addition to fumigants, other permits are conditioned based on proximity to residences and schools, application method (aerial, ground, chemigation), and other pesticides including phenoxy herbicides, rodenticides, and Section 18 pesticides. Specific sites on individual permits are conditioned on a site-by-site basis determined by local conditions.
- Twice a year, the SBCAC participates in roundtable discussions with other coastal counties and DPR staff representatives. The group focuses on fumigant use and conditions as they specifically apply to the coastal counties.

B. Planned Improvements

- Sensitive sites: The SBCAC currently conducts pre-application site inspections on five percent of a combination of Notices of Intent (NOIs) and permit sites per Title 3 of California Code of Regulations section 6436. The department assesses sites for final conditioning, and evaluates new features before finalizing the permit. To address sensitive areas with potentially greater hazards and/or a greater potential for complaints, priority is given to inspecting areas where field fumigations, including fumigant chemigation, ag/urban interface, applications near schools, or aerial applications will be conducted. This increased attention to sensitive sites and those with a greater potential or history of complaints, is expected to reduce issues around sensitive sites, grower/neighbor conflicts, and complaints. The SBCAC will increase outreach to foster better communication between stakeholders in these sensitive sites.
- The SBCAC plans to perform site evaluations for all agricultural rodenticide permits.

C. Goals and projected deliverables

1. Ensure permits and sites are evaluated and accurately conditioned prior to issuing a restricted material permit. Ensure staff is fully trained and proficient on the CalAgPermits system.
2. Remove fumigants from all permits at the beginning of each year. Review all restricted materials used during prior year with the permittee and remove unused restricted materials from the permit.
3. Ensure that certified applicators and authorized representatives are properly documented on the RM permit.
4. Conduct pre-application monitoring of at least 5% of a combination of the total NOIs received and permit sites, emphasizing fumigations, aerial applications, ag/urban interfaces, and other sensitive site applications.
5. Conduct site monitoring of all non-ag restricted materials permits at least once a year.
6. Perform site evaluations for all agricultural rodenticide permits.

D. Measures of success

The success of the restricted material permit program will include permits that are issued in compliance with California laws and regulations and DPR guidelines, permits that are adequately conditioned to mitigate potential exposure, and an informed industry.

Compliance monitoring

A. Current Status

The SBCAC enforcement program will continue to direct surveillance and inspections for both regular workday hours as well as during after-work hours and weekends. This provides us an opportunity to inspect growers who conduct applications primarily on the weekends. The department continues to use a complaint and investigation tracking database to ensure complaints and investigations are completed in a timely manner.

B. Inspections and planned improvements

- The department proposes to complete 400 inspections **each year for** 2014, 2015 and 2016, in line with the previous two years. This number may need to be adjusted depending on the number of complaints, over-tolerance incidents, and illness investigations received, and other external factors such quarantine workloads and emergency projects. Due to the steep learning curve in training new biologists in all programs, it takes a couple years for new biologists to be fully trained and assigned a pesticide use enforcement workload. Training new staff requires experienced staff to spend time on training which takes time away from experienced staff workload. Inspection numbers will be impacted.
- Inspections will focus on:
 1. applications of category I and II pesticides,
 2. fumigants and other restricted materials,
 3. applications with potential for drift including aerial and late-afternoon applications,
 4. applications near sensitive sites with potential for worker and public exposure,
 5. structural applications,
 6. and companies and individuals with poor compliance histories.

Staff documents all non-compliances found during inspections and adds relevant remarks on the inspection forms. The inspection form serves as the Notice of Violation. For any inspections with non-compliances, biologists conduct a documented compliance interview with the grower or manager, to address the non-compliance(s), discuss the regulatory requirements and compliance strategies and other information to support sustainable compliance. After completing the initial inspection, staff conducts a follow-up inspection for all applications that contain non-compliances to ensure violations are corrected and to reinforce information to prevent violation recurrence during future applications. Separate NOVs or Warning Letters are issued for violations found during the course of investigations.

- Supervisors review every inspection for completeness and accuracy. This is reinforced with in-house training and bi-weekly staff meetings.
- Biologists work with experienced co-workers, supervisors and the Compliance Coordinator to discuss non-compliances and the appropriate regulatory response (compliance or enforcement). Biologists also participate in DPR sponsored trainings and departmental trainings, and are accustomed to using the DPR Compendia for reference resources. All biologists will participate in the monthly EBL oversight inspections.
- To positively impact compliance rates, the SBCAC has initiated a policy of having the biologist conduct a documented compliance interview with growers/managers after any non-compliance has been identified during an inspection. This provides the growers with written information on strategies for improving compliance with the regulatory requirements.
- Biologists also contact the grower/manager after an inspection where everything is in compliance, which gives us the opportunity to thank them for their compliance efforts, ask if they have any questions, and have a positive message and conversation with people in the ag and structural industries.
- The department will identify specific soil fumigations near sensitive sites for start to finish monitoring, with the goal of excellent communication among all parties, fumigations in full compliance with all the detailed, complex requirements, and protection of sensitive sites. One biologist will be responsible for work plan, mapping and information intake, conditioning and issuing the permit, having all permit paperwork reviewed by another biologist, conduct pre-application inspection, monitor the application, periodically check for properly maintained posting and adherence to buffer zone restrictions, any tarp cutting, aeration and tarp removal activities.

Investigations

The CAC investigates approximately 45 complaints a year, most of which are related to pesticide use. Complaints originate from a variety of sources including public complaints (usually by telephone), DPR, and other governmental agencies. The majority of complaints involve issues around odor, pesticide drift and volatilization, agricultural/urban interface issues, and fumigants. The department uses a database to accurately track investigations by a variety of parameters and trained staff to consult with DPR regarding complaints. The SBCAC continues to work with Planning and Development to review and comment on EIRs for planned development near agricultural areas to attempt to prevent future ag-urban conflicts. The Department expended approximately \$100,000 in staff time investigating ag/urban complaints in 2013.

C. Goals and projected deliverables

Maintain an effective pesticide compliance monitoring system, prompt and **perform** accurate complaint investigation, and maintain a highly trained staff to assure the use of pesticides is in compliance with laws and regulations.

The SBCAC will:

1. Conduct a minimum of 400 agricultural, structural, field worker safety, grower headquarters and soil fumigation inspections according to the table below:

Inspections

BIOS	Pre-apps	Grower PUMI	Grower M/L	PCB PUMI	Field Fume	FWS	Br 1	Br 2	Br 3	HQ	Str. HQ	Totals w/o pre-apps	Total with pre-apps
SM 1	40	13	3	10	9	0	0	2	0	5	0	42	82
SM 2	40	12	3	5	9	10	0	2	0	5	0	46	86
SM 3	40	10	2	10	6	0	2	2	1	9	0	42	82
SM 4	40	5	2	5	6	10	2	2	1	9	0	42	82
SM 5	40	7	1	7	2	0	2	2	0	4	0	25	65
SM 6	40	6	0	4	2	10	2	1	0	4	0	29	69
SM 7	40	6	0	4	2	0	2	1	0	3	0	18	58
SM 8	40	6	0	4	2	0	2	1	0	3	0	18	58
SB 1	25	11	1	7	3	0	3	2	0	6	1	34	59
SB 2	25	11	1	7	2	0	5	2	1	8	0	37	62
SB 3	25	6	1	5	1	15	5	2	1	5	0	41	66
SB 4	25	7	1	2	1	0	5	1	1	7	1	26	51
Total	420	100	15	70	45	45	30	20	5	68	2	400	820

2. Increase overall compliance through headquarters inspections by focusing on education, compliance strategies and any information that will help prevent non-compliances.
3. Offer tailgate meetings for any grower requesting regulatory compliance assistance, and for any grower or company receiving a NOPA.
4. Provide prompt regulatory feedback when non-compliances are noted, by conducting documented compliance interviews with growers or managers whenever a non-compliance is noted on an inspection, and follow-up inspections as required. Provide education, compliance strategies and DPR compliance handouts.
5. Identify priority investigations and ensure they are completed according to the Cooperative Agreement between EPA, DPR and the CAC.

6. Investigate all complaints of pesticide exposure and misuse from all sources, according to the DPR policies and procedures, and produce investigative reports that meet DPR guidelines.
7. Continue to participate in training opportunities offered by DPR and provide customized in-house staff training.

D. Measures of success

The success of the Compliance Monitoring program is measured with inspections and investigations that provide complete and accurate information and evidence to the SBCAC and DPR. Inspections will identify areas of non-compliance that need corrective action and will result in a regulated community's awareness of the pesticide laws and regulations. Investigation reports will contain information for DPR to assess human exposure or environmental hazard issues. A trained, knowledgeable, and fully-functioning staff will meet the inspection goals.

III. Enforcement Response

A. Current Status

The SBCAC promotes and influences compliance of pesticide laws and regulations through enforcement actions. The Compliance Coordinator works with the Ag Deputy and the two supervisors to recommend actions based on evidence evaluation and the enforcement response regulation. During the two-year period of 2012-2013, the department issued 56 civil penalties and held 9 hearings. 4 structural civil penalties against one company prompted the SBCAC to refer the company to the Structural Pest Control Board and the State Attorney General's Office for licensing action. That hearing is pending in May 2014.

Out of the 708 agricultural and structural inspections completed, not including pre-application inspections, 83% or 588 inspections were in full compliance. The vast majority of these documented non-compliances were corrected during the inspection. We issued 120 Notice of Violations. In 2013, the SBCAC focused inspections on growers who have received little regulatory attention in the past 2 or 3 years.

B. Planned improvement

- Continue to participate in DPR enforcement and regulatory training opportunities and in-house staff training.
- Ensure all enforcement issues are addressed promptly and supported by documented evidence.
- Ensure enforcement decisions are applied uniformly throughout the county through continuous communication among the Compliance Coordinator, the Ag Deputy and both supervisors.
- Continue to confer with our EBL to maintain appropriate and consistent enforcement response.

C. Goals and projected deliverables

1. Identify and collect evidence for evaluation to adequately classify and address violations for enforcement response.
2. Document violations completely and accurately.
3. Apply enforcement actions consistently and fairly.
4. Maintain the inspection database that provides inspection compliance history.

5. Use the SBCAC management team to review violations, recommend courses of action and reinforce training for staff.
6. Provide our EBL with:
 - a. Draft Class A NOPAs prior to issuing the NOPA
 - b. All hearing requests in a timely manner.
 - c. Case referrals to other agencies.
 - d. Decision reports within 60 of the date of the incident.

D. Measures of Success

The success of the enforcement response program is measured by a staff that correctly collects and evaluates evidence that supports or refutes violations. The department will propose enforcement actions in the correct class and provide compliance strategies to reduce future violations by repeat violators and reduce human and environmental pesticide exposure.

Priorities and other pesticide regulatory activities

Compliance Education and Outreach

The SBCAC provides outreach and compliance assistance to growers, applicators, pest control businesses and field workers at speaking engagements for CAPCA, PAPA, Target, etc., as well as at specially-designed seminars and workshops for various commodity groups such as vegetable, grape and strawberry growers. The department conducts training sessions for large and small groups in both English and Spanish and provides outreach to the general public through community meetings and various other speaking engagements such as homeowner association meetings. These informational/educational efforts support the mission of protecting the public, environment and field workers.

Specific outreach efforts include:

1. Santa Maria staff conducts one-on-one and small group fumigant informational sessions with pest control businesses and growers who use fumigants, in addition to providing assistance to growers working near sensitive sites and training to any grower studying to be certified as a private applicator.
2. The supervising biologists contact persons who violate laws and regulations when a decision report is written. The letter explains the enforcement response process and invites stakeholders to call if they have questions or concerns.
3. The Compliance Coordinator contacts persons who violate laws and regulations when a Notice of Proposed Action is written. She offers to have a biologist contact them and provide tailgate training tailored to the individual company and their compliance issues in an effort to sustain long-term compliance.
4. The department publishes a quarterly newsletter that shares information about pesticide use issues, upcoming training, and new regulations. The newsletter is distributed to growers, shippers, packers, pest control businesses, community groups and the public.
5. The SBCAC has developed a training program and a vocabulary list for Spanish-speaking people planning to take the PAC exam. This has improved the comprehension of the regulations and the pass-rate for this sector of the ag community.
6. Agricultural/Urban interface issues, the investigation and resolution of those conflicts continue to impact the department's resources. In 2012 and 2013 the SBCAC devoted approximately 2000 hours each year to ag/urban interface issues. Some of these issues arise when new developments are built near established agricultural areas. Other times, individuals move into rural areas and are unaware of how they may be impacted by agricultural operations. Fumigant notification requirements also generate calls and

complaints in the Santa Maria area. We continue to encourage growers to communicate clearly and frequently with their neighbors to alleviate suspicions and complaints.

7. Biologists identify schools in close proximity to agricultural operations and determine what concerns the schools and growers have regarding their potential impacts on each other. As a neutral third party, we support open, frequent communication between the school principals and nearby growers to work out any concerns they have, and prevent conflicts in these sensitive areas. During permit/OIN issuance, biologists discuss with any grower in the vicinity of a school; the choice of pesticides, the timing of applications to avoid impacts to children, staff and parents on campus or walking/biking to school, the type of equipment used and strategies to employ to reduce potential drift.

Additional Activities

Chloropicrin mitigation measures when implemented by DPR

The Santa Barbara CAC has participated in related workshops and webinars regarding the development of conditions for Chloropicrin mitigation measures. We will be adopting these requirements as they are developed and providing outreach to applicators and property operators as necessary. Santa Barbara ranks third in the state for use of Chloropicrin, we expect the use to increase as the availability of methyl bromide continues to decline and caps for 1,3 D are met earlier in the year.

Training of County Staff on pesticide law and regulations, DPR policy and compendiums

The Santa Barbara CAC regularly attends DPR sponsored trainings and organizes in house trainings with biologists. We meet every two weeks with staff to discuss inspections, issues encountered by biologists and upcoming requirements soon to be in regulation. All biologists have a copy of DPR's inspection procedures manual, Food and Ag Codes and CCRs in the field as they conduct inspections.

Secure Access Website (SAW)

Santa Barbara CAC uses SAW to submit investigations for non-priority human effects (pesticide illness) investigations to WHS and to submit priority and environmental effects/property damage investigations to ENF.

Compliance with Non-Ag Surface water regulations

The SBCAC instructs biologists to add CCR 6970 to all inspection forms for structural branch 2 and maintenance gardener inspections. Creating this procedure demonstrates that staff is evaluating this requirement when conducting inspections on pest control businesses in Non-Ag settings. We have provided training to staff on exemptions listed in CCR 6972 and continue to provide education and outreach to industry as well.

Ensure compliance with US EPA approved rodenticide label changes

We continue to offer outreach and education to Aluminum Phosphide permittees regarding recent label changes and inspect all of our non-ag permit holders a minimum of once a year. With the designation of second generation anticoagulant rodenticides as restricted materials, the Santa Barbara CAC will provide outreach and educational material to pesticide dealers to clarify SGAR requirements for use, licensing, permits and sales.

Integrated Pest Management Pilot Project

The SBCAC has initiated an IPM pilot project with associated departments to provide IPM resources, creative pest problem solutions, non-pesticidal and low-toxicity options.

Spray Safe Program

Working in conjunction with the Santa Barbara County Farm Bureau, the SBCAC is planning to bring the Spray Safe program to Santa Barbara County. The goals of this program are to reinforce safe pesticide application procedures using their checklist, encourage good communication with neighbors and other growers nearby, offer training on how to improve existing practices with a focus on public safety, and hold an annual meeting with growers, applicators and ag officials to discuss pesticide regulations, issues and concerns.

Santa Barbara County Enforcement Work Plan 2014 – 2014

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Pesticide Regulation Program

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Department of Pesticide Regulation and

Santa Barbara County Agricultural Commissioner Weights and Measure Office

Department of Pesticide Regulation

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