



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

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**STANISLAUS COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM WORKPLAN
Calendar Years 2014-2016**

Program Goals & Objectives:

The Stanislaus County Agricultural Commissioner's office strives to have a high quality Pesticide Use Enforcement (PUE) program through enforcement and compliance inspections. To increase the compliance rate, PUE staff works very closely with the industry to address any questions and concerns they might have regarding the use of pesticides and worker safety. The Agricultural Commissioner's philosophy is that compliance is difficult to achieve in this ever changing regulatory world. To be fair to our agricultural industry and stakeholders in general, compliance should be achieved not only through enforcement actions but also through education.

Pesticide Use Enforcement Resources and Workload:

In calendar year 2013, Stanislaus County Department of Agriculture personnel spent 22,052 hours performing pesticide use enforcement activities. In the year 2014, one deputy agricultural commissioner, 8 licensed inspectors, 3 agricultural assistants, 2 clerical staff positions, and one system engineer will support Stanislaus County's Pesticide Use Enforcement Program.

Organization & Personnel Resources

Stanislaus County is currently divided into 4 geographical areas known as districts. Each district has two assigned Pesticide Use Enforcement (PUE) inspectors with varied levels of experience and training. Senior inspectors provide training, review reports, prepare paperwork for the enforcement actions and cover other areas as needed. District inspectors are responsible for regulatory inspections, audits, complaint investigations, and other pesticide related investigations. In addition, the department has 9 full time licensed inspectors working in other program areas that are cross-trained in PUE and assist PUE inspectors when necessary. There is one Deputy Agricultural Commissioner position responsible for administration and supervision of the PUE program. One agricultural assistant manages the GIS program and updates crop and sensitive site layers from CalAgPermits. One full time agricultural assistant and one clerical position assist with pesticide use report data entry, registrations and other associated job duties. One clerical and one agricultural assistant help with pesticide use report data entry as time permits. One system engineer is assigned to maintain CalAgPermits, the AIRS software program, and process data requests. All staff work out of the centrally located office in Modesto.

Equipment/Facilities/Assets:

- Each PUE Inspector has an assigned vehicle for daily use in the field. The vehicle is equipped with an investigation response kit, decontamination kit, digital camera, smart phone with internet browsing capability, phosphine monitor, wind gauge, range finder, navigational unit, soil thermometer, and personal protective equipment kit.
- An “incident response van” is equipped and available to respond to priority investigations and drift complaints.
- Each PUE Inspector has a tablet PC (portable computer) and printer for use in the field or office. Inspectors utilize the Ag Inspection Reporting System (AIRS) program to perform inspections in the field.
- The CalAgPermits, a web-based (online) pesticide permitting program, is used by the department. It has a web-based application for electronic submittal of Notice of Intents (NOIs) and Pesticide Use Reports (PURs), which is currently used by the growers and Pest Control Businesses (PCBs). The electronic submittal of pesticide use reports has reduced the pesticide use reporting data entry workload by approximately 70%.
- The department uses Arc Map GIS software. A long-term goal is to link GIS with CalAgPermits. Permits, static GIS layers showing crop and acreage information is available for use by the inspectors both in the office and the field.
- All Permits and Operator Identification Numbers are scanned so that PCBs, Growers, Production Crop Advisors (PCAs), Dealers and Inspectors have electronic access to signed permits with site maps.
- Stanislaus County has an electronic complaint system, on the Stanislaus County homepage, where pesticide related complaints may be entered and directed to the appropriate department for response.
- An Investigation and Enforcement Tracking Database is used to track compliance histories, outstanding investigations, and enforcement actions.

Workload History: Restricted Material Permitting/Licensee Registration Program (3-Year Statistical History)

	Year 2011	Year 2012	Year 2013	3 Year Average
Restricted Materials Permits Issued	1967	2450	2313	2243
Private Applicator Certifications	382	606	546	511
Notice of Intents Reviewed	9298	9054	8538	8963
Pre-Application Site Inspections	667	654	562	628
Operator Identification Numbers Issued	207	267	210	228
Continuing Education Sessions	8	11	44	21
C.E Session Attendance	639	1188	1696	1174
Pest Control Business Registrations	214	181	260	218
Pest Control Advisor Registrations	191	183	263	212
Pest Control Pilot Registrations	22	23	34	26
Farm Labor Contractor Registrations	106	128	123	119
Structural Operator Notifications Received	121	93	139	118

Expected/Anticipated Changes:

- Expected continued increase in PUE hours due to staff cross-training and an additional inspector position, continued updates to laws and regulations.
- Expected increased number of inspections as staff becomes more experienced and trained.
- Expected increase of “compliance assistance” inspections to assist industry in achieving compliance.
- Anticipated increase in the number of complaint and illness investigations due to county’s electronic complaint system.

I. RESTRICTED MATERIALS PERMITTING:

Goal:

Utilize the Restricted Material permitting process to protect the environment, public, and workers by mitigating hazards while still allowing for effective pest management.

Local Conditions – Sensitive Sites:

- Residences and occupied structures near application sites.
- Locations with a history of neighbor complaints.
- Other sensitive sites near application areas: sports parks, shopping centers, hospitals, schools, and licensed day care facilities.
- Rural communities including farm labor residential areas, rural schools and churches in close vicinity to production and non-production agricultural operations.
- Agriculture-urban interface around expanding cities (Patterson, Oakdale, Hughson, Turlock, Modesto, Riverbank and Salida).
- Dormant season applications to trees and vines in close proximity to waterways.
- Sensitive crops (protection of organic production, transplants, and applications near particular crops at certain times of year).
- Applications of pesticides toxic to bees.
- Endangered species habitat.
- Ground water protection areas (268 Sections).

Local Conditions – Crop Patterns:

- Stanislaus County produces over 200 commodities. Stanislaus County’s primary agricultural crops include almonds, walnuts, wine grapes, forage crops (oats, corn, alfalfa), and vegetable crops (tomatoes, beans, cantaloupes, peppers, cauliflower, broccoli, etc.).
- Crop patterns vary based on micro-climates, water availability and delivery systems, soil type, and historical farming practices.

- Production nurseries produce transplants and commercial nursery crops.
- Stanislaus County also has numerous post-harvest commodity processors.

A. Permit Evaluation:

- From mid-November through mid-February, Restricted Materials permits and Operator Identification numbers are issued on an appointment basis. A new permit appointment program was installed in 2013, which phones growers to remind them of their appointment the next day. Up to 4 agricultural inspectors issue permits and process registration renewals. One agricultural assistant supports the permitting and registration renewal process.
- Permit applicants are expected to bring updated crop information, and anticipated pesticide needs. During the permit process, site maps are reviewed and updated in the CalAg Permit Program. This information is later entered into the GIS system to produce an accurate crop layer.
- Prior to permit issuance feasible alternatives and mitigation measures are evaluated, including, but not limited to: requiring buffers, increasing buffers, best management practices, using alternative types of equipment to avoid drift, and utilizing inspectors to monitor applications around sensitive sites. Permits are conditioned utilizing the Department of Pesticide Regulations (DPRs) suggested permit conditions or Stanislaus County Permit conditions to mitigate hazards. As needed, permits are amended to incorporate new regulations or policies (Section 18s, crop rotations, addition of pesticides to sites, etc).
- Private Applicator Certification is handled at the same time as permit issuance. If a Private Applicator needs to take the exam, it is administered and scored in advance of permit issuance. If the renewal is by Continuing Education (CE), the Private Applicator records are checked to verify completion of the requirements. CE hours are tracked for growers in the county in a database program.

1. Accomplishments:

- a. Permit maps have been updated and PDF maps have been created for each grower in the CalAg Permit Program.
- b. Through the use of the CalAg Permit Program and the GIS system, staff is able to identify properties claimed by different operators and discrepancies are resolved.
- c. Permit conditions have been updated and contain required application information.
- d. Signed Letters of Authorization were obtained when required.
- e. New permit appointment program helped to eliminate hours spent by clerical staff to phone and remind growers of their permit appointments. The reminders also helped in reducing missed appointments.

2. Areas in Need of Improvement:

- a. Additional training for staff to promote more consistency in permit issuance.
- b. Review of pesticide use reports at the time of permit issuance, especially for vertebrate pest control to assure 100% reporting of use.
- c. Review of pesticide handler regulations requirements for growers with employees.

3. Deliverables:

- a. Evaluation of the entire permit process to identify problem areas and implement solutions to improve the consistency and effectiveness of the permitting process.
- b. Permit conditions will be updated as needed to reflect changes in the regulations and suggested DPR permit conditions.
- c. Consistency in documentation of the description of sites and accurate maps are essential to provide clearer information to site locations.
- d. Training of staff by Deputy Commissioner and DPR.
- e. Review of pesticide use reports will result in accurate data and increased pesticide use reporting in Stanislaus County.

4. Measure of Success:

The Stanislaus County Agricultural Commissioner will continue to evaluate its Restricted Material permitting program to identify areas that may be enhanced for greater effectiveness, consistency, and efficiency. Trained staff, updated permits conditions, and better consistency in documentation of permit changes; will help to streamline the permitting process and provide a more complete Restricted Material Permitting Program. An accurate sensitive site map will provide for a quick check for permit renewals and NOI review. This will benefit the public, environment, workers, and industry by delivering a safe and effective pesticide management program.

B. Site Monitoring:

- Notice of Intents (NOIs) are received in person, by phone, electronically, or by fax. Currently, assigned district inspectors review NOIs on a daily basis. Proposed applications are checked for accuracy, completeness and compliance with the label and permit conditions. Product labels and site evaluations (Pre-Application Site Inspections) are used to determine whether mitigation measures are needed for the proposed application. The applicator and property operator are promptly notified if there is a denial of the proposed application. The denial is documented on a “Permit/Notice of Intent Denial” form with the reason for denial and the property operator is entitled to due process.
- NOIs submitted with less than 24 hours notice are approved only if the commissioner determines that weather conditions, pest pressure, or irrigation could impact effective pest control if the application is delayed.

- Regulations require that 5% of NOIs submitted must have a Pre-Application Site Inspection. When selecting NOIs for site inspection, consideration is given to sensitive sites, weather conditions, soil moisture and temperature, pesticide toxicity, type of application (fumigation, aerial etc.) and compliance histories of permittees and applicators.

1. Accomplishments:

- a. NOIs for non-fumigant applications are submitted 24 hours prior to pesticide applications and reviewed in a timely manner. Fumigant NOIs are submitted 96 hours prior to application to allow ample time for a Pre-Application Site Inspections.
- b. PUE staff is using the “Permit/Notice of Intent Denial” form for documentation of denials, which has resulted in consistent and proper documentation of NOI denials.
- c. Pre-Application Site Inspections are conducted for 100% of NOIs submitted for field fumigations.
- d. 100% annual inspection of all non-agricultural restricted material use permits.

2. Areas in Need of Improvement:

- a. Better review of Restricted Materials Permits and pesticide labeling to assist in evaluation of the NOIs.
- b. More thorough review of 24 hour NOI waiver requests.
- c. Training of staff for to further their understanding of permit conditions for applications involving field fumigants.
- d. Improve evaluation of NOIs using Aluminum Phosphide for vertebrate control.

3. Deliverables:

- a. 24-96 hours of notice will help the inspector to better evaluate the proposed applications with the potential to impact the environment or human health.
- b. Allocate more staff time for PUE by teaming them with inspectors that are licensed in PUE, but usually work in other programs.
- c. Staff training by Deputy Commissioner and DPR.

4. Measure of Success:

Timely evaluation of proposed applications will help to mitigate any potential hazards prior to the application. A proactive evaluation of the sites based on the most current permit conditions, site conditions, and applicator will provide for safer applications.

II. COMPLIANCE MONITORING:

2013 INSPECTION WORKLOAD (APPROXIMATIONS)

Completed Investigations/Complaints	All
Application Inspections (non-fumigation):	
Property Operator	200
Pest Control Business/Maintenance Gardener	45
Structural Branch II	30
Structural Branch III	3
Fieldworker Safety Inspection	35
Mix/Load Inspection	
Property Operator	40
Pest Control Business/Maintenance Gardener	15
Structural Branch II/III	5
Fumigation Monitoring Inspection	
Field Fumigations	30
Commodity Fumigations	45
Structural Branch I	5
Headquarter/Employee Safety Inspections	
Property Operator	75
Pest Control Business/Maintenance Gardener	20
Structural	7
Other	15
Records Inspections	
Pest Control Business/Maintenance Gardener	25
Pest Control Advisor	35
Dealer	10
Structural	12
Pre-Application Site Inspections	5% of total NOIs submitted
Restricted Materials: Nonagricultural Use	All
Rice Water Holding	5
Conditional Ag Waivers	If/when necessary

Comprehensive Inspection Plan:

Goal:

Assure that compliance monitoring is effective, thorough, and non-compliances are followed-up to ensure the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of inspection strategy that has a measurable effect on compliance improvement.

Inspections:

Pesticide use monitoring inspections are conducted based on potential hazard posed by the application, proximity to sensitive sites, and compliance history of the permittee or applicator. Inspections will continue to emphasize verification of compliance with worker safety standards, field fumigation requirements, and monitoring agricultural/urban interface, as well as, Business Records and Employee Safety Inspections for a better overall picture of pesticide use compliance.

- Training of new staff is needed so they are able to perform inspections in all of the pesticide use areas.

1. Accomplishments:

- a. Inspection application information and explanation of non-compliances in the remarks section has improved.
- b. Follow-up inspections involving non-compliances within 30 days have improved.
- c. With an increase in the number of PUE inspectors more inspections are being conducted.
- d. Pesticide Safety guides, developed and produced by Stanislaus County CAC, were provided to all operators in the County as a part of educational outreach.

2. Areas in Need of Improvement:

- a. Provide outreach sessions to applicators on precautions when handling pesticides to avoid drifting issues.
- b. Provide outreach sessions to the growers about drift prevention into various waterways.
- c. Focus on aluminum phosphide and vertebrate fumigants by increasing application and records inspections.
- d. Focus on the use of fumigants on commodities by increasing application and records inspections.
- e. Focus on the use of pesticides in the dairy industry and provide training at a continuing education session.
- f. Continue to conduct all types of inspections to monitor different areas of pesticide use for a more complete picture of compliance.

- g. Focus on Business Records and Employee Safety Inspections to set expected standards with growers and businesses.
- h. Training for new staff and advanced training for experienced staff.
- i. Focus on compliance with Non-Ag Surface Water Regulations.

3. Deliverables:

- a. Better documentation on reports at the time of inspection when non-compliances are identified.
- b. Conduct several types of inspections for a more complete picture of pesticide use. Also utilize “compliance assistance” inspections for educational purposes and follow up with an actual inspection.
- c. Increase business records and employee safety inspections of registered pest control businesses, dealers, and advisors to achieve 100% inspection every two years.
- d. Increase business records and employee safety inspections of growers with employees to achieve 100% inspection every three years.
- e. Attempt to allocate more staff time for PUE by teaming them with inspectors that are licensed in PUE, but usually work in other programs.
- f. Staff training by Deputy Commissioner and DPR.

4. Measures of Success:

In the Stanislaus County Agricultural Commissioner’s Office an Enforcement Tracking database is used for tracking follow-up for inspections with non-compliances and to measure compliance rate. Continued improvement in documentation of non-compliances will produce more effective follow-ups and future compliance. Monitoring of all types of pesticide inspections will provide a more complete picture of pesticide use in the county. “Compliance Assistance” and Business Records and Employee Safety inspections will increase educational interaction with the growers and set standards for compliance. Increased outreach to the school pesticide handlers, and the dairy industry will result in a higher compliance rate, and hopefully, reduce the number of illness investigations. Training of staff will increase effectiveness and consistency of compliance monitoring.

Investigation/Complaint Response and Reporting:

Goal:

Thoroughly investigate all reported pesticide related incidents, using DPR investigative procedures, and complete investigations in a timely manner with accurate and supportive documentation. Reporting to DPR, complaints or report of loss related to bee kills associated with an alleged pesticide application.

Investigations/Complaints:

- All staff conducting investigations hold a license in Investigation and Environmental Monitoring or is supervised by a licensed inspector or deputy. Staff responds to all complaints and incidents that may be related to pesticides.
- All investigations and complaints are responded to and must be completed in a timely manner.
- DPR sampling protocols are utilized when necessary. Each inspector carries an Investigation Sampling Kit with required supplies. The Pesticide Incident Response van is equipped (sampling supplies, personal protective equipment, etc) to respond to all incidents, primarily those classified as priority.
- DPR is contacted as assistance is needed. Cases are referred or provided to other agencies when necessary.

1. Accomplishments:

- a. An Investigation & Enforcement Tracking database is used to track all illnesses and complaints and for timely completion of cases.
- b. PUE inspectors are trained in investigation procedures.
- c. Participate in Secure Access Website (SAW) for illness investigation reporting to DPR.

2. Areas In Need of Improvement:

- a. Continued training is needed for staff on conducting investigations, sampling, interviewing complainants and respondents, and writing investigative reports.

3. Deliverables:

- a. Timely completion and tracking of all illness investigations.
- b. Thorough and complete investigative reports with supporting documentation.
- c. Sampling kits will provide efficient and ready-use sampling equipment when necessary. Incident response van will be stocked and made available for the staff to use in the event of any type of pesticide related incident.

4. Measure of Success:

Through continued training for staff on conducting investigations, sampling techniques, effective interviewing of complainants and respondents, and writing investigative reports, investigations can be completed in a timely, accurate manner. Better training will also provide consistent enforcement of pesticide laws and regulations. Readily available sampling supplies will ensure evidence collection is performed timely and correctly. A tracking log will provide investigation status information and assignment tracking, to help with

efficiency. Accurate and complete investigations benefit all parties involved by mitigating future incidents.

III. ENFORCEMENT RESPONSE

Goal:

A commitment to improve the enforcement response associated with violations of pesticide laws and regulations. Consistently and equitably apply DPR's Enforcement Response Regulations (ERR) to incidents in which a violation of pesticide laws and/or regulations have been confirmed and documented.

When non-compliances are found, evidence for each violation is documented in the inspection report or investigative report. Several tools are used to achieve compliance. Responses to violations can range from education, outreach, decision report, administrative civil penalty, compliance interview, and civil or criminal court action. Decisions are made on the appropriate level by consideration of past history, severity of the non-compliance, and consultation with the deputy, commissioner, and DPR Enforcement Branch Liaison. The department utilizes the Investigation & Enforcement Tracking database to monitor compliance history. The inspectors input the results of inspections and investigations with violations in the database. A file is created with a unique case number and a Decision Report or Notice of Proposed Action is prepared based on the history, type and severity of the violation. This database provides efficient tracking and quick reference of compliance history which enables the staff to efficiently evaluate repeat violators to achieve long term and consistent compliance.

1. Accomplishments:

- a. An adequate tracking system has been implemented to track a compliance history of individuals and businesses.
- b. The tracking system is also used for documentation of the enforcement response action.
- c. Submission of Decision reports to DPR within 60 days of the non-compliances or follow-ups has been achieved.

2. Areas in Need of Improvement:

- a. Training for staff to promote consistency of enforcement of laws and regulations.
- b. Issuing Enforcement Actions in a timely manner.
- c. Consistently and fairly administer the appropriate enforcement response.

3. Deliverables:

- a. Structured staff training presented by the Deputy Agricultural Commissioner and DPR.
- b. Efficient tracking and quick reference of compliance histories for identifying repeat violators.
- c. Adherence to Enforcement Response regulations will ensure equal and fair enforcement and compliance actions.
- d. Take appropriate enforcement or compliance action within applicable statutes of limitations.

4. Measures of Success:

It is anticipated that there will be an increase in the number of enforcement and compliance actions due to the implementation of the Enforcement Response regulations. Appropriate compliance and enforcement actions may increase compliance by the expectation of continuance, that enforcement/compliance actions will be implemented when non-compliances are discovered. Better tracking of enforcement/compliance actions and better-trained staff will provide enforcement consistency and an overall more effective PUE program. Fair, consistent and prompt action holds violators accountable, while maintaining program integrity and effectiveness.

PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

IV. PESTICIDE DISPOSAL PROGRAM

It has been identified by the Stanislaus County Agricultural Commissioner's Office that the growers have unwanted pesticides in their storage areas. These pesticides are either no longer registered or have no tolerance established for their particular crops. In some instances farms have been purchased with existing stocks of un-known pesticides in storage sheds. Stanislaus County Environmental Resources Hazardous Waste Program only accepts household use pesticides. The current option for growers with production agricultural pesticides are limited and research shows that the cost to dispose of a single 2.5 gal container of pesticide is in the thousands of dollars. Stanislaus County Agricultural Commissioner's Office wants to provide the growers with a cost effective program to deal with unwanted, unregistered pesticides. If a program is not developed it could lead to improper use and illegal disposal of these pesticides.

Goal:

To provide Stanislaus County growers and licensed pesticide applicators with a means to dispose of unwanted agricultural pesticides in a safe and legal manner through a grant from the Environmental Protection Agency or Department of Pesticide Regulations.

1. Deliverables

- a. Development of bi-annual event, which will result in a safe, effective and environmentally friendly way to dispose of unwanted pesticides
- b. Partnership with a company/pesticide dealership – where county will facilitate program and company will handle actual disposal
- c. Include neighboring counties growers
- d. Develop a pilot program for other counties to follow

2. Measure of success

Proper disposal of unwanted pesticides will help reduce possible environmental contamination. Storage inspections will show the impacts of this program, by reduced or eliminated pesticides in the storage areas.

V. SCHOOLS & PESTICIDES

In order to protect school children from potential pesticide exposure, the Stanislaus County Agricultural Commissioner's Office implemented a restricted materials permit condition that prohibits the use of California Restricted Materials to be applied within ¼ mile of schools while schools are in session or during school sponsored activities. This condition has been in place since 2010. In order to facilitate the communication between schools and growers, the Stanislaus County Agricultural Commissioner's Office is planning to develop a web based map. This map will identify the growers' site identification numbers and school locations along with contact information for the school. A ¼ mile buffer will be identified as a circle around each school for the growers to quickly identify their sites within the buffer zone areas.

Goal:

To provide a tool to the growers to comply with the Stanislaus County Agricultural Commissioner's Restricted Materials permit conditions.

1. Accomplishments

- a. In 2013, district inspectors visited each school within Stanislaus County and conducted one on one outreach sessions informing them of the Stanislaus County Restricted Material permit condition in regards to pesticide applications within ¼ mile of schools.
- b. Contact information for each school was obtained.
- c. A school layer shape file has been created in Arcview.

2. Measure of success

- a. Reduced amount of complaints from school personnel and parents.
- b. Higher degree of compliance with permit condition.

VI. CHLORPYRIFOS MONITORING IN WATERWAYS

Goal:

To reduce the amount of chlorpyrifos found in watersheds of Stanislaus County. Monitoring of chlorpyrifos pesticide applications on the west side of Stanislaus County to ensure the pesticide is being applied safely.

1. Accomplishments

- a. Meetings were conducted with Stanislaus County Westside growers to survey the use of the product and establish the use.
- b. Forty-six application inspections were conducted on various days and times, and no violations were found.
- c. Monthly participation in the Westside stakeholder group is helping with communication between the growers and the Agricultural Commissioner's Office.

2. Deliverables

- a. District inspectors will conduct dealer record audits to identify chlorpyrifos purchases for Westside growers.
- b. Comprehensive monitoring program will continue.
- c. Compare exceedance points to pesticide use report data to identify possible contamination sources.

3. Measure of success

- a. Reduced amount of pesticides in the water samples taken by the Westside San Joaquin Watershed Coalition.

PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

The Stanislaus CAC has incorporated the following priorities and activities requested by DPR into the work plan:

- Compliance with Soil Fumigant Phase II Labeling.
- Structural inspection activity of Branch 1, 2 and 3 applications.
- Training of county staff on pesticide laws and regulations, DPR policy and compendiums.
- Participate in SAW website for illness investigation reporting.
- Compliance with Ground Water Regulations.
- Regulatory outreach and education for growers and licensed applicators.
- Review investigations and cases for possible referral to DPR for state action.
- Compliance with Non-Ag Surface Water Regulations.
- Ensure compliance with recent U.S. EPA approved rodenticide label changes
- Reporting to DPR, complaints or report of loss related to bee kills associated with an alleged pesticide application