

# Yolo County Department of Agriculture Pesticide Use Enforcement Program Planning Guidance and Evaluation Calendar Year 2016/2018

## I. RESTRICTED MATERIALS PERMITTING

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- B. Planned Improvement
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- D. Measure of Success

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- A. Current Status
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- D. Measure of Success

## III. ENFORCEMENT RESPONSE

- A. Current Status
- B. Planned Improvement
- C. Goals and Projected deliverables
- D. Measure of Success

## PRIORITIES AND OTHER REGULATORY ACTIVITIES

**Pesticide Regulatory Activities Monthly Report (PRAMR)**

Agricultural Pest Control Businesses Registered	176
Agricultural Pest Control Advisors Registered	141
Agricultural Pest Control Pilots Registered	46
Agricultural Pest Control Dealers in County	11
Structural Pest Control Operator Notifications	139
Farm Labor Contractors Registered	44
Operator Identification Numbers Issued	139
Private Applicators Certified-yearly renewal	100
Restricted Materials Permits Issued	716
Restricted Material Sites	6591
Notices of Intents Reviewed	2991
Pesticide Use Report Data Records	24,708
Projected Investigation Inspections	20
Projected Compliance Actions	20
Projected Enforcement Actions	11
Projected Pounds of Pesticides Applied	2,390,152
Estimated Work Hours	11500

Numbers based on 10/11 Report 5 Summary Report

**I. Restricted Materials Permitting**

**A. Current status**

**Permit Evaluation-Process Evaluation and Improvement Planning**

Permit Evaluation:

Permits for restricted materials are issued to the operator or their designated representative of the property to be treated. Permits are signed by the permittee or documented representative as per Title 3 California Code of Regulations (3CCR section 6420). Permits are issued for a period of one year (calendar). Pest Control Advisors and Private Applicators indicate they have considered feasible, reasonable, and effective mitigation measures when using pesticides that require permits. Permits are site specific and evaluated to determine if a substantial adverse environmental impact may result at the time of issuance and if/when a notice of intent is received. The Yolo County Agriculture Department uses the CalAg permit program to issue permits. Feasible alternatives to restricted pesticides are considered and implemented when appropriate. Private Applicators (Growers) are sent a notice informing them that their permit is up for renewal. They are directed to make changes for the upcoming crop season and submit any changes to our office. Once received, the new permit is “built” for the upcoming season. Permits are done on a first come first serve basis. Once the permit is completed by a licensed staff member, an appointment is made to make changes as necessary and discuss specific issues regarding sites, buffers, proposed pesticides to be used, etc.

There are no multi-year permits issued in Yolo County. A permit or Notice of Intent (NOI) is denied or conditioned recognizing and utilizing appropriate mitigation measures.

NOIs (3CCR, section 6434) are recorded on an NOI log sheet, an Excel Spread Sheet, and include required information (section 6434) including, but not limited to, date of intended application, method of application including dilution, volume per acre, dosage, permittee and name of pest control business if applicable. Yolo County has a centralized NOI procedure involving one central NOI line where individuals or business' leave their NOI. The notices are recorded onto the log sheet each morning (Monday thru Saturday) and reviewed by licensed staff. The NOI is submitted at least 24 hours prior to start of application. NOI's with less than 24 hour prior notice are approved when licensed staff determines, due to the nature of commodity or pest problem, effective control cannot be obtained or it is determined 24 hours are not necessary to adequately evaluate the intended application.

## **B. Planned Improvement**

- Areas where public concern about pesticides near urban areas requires attention.
- Special attention to sites where there is a history of complaints.
- There are an increased number of sites with agriculture/urban interface.
- Responses to pesticides found as a result of Irrigated Lands monitoring program. Results to positive sampling necessitate additional enforcement and mitigation measures.

## **C. Goals**

Evaluate existing lists of pesticides on permit; delete pesticides not registered or no long used by the permittee.

Evaluate permits for adverse environmental impacts and approve, deny, or condition as necessary. Complete all applicable forms for submittal on PRAMR

All NOIs that are denied shall be followed up with a proper NOI denial form and counted for PRAMR and filed

Permit denials for pesticides shall be documented on a proper denial form and counted on the PRAMR and filed

## **D. Measure of Success**

- Restricted Material Permit (RMP) Conditions are used to prevent adverse public and environmental impacts
- Permits are issued on an annual basis, rather than multiple year, which allows staff to update the grower of any changes that he/she should be aware of to protect the public and the environment
- NOIs are reviewed and approved by licensed staff

## **II. Compliance Monitoring**

### **A. Current Status**

Licensed staff will monitor permits as required in (section 6436). A minimum of five percent of the 6,119 sites identified in permits or NOIs will be monitored. All non-ag permit holders are inspected once a year. Structural Pest Control Branch 1 fumigations, particularly aeration inspections, will be targeted to ensure the CAP plan is utilized to protect the public. Fumigations in densely populated residential areas are considered priority inspections. Monitoring priority will be given to other sites based on their location, toxicity of product intended for use, the applicator for the job, adjacent environment concerns etc. Rice water holds will continue to be a priority as well as applications within the county's Ground Water Protection Areas (GWPA's). Discussions with our DPR Enforcement Branch Liaison (EBL) are also used to help us identify and address statewide goal and concerns. Inspections will continue to be focused in area where past inspections have identified increased non-compliances. Management will continue to review past inspection records to identify possible increased inspection areas.

A continuing history sheet is maintained for each permittee in their file. Copies of all inspections are in the permittee file, as well as maintained monthly in the deputy's office.

- Experienced staff with a knowledge of growers, as well as, sites within the county that may require special attention to prevent adverse effects to the public or environment if an application is made
- NOI spreadsheet that is developed daily and approved or denied by licensed staff
- Experienced field personnel to perform inspections

### **B. Planned Improvement**

- \*Focus inspections on agriculture areas near schools and where ag/urban interface exist.

### **C. Goals**

A commitment to implement measures that ensure a site-monitoring plan that takes into consideration pesticide hazards such as, but not limited to, agriculture/urban interfaces, sites within a quarter mile of schools, ground water protection areas, rice herbicide monitoring program, cropping and fieldwork patterns and handler, permittee, and advisor compliance histories.

- Review each notice of intent to ensure:
  - A valid RMP was issued for the material to be applied to the intended site
  - Crop or application site is allowed by label/Section 18/permit conditions
  - Method of application is allowed by pesticide label & permit conditions
  - Dilution/volume per acre is appropriate
  - Material is suitable for pest to be controlled
  - Surrounding areas will not be adversely impacted by application
- All NOIs are reviewed by licensed staff.
- All NOIs that are denied shall be followed-up with a proper NOI denial form and counted for the PRAMR and filed.

- Perform pre-application site evaluations on a minimum of 5% of the filed NOIs received or sites permitted.

**D. Measure of Success**

- Agriculture/Urban pesticide applications – monitor applications to ensure safety to residence, schools and businesses and compliance with applicable permit conditions.
- Conduct 60 rice water hold inspections to assure that no illegal releases occur
- Target small operators with 1-3 employees to ensure worker safety compliance
- When multiple worker safety violations are discovered during application inspection, a follow up headquarters inspection will be performed within 30 days, when feasible.
- Continue to offer training seminars to industry to inform them of their requirements.
- Utilize the Farm Bureau News Letter to give a “heads up” update on pesticides or safety issues relative to the time of year

**Program Inspection Goals:**

I.	Application Inspections.....	110
	Category I, II & III.....	50
	Rice Water Holding.....	60
II.	Equipment Inspections.....	60
III.	Field Worker Safety Inspections.....	5
IV.	Mix/Load Inspections.....	20
V.	Fumigation Inspections.....	15
	Field.....	5
	Commodity.....	*7
	Structural.....	*7
VI.	Records Inspections.....	33
	HQ Employee Safety.....	*25
	Pest Control Business.....	8
	Pest Control Dealer.....	3
	Pest Control Advisor.....	2
VII.	Educational Outreach & Training Sessions.....	25

Compliance with the rice monitoring program (targeted applications and number of water hold inspections) will indicate how well our department is monitoring this program. Assessing the number of complaints received from agriculture/urban interfaces will help evaluate needs to address pesticide issues. Periodic review by licensed staff and by our Department of Pesticide Regulation Enforcement Branch Liaison (EBL) will help in analyzing our measure of success in this program. Our department will commit to implement, assess and amend our site-monitoring plan as needed. This will include certain herbicides that produce symptoms on non-target crops, environmental factors that need addressing, and new focus areas put into place by this department or DPR. This department will document our assessment findings and any changes to our site-monitoring plan.

### **III. Enforcement Response**

#### **Comprehensive Inspection Plan**

Yolo County's inspection program evaluation reveals that 25% of our inspections are scheduled. These primarily include, grower headquarter safety inspections, those with previous non-compliances, and commodity fumigations. These inspection activities are prioritized by chemical hazard, environmental concerns and applicator/grower compliance history. All other inspections are targeted after review of NOIs or through standard surveillance.

Analysis of our inspection activities during the 14/15 fiscal year showed that 15% of all pesticide monitoring inspections exhibited some type of non-compliance.

#### **A. Current Status**

- An effective targeted inspection plan utilizing the following components:
  - a) Implementation of a comprehensive GIS site mapping program
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, agriculture/urban interfaces, and wildlife areas or in areas that have pesticide sensitive individuals
- A scheduled inspection process that is effectively identifying non-compliances during property operator worker safety training and record keeping inspections

#### **Enforcement Response Practices**

All inspections and investigations (including pesticide illness investigations & complaints) are reviewed by the Deputy Agricultural Commissioner. Yolo County has developed an "Enforcement Criteria" that is followed to ensure that consistent enforcement is taken on all incidences. Our EBL reviewed this "Criteria" and an agreement was reached as to the type of enforcement response that would be taken on non-compliances listed within the criteria. We will respond to all violations with either a compliance or enforcement action as required in the Enforcement Response Regulations. In addition, we will use the action that will most likely ensure future compliance. To do so, we will evaluate each situation, giving due consideration to the circumstances of each incident with violation(s), by identifying the risk (i.e. actual or reasonable possibility of a hazard or effect) and the violation history.

#### **Investigation Response and Reporting Improvement**

##### **Investigation Response and Reporting**

The Yolo County Department of Agriculture investigated 11\* pesticide episodes and related complaints for the 14/15 fiscal year that accounted for 503\* licensed staff hours. The staff spends a large portion of the time (approximately 50% of the hours) dealing with complaints that are not forwarded to DPR, but are dealt with in house.

## **B. Planned Improvement**

- Follow-up inspections for non-compliances
- Structural fumigation/ aeration inspections for CAP plan

## **C. Goals or Objectives**

- Maintain a presence within the industry of effective monitoring that protects handlers, the public, and the environment
- Timely initiation and completion of all priority and non-priority investigations.
  - Start priority episode investigations within 2 working days of department notification
  - Submit preliminary update on priority investigation to DPR within 15 days
  - Request assistance from DPR staff liaison in priority investigations
  - Complete all investigative reports within 120 days
  - Development and use of investigation plan
  - Use elements of violation analysis in Hearing Officer Handbook
- Thorough report preparation.
  - Attach supporting documentation and evidence
- Prepare and follow an investigative response plan
- Tracking system for assuring episode notifications and investigations are completed in a timely manner
- Annual staff training in investigative techniques

The Deputy will review all inspection reports and activities of the enforcement personnel and make a determination regarding appropriate enforcement response.

## **Education and Outreach**

Yolo County Department of Agriculture conducts approximately 22 training and outreach sessions each year, speaking to over 1200 growers, licensees, and businesses. Trainings are conducted in English and Spanish, throughout the year. Training includes safe handling of pesticides, protection of employees, public and environmental safety, and regulatory changes.

Estimated work hours: 200

**Spray Safe:** The Yolo County Department of Agriculture and the Yolo County Farm Bureau have been the driving force behind bringing the Spray Safe program to our area. Spray Safe is intended to prevent pesticide –exposure incidents and improve communication among growers, chemical applicators and farm employees. Originally started as a coalition of farmers, pest control advisors, applicators, and labor contractors concerned about drift incidents, the program is being embraced throughout the state as a way to better protect the health and safety of farmers, field crews, and neighboring residents.

Spray Safe focuses on making sure growers are aware and implement all safety precautions when applying pesticides by:

- 1) Reviewing rules and regulations governing pesticide use, sharing experiences and discussing concerns
- 2) Provide education about improving existing spray practices, further enhancing public safety
- 3) Encourages farmers to communicate with workers and neighbors regarding pesticide applications.

The Spray Safe event is in its 6<sup>th</sup>\* year with over 1300 growers, PCA's, QAL's, and QAC's attending. Speakers include the Director of DPR, the President of the California Farm Bureau, Yolo County CAC, representatives from the University of California at Davis, area farmers, and many others.

The Yolo County Department of Agriculture and the Yolo County Farm Bureau are the driving force behind the Yolo County Water Coalition. The Yolo County Water Coalition belongs to NCWA (Northern California Water Association.) The purpose is to "advance the economic, social, and environmental sustainability of the Sacramento Valley by enhancing and preserving its water rights, supplies, and water quality." The Yolo County Water Coalition has a 90% enrollment, one of the highest in the region. The Agriculture Department staff speaks about Water Coalition issues at various sessions and trainings and encourages participation within the Water Coalition.

### **Priorities and Other Pesticide Regulated Activities**

*(DPR's list of priorities, some of which are not applicable to Yolo County.)*

- A. Non-fumigant VOC Regulation Compliance –*NA, San Joaquin Co. only*
- B. Soil Fume Phase II – *Currently providing training and assistance with determining buffers to affected growers*
- C. Chloropicrin mitigation measures – *Limited use, address as applicable*
- D. Structural inspection activity 1, 2 &3 – *conduct urban surveillance and inspect when seen, also address Non-Ag surface water regulations dependent upon product used (also addressed in item M.)*
- E. \*Efforts to work collaboratively with the State Regional Water Quality Board and DPR Environmental Monitoring Branch regarding applications of diazinon, chlorpyrifos, and diruon near water bodies. *In 2015 Chlorpyrifos became a California Restricted Material. Yolo County has required a restricted materials permit for Chlorpyrifos since 2010. Outreach to all alfalfa growers and NonAg users would may use diruon, due to finds in water monitoring done by the Coalition. Occasionally conduct application inspections of diazinon to ensure compliance with the Dormant Spray Regulations.*
- F. Staff Training – *Done on continual basis for those active within the PUE program.*
- G. \*School Pesticide Use Reporting –*currently schools are under the DPR IPM program, no pesticide use reports are sent to the CAC.*

- H. *\*Secured Web Access (SAW) – In 2013 the SAW program has been successfully implemented and all counties are using the program.*
- I. *Ground Water Regulations – compliance addressed through handouts and education during the building and issuance of permits. Part of the Yolo County Water Coalition outreach and training.*
- J. *Chilean Fruit Air Monitoring – not applicable in Yolo County*
- K. *Regulatory outreach and education – numerous, addressed within work plan*
- L. *Investigative Review – done as standard course with our respective EBL*
- M. *Compliance with Non-Ag Surface Water Regulations. See item D.*
- N. *\*Rodenticide label requirements –as a manufacturer of 1<sup>st</sup> generation bait we assure certification prior to sale. In 2014 second generation bait became a California restricted material, requiring a permit and NOI prior to application.*
- O. *Focused inspections on employers with employees – done as a matter of course through NOIs and headquarter inspections.*
- P. *DPR reporting for report of loss related to bee kills associated with alleged pesticide applications – done as standard course during our investigation process (See item L.)*
- Q. *DPR collaboration addressing U.S. EPA activities and requests –done as standard course*
- R. *Other Special Projects as identified by the county commissioner – Thiobencarb and other rice herbicides as they relate to water holds and related application buffers.*

*\*changes to the 2016/2018 NWP*