

PESTICIDE ENFORCEMENT WORK PLAN FOR YUBA COUNTY CALENDAR YEARS 2014 - 2016

County Resources

Yuba County has five licensed biologists devoting approximately 2.8 man years to the Pesticide Use Enforcement (PUE) Program which resulted in a total of 5828 licensed man-hours in FY 12/13. The five licensed Biologists years of experience range from 5 to 32 years. During the last Pesticide Enforcement Work plan period the department lost 50% of our pesticide support clerical staff due to layoffs. Over all, the department utilizes all eight of the existing staff members in the pesticide enforcement program.

Pesticide Regulatory Activities from Monthly Reports and Files FY 12/13

Agricultural Pest Control Businesses Registered	64
Agricultural Pest Control Advisors Registered	53
Pest Control Aircraft Pilots Registered	66
Farm Labor Contractors Registered	16
Structural Operator Notices of Intent	64
Operator Identification Numbers Issued	52
Private Applicators Certified / Re-Certified	36
Restricted Material Permits Issued	280
Notice of Intents Reviewed	853
Pesticide Use Reports Received	15,335
Restricted Material Sites	1,500
Pesticide Investigations	13
Enforcement Actions	12
Outreach to Licensees, Growers & Public	20

A. Restricted Materials Permitting

Permit Evaluation

- Approximately 280 Restricted Materials Permits (Permits) and 64 Operator Id's issued annually.
- Permits are approved and issued by the five licensed and trained staff.
- Permits are approved through verification of having passed a private applicator exam, qualified applicator certification exam or possess an applicators license.
- County administers private applicator certification exam on an individual basis.
- Appointment is required for permit issuance and certification exam.
- Private Applicator Exam takes approximately one hour.
- Yuba County uses Cal Ag Permits program to help evaluate environmental concerns for sites identified on permits. Feasible alternatives to restricted pesticides are considered and implemented when appropriate.

- Permits are entered into the database and printed out for signature. When the program is not operational, the permits are recorded on an approved form (PR ENF-125).
- Permits are issued to the operator of property or authorized representative (either an employee or farm management firm), non-ag permits may be issued to Pesticide Control Business (PCB).
- Letter of authorization is required for issuance of a permit when the signature is by someone other than operator of the property.
- Permits are valid for one year or less from the date of issuance.
- All permits are site specific and a map of the sites is provided to the permittee.
- All sites are identified by an alpha-numeric system.
- Adjacent environment around sites and sensitive areas which include homes, schools, waterways etc. are identified on aerial photos or electronic maps.
- Best available technologies are encouraged to minimize drift and runoff of Diazinon, Chlorpyrifos, and Diuron to water bodies. In collaboration with State Regional Water Quality Board and DPR.
- Permit checklist reviewed with permittee at time of issuance includes:
 - Review of past compliance issues or any violation history.
 - Review file for use report compliance.
 - Assure applicant is a certified private applicator.
 - Update computer map, documenting any new sensitive areas.
 - Review restricted material permit conditions including wellhead protection, groundwater protection, and dormant spray conditions, stressing importance of keeping pesticides out of waterways and not spraying before storms, etc.
 - If applicant has employees-review county worker safety form for “Handlers, mixers, loaders, applicators”, training records, PSIS, appropriate inspection forms.
 - Schedule headquarters inspection when appropriate.
 - Review Notice of Intent (NOI) log and instructions.
 - Review California restricted materials list to keep grower and permit up to date.
 - Expired Section 18s are removed.
 - Appropriate products are added or removed from existing permits.
- For permit amendments, a notation is made on PR-ENF-125A and both the permittee and a biologist are required to sign and date the amendment.
- Approximately 1000 NOI’s are received and reviewed a year.
- 24 hour NOI’s are required. In some situations 48 hour NOI’s are required.
- In addition to new Chloropicrin regulations, Yuba County may require additional permit conditions to mitigate any potential risk relating to size of the application, weather conditions, soil conditions and proximity to occupied areas.
- NOI’s are accepted by telephone to a dedicated telephone line, fax, or in person and are monitored between 8 am-5 pm, Mondays –Fridays and on weekends during busy times of the year.
- After hours the NOI’s are picked up by a dedicated phone line or fax machine. NOI’s are picked up by staff on weekends during the busy seasons.

- Licensed staff reviews NOI log to assure consistency with permit and contains required information.
- A permit or NOI is denied or conditioned recognizing and utilizing appropriate mitigation measures.

Strengths

- All five staff biologists are licensed in pesticide use enforcement and able to work in all fields of pesticide use enforcement.
- Enforcement actions are reviewed by current licensed staff for uniformity.
- Training sessions and staff meetings are scheduled appropriately.
- Staff experience and knowledge of local conditions helps to reduce substantial adverse environmental impacts.
- Changes to consistent cropping patterns are addressed.
- Issuance of one year permits even for permanent crops allows for regular review of permits, reducing chances for potential adverse impacts as well as updating growers of recent changes to laws and regulations.
- Due to the cropping patterns and types of restricted materials used, permit conditions are generally standardized.
- Staff attends PUE training provided by DPR.

Weaknesses

- Learning the existing Cal Ag Permit issuance system is very time consuming and not user friendly.
- Ag-urban interface is a continuous problem due to housing growth.
- Addressing county Conditional Use Permits (CUP) for ag production in residentially zoned properties.
- Licensed biologists are assigned specific districts. When they are required to work outside their district they are less familiar with the sensitive issues.
- During peak pesticide use periods and other concurrent program needs with given staff levels, it is difficult to meet all PUE needs.

Goal or Objective

- The goal of the Yuba County Department of Agriculture is to provide accurate permits to our growers that contain as much relative information regarding each site as possible to assure that the public and the environment are protected.
- Work with the required Cal Ag Permits program to better address local departmental and grower needs.

Deliverables

- Continue updating all existing restricted material maps contained in the Cal Ag Permits program to become a more effective tool when evaluating permits for adverse environmental and health effects.
- Review permits that have restricted materials that have not been used in the past and work with permittee to eliminate such pesticides.
- Assure complex NOI's contain all the required information. i.e., grower notifications, written recommendations, regulation requirements etc.
- Evaluate all permits for adverse environmental impact.

- Identify problem areas with staff training, timelines, and follow-up reviews.
- Continue to provide computer help to the many counties who are in need.

Measure of Success

- Annually evaluate permit process for deficiencies or areas of concern.
- Review all restricted material permit files for the following corrective actions: site specific maps, site identification and any pesticides not used in the past.

Site Monitoring Plan Development

- Approximately 1500 annual sites
- Majority of NOI's are for the following restricted materials/crops:
 - Herbicides for rice, received April – August.
 - Section 18 for walnuts, received March – mid June.
 - Herbicides for tree and field crops, received throughout the year.
 - Aluminum Phosphide, Sulfuryl Floride, and Methyl Bromide for commodity fumigations.
 - Azinphos, Carbaryl, Methyl Parathion (PennCap) for dormant and summer tree crops spraying.
 - Vikane for structural fumigations, approximately 10-15 per year.
 - NOI's are reviewed by licensed staff.
- Sites to evaluate are based on:
 - Hazard of pesticide use by crop
 - Applications with a potential for drift
 - Applications near roads, residences and sensitive areas
 - Environment condition with respect to cropping and fieldwork patterns
 - Local conditions
 - Worker safety requirements
 - Compliance histories
- A minimum of 5% of pre-application site inspections are performed.
- At least one inspection is performed on all nonagricultural permits issued.

Strengths

- Current staff has many years of experience in county with knowledge of local conditions.
- All Biologist work stations are close together allowing quick dissemination any new information.
- Minimal crop changes to adjacent environments of sites to be monitored.
- Excellent communication and coordination between our licensed staff and the Assistant Commissioner and Commissioner to consider special situations.
- Annual Permits allow a personal up date to grower on laws, regulations and compliance issues.
- Knowledgeable office staff who work closely with clients.

Weaknesses

Licensed staff are challenged in prioritizing PUE requirements during periods of high pesticide activity.

Goal or Objective

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, fieldwork patterns, handler / permittee, compliance histories.

Deliverables

- Pre-application site inspections will be performed on a minimum of 5% of the notices of intent.
- Create a schedule during busy seasons to assure that all NOI's are reviewed by licensed staff.
- All NOI's are approved or denied by license staff.
- For all NOI's that are denied, the applicator will be notified and the NOI will be recorded on the NOI denial form.

Measure of Success

- Assessing the number of complaints received from agricultural/urban interfaces will help to evaluate needs to address pesticide issues.
- Continuous evaluation of our site-monitoring plan for deficiencies.
- Prior to end-of-year, review Pesticide Regulatory Activity Monthly Report (PRAMR) to determine if the required 5% pre-application site inspections were performed.

B. Compliance Monitoring

Comprehensive Inspection Plan

- Nearly all soil fumigant applications are pre-assessed and inspected, assuring the buffer zones are both accurate and adequate and all permit conditions are in compliance.
- Nearly all branch one structural applications are inspected when possible. Inspections are performed between 8 am-5 pm, Mondays-Fridays. During the peak pesticide use periods, this office provides up to 7 day coverage providing early and after hours work.
- Targeted inspections are prioritized by applicator compliance history and employee worker safety requirements.
- Inspections are performed by licensed staff.

Strengths

- An annual permit cycle to update growers on important pesticide issues and changes in laws, regulations and review compliance history permittee.
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, waterways, new housing developments and sensitive crops.
- High rate of headquarters inspections provides educational opportunities designated to prevent future violations.

Weaknesses

- Non-uniform enforcement implementation throughout the county enforcement districts.

- Experienced staff accrues vacation time and during busy seasons when demands are high staff must take time off to comply with maximum vacation limits and this reduces man-hour availability.
- During busy times in recent years after hour and week end pesticide work could not always occur due to budget constraints placed upon the department.

Goal or Objectives

Protect the people of Yuba County in occupational and non-occupational settings and their environment by maintaining a presence within the industry and provide effective monitoring that protects the handlers, the public, and the environment.

Deliverables

- Maintain frequency of inspections for headquarters and dealers.
- When violations are documented during monitoring inspection activities, when warranted a headquarters inspections will be performed according to DPR Policy.
- Maintain targeted inspections for situations where WHS violations have occurred in the past or have a potential to occur.
- The County will coordinate follow-up headquarters inspections which may be required due to non-compliances noted during an original oversight inspection conducted under the supervision of the DPR-Enforcement Branch Liaison (EBL).
- Enforce laws, regulation and follow the DPR Enforcement Response Policy.

Based on our inspection program evaluation, the following inspection goals were determined:

<u>PRE-APP</u>	5% MIX
<u>MIX & LOAD</u>	
PROP OPERATORS	50
BUSINESSES	30
<u>HDQTRS EMPLOYEE SAFETY</u>	
GROWERS and QACs	15
BUSINESSES	1
STRUCTURAL	2
<u>APPLICATION</u>	
GROWERS	55
BUSINESSES	35
<u>STRUCTURAL</u>	
BRANCH I	1
BRANCH 2	5
<u>COMMODITY</u>	2
<u>FIELD FUMIGATION</u>	1
<u>FIELD WORKER SAFETY</u>	3

BUSINESS RECORDS

PEST CONTROL	1
DEALER	1
ADVISER	1

<u>WATER HOLDING</u>	50
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Measure of Success

The goal of a comprehensive inspection plan is to improve the PUE program and increase compliance. A decrease in non-compliances can be an effective indicator of success if all other things are equal. Our current plan will allow for flexibility for changes that may occur with pesticide use activities or with changes in priorities within the county or at the state level. Periodic review by licensed staff and by our EBL will help in analyzing our measure of success in the program.

Investigation Response and Reporting Improvement

- Pesticide-related investigations are conducted by five trained staff.
- Complaints are received by administrative staff and recorded on an in-house form.
- Once received, they are forwarded to the Pesticide Enforcement Supervisor in the assigned district. All complaints or incidents that may be related to pesticides receive a response and results are documented on complaint forms or investigative reports.
- All investigation and complaint reports are reviewed and approved by the Assistant Commissioner and the Pesticide Enforcement Supervisor.
- Assure that all priority and non-priority investigations are completed according to DPR Policy and guidelines and that they are accurate, timely and identify violation (if any) and appropriate enforcement action is taken.
- Investigations and cases are referred to DPR for state action when appropriate in accordance with ENF 09-18.

Strengths

- Pesticide Enforcement Supervisor and Assistant Commissioner review and identify program/training needs.
- Routing of the investigation/complaint goes directly to the Pesticide Enforcement Supervisor and review and approval goes directly to the Assistant commissioner.
- Low number of complaints received by the county allows for ability to respond and complete investigations and reports in a timely manner.
- All licensed staff is kept current with investigative training and procedures.
- Relatively low number of investigations/complaints indicates good grower cooperation.

Weaknesses

Staff report writing skills require improvement.

Goal or Objective

- Assure that investigations are accurate factual and contain all the elements necessary to detail a complete accounting of an event. To that end include secretarial staff to review investigative narratives to assure accuracy.

- Have staff attend report writing, investigative, and other related training-when provided.
- Continue to send staff to DPR training to assure staff is current on pesticide law, regulation, and DPR policy and compendiums.

Deliverables

- Assure timely episode investigation initiation, accuracy, and completion.
- Attendance at available training programs.

Measure Success

- Review Complaint/Investigation Log to ensure that all episodes are handled according to department and DPR Policy in a timely manner.
- Improved report writing skills-evaluated by Pesticide Enforcement Supervisor and Assistant Commissioner.

C. Enforcement Response

Enforcement Response Evaluation

- Inspections that indicate non-compliance will be reviewed by the Pesticide Enforcement Supervisor and the Assistant Commissioner.
- PUE staff meetings formal and informal are held periodically and issues related to PUE staff are reviewed as well as non-compliances that have not previously been reviewed.
- At the staff meeting, the elements of the non-compliance are discussed as well as the past history. This is done as a training tool as well as establishing a direction for the enforcement. The decision as to the appropriate action is made by the Assistant Commissioner and the biologist involved in the action. The enforcement response regulations are followed.
- Investigations and/or inspections are reviewed to ensure that adequate evidence is present to substantiate any cited violation(s). If the evidence is insufficient to prove the violation, the case is returned to the biologist for further investigation.
- Actions, whether they are compliance or enforcement actions, are prepared by the biologists. They are then reviewed by the Pesticide Enforcement Supervisor and Assistant Commissioner.
- When a civil penalty action is to be proposed, the fine guidelines and hearing procedural guidelines are followed. Generally, proposed actions are prepared by the Assistant Commissioner and reviewed by our DPR liaison for concurrence on violations and fine levels.
- All Notice Of Proposed Actions (NOPA)'s provide respondents with detailed information on alleged violations, proposed fine level, and their right for an opportunity to be heard.
- A Pesticide Enforcement/Compliance Action Summary is prepared for every NOPA.
- Copies of inspection reports with non-compliances are filed in the permittee's file for Biologist to review at time of permit issuance.

Strengths

- All licensed staff are involved in the enforcement process from beginning to end, whenever possible, which is an excellent training tool, resulting in a more uniform and consistent enforcement program.
- Copies of reports and actions with non-compliances are filed in permittee files allowing for review of violator's history at time of permit issuance. This tool is used to prevent repeat violations.
- Use of enforcement actions and fines as a tool to improve compliance.

Weaknesses

During periods of high pesticide usage, i.e. rice growing season, we do not have sufficient staff to cover all of the county's enforcement needs.

Goal or Objective

The goal of the ERR summarized above, is to provide a timely and fair response to non-compliances. 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.

Deliverables

- Consideration of all appropriate enforcement options.
 - Application of the enforcement response regulations.
 - Use of Citable Sections as resource.
 - Application of the Fine Guidelines.
- Timely response
 - Set PUE staff meetings on a regular, or as needed, schedule.
 - Oversee support staff to be sure civil penalty actions are sent out promptly after signature of the Commissioner.
- Steps County undertakes to follow through on pending action
 - At beginning of each PUE staff meeting, review actions approved at last meeting to verify that all have been completed and submitted to Assistant Commissioner for review.

Measure of Success

- Mid and end of fiscal year, review of Enforcement Action Tracking File to verify if decrease in repeat non-compliances by violators.
- End of year review of enforcement response to determine if effort was directed at violations that pose the greatest risk to people or the environment.

PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

- A. Non-Fumigant VOC Regulation Compliance (San Joaquin Valley), when regulations are final:
Does not apply to Yuba County
- B. Compliance with Soil Fumigation Phase II labeling:
Yuba County staff will attend DPR sponsored training sessions for the Soil Fumigant Training. These applications have always been high priority. Yuba County strives to monitor as many soil fumigations as possible with either a pre- application site or use monitoring inspection. Yuba County works closely with CDPR, U.S. EPA, registrants and applicators to facilitate the implementation to the Phase II soil fumigant training in 2013.
- C. Chloropicrin mitigation:
Measures will be implemented. There is limited use in Yuba County. Yuba County will address as applicable.
- D. Structural inspection activity Branches 1, 2 & 3:
Yuba County has few Branch 1 applications and will perform inspections when possible. Yuba County has few if any resident operators for Branch 2 and 3, but will perform a headquarters or use monitoring inspection annually and will emphasize the new surface water regulation.
- E. 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:
Yuba County has not been asked by any agency to assist with water quality issues, but would do so if approached.
- F. Staff Training:
The county work plan will be reviewed at regular staff meetings and staff will be focused to address goals. Staff will attend training provided by DPR when practicable.
- G. Compliance with pesticide use at schools:
During routine headquarters inspection of pest control businesses, Yuba County will identify any pesticide usage at schools and verify compliance with school pesticide use reporting and employee handler training requirements.
- H. Secured Web Access (SAW) for pilot counties:
Yuba County has a SAW account and enters all illness investigations including priority in SAW.

- I. Compliance with Ground Water Regulations (i.e., participation with DPR's Environmental Monitoring Branch on related studies):
As with E, above, Yuba County has not been approached to do this work, but would do so if requested.
- J. Chilean Fruit Air Monitoring (CFAM) and other commodity fumigation focused activities:
Does not apply to Yuba County
- K. Regulatory outreach and education:
Yuba County has an annual grower and employee safety meeting. Through participation in these meetings Yuba County is able to reach the majority of county growers.
- L. Investigative Review:
Yuba County communicates regularly with the EBL to discuss possible enforcement action, including referral to DPR for state action.
- M. Compliance with Non-Ag Surface Water Regulations:
Yuba County will incorporate this into the compliance monitoring scheme. Goals for this activity are described above. Surface water regulations will be emphasized at appropriate use monitoring inspections and headquarters inspections.
- N. Federal rodenticide regulation compliance: Will be ensured by requiring certification and enforcement of use restrictions.
This is also evolving, as second generation rodenticides are being evaluated by U.S. EPA. Second generation bait requirements will be addressed as applicable.
- O. Focused inspections on employers with employees:
At least 25% of all headquarters inspections, as identified by use report data, will be targeted at employers who have employee handlers who handle pesticides.
- P. DPR reporting for report of loss related to bee kills:
Yuba County will contact DPR in the event a bee loss is reported.
- Q. Collaboration with DPR in addressing U.S. EPA activities or requests:
Should this arise, we will coordinate our efforts with DPR and U.S. EPA.