

Performance Evaluation of the Fresno County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of the Fresno County Agricultural Commissioner's (CAC) pesticide use enforcement (PUE) program for the calendar years (CY) 2021 and 2022. The Department of Pesticide Regulation (DPR) conducts these evaluations at least once every three years, as required by 3 CCR section 6394. The report evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to DPR standards in the Pesticide Use Enforcement Standards Compendium <http://www.cdpr.ca.gov/docs/enforce/compend.htm>

I. Summary Report of Core Program. This section identifies the evaluation findings.

A) Restricted Materials Permitting:

The restricted materials permitting program was found to **meet** DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program was found to **meet** DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program was found to **meet** DPR standards and work plan goals.

D) Summary Statement:

No deficiencies have been identified in the Fresno CAC's pesticide use program and the program is currently effective. The Fresno CAC has a pesticide use enforcement program that assists DPR's mission: To protect human health and the environment by regulating pesticide sales and use, and by fostering reduced risk pest management.

II. Evaluation of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

- 1) Permit Issuance. The Fresno CAC permit issuance procedures and performance were evaluated through observation, records review, and
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interviews of relevant staff and were found to **conform** to DPR standards and expectations, including the determination of whether feasible alternatives existed or were required. The biologists that issue permits possess “Pesticide Regulations” and “Investigation and Environmental Monitoring” licenses.

The DPR evaluation determined that permits are:

- Issued by qualified staff;
- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments followed approved procedures.

The DPR evaluation determined that the Fresno CAC:

- Has a procedure for reviewing and approving or denying NOIs before the application begins;
- Denies permits and NOIs when there are feasible alternatives to significantly reduce the environmental impact of a proposed application of a restricted material; and
- Has an effective Private Applicator Certificate Program.

Table 1. Permits and Operator IDs, by Calendar Year

Calendar Year	Restricted Materials Agricultural Permits	Non-agricultural Permits	Operator IDs
2021	2,341	77	1,775
2022	2,199	90	1,649

- 2) Site Evaluation. The Fresno CAC site evaluation procedures were evaluated through records review and interviews of relevant staff, and were found to **conform** to DPR standards and expectations.

The permits and Notices of Intent (NOI):

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The Fresno CAC staff evaluated permits and determined if the use of feasible alternatives was required. The program reviews Notice of Intent’s (NOI) in a timely manner and **adequately** monitored agricultural and non-

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agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

Table 2. NOIs and Pre-application Inspections, by Calendar Year

Calendar Year	NOIs Received	Pre-Application Inspections	Percent Pre-Application Monitored
2021	6,567	1237	18.8%
2022	6,205	827	13.3%

The Fresno CAC conducted pre-application inspections on 18.8% of their 6,567 agricultural NOIs during CY 2021 and on 13.3% of their 6,205 agricultural NOIs during CY 2022.

Note: 3 CCR section 6436 requires monitoring of at least 5% of the NOIs.

B) Compliance Monitoring:

1) Inspections.

The Fresno CAC inspection procedures were evaluated through DPR oversight inspections and records review and found to **conform** to DPR standards and expectations. The biologists that possess “Pesticide Regulation” and “Investigation and Environmental Monitoring” licenses perform inspections. Inspections are performed according to DPR policies and procedures.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

Table 3. Inspections, by Calendar Year

Calendar Year	Agricultural & Non-Agricultural	Structural
2021	256	24
2022	806	123

2) Investigations.

The Fresno CAC investigation procedures and performance were evaluated

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through observation, records review, and interviews of relevant staff, and were found to **conform** to DPR standards and expectations. The CAC refers and/or notifies DPR and other agencies as required. Investigations are submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards.

It was determined that the Fresno CAC's investigations:

- Are initiated in a timely manner;
- Are thorough and complete; and
- Include evidence that was properly collected, documented, preserved and submitted for analysis.

Table 4. Investigations, by Calendar Year*

Calendar Year	Incidents/ Investigations Initiated	Investigations Completed
2021	88	87
2022	71	70

*Note that the number initiated and completed may refer to different time periods

C) Enforcement Response:

1) Compliance Actions.

The Fresno CAC enforcement responses were evaluated through observation, records review, and interviews of relevant staff, and were found to **conform** to DPR standards and expectations.

The CAC's enforcement response was found to have:

- Initiated the appropriate action when violations are identified;
- Documented violations that sufficiently supported compliance, enforcement and public protection actions;
- Complied with Enforcement Response Regulations; and
- Decision Reports were provided when required and were adequate.

Table 5. Enforcement Responses, by Calendar Year

Calendar Year	Completed Agricultural Civil Penalties	Completed Structural Civil Penalties	Compliance Actions	Decision Reports
2021	13	2	160	25
2022	12	1	323	56

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2) Enforcement Actions.

The Fresno CAC enforcement responses were evaluated through observation, records review, and interviews of relevant staff, and were found to **conform** to DPR standards and expectations.

- The CAC's enforcement response was found to have:
- Initiated the appropriate action when violations are identified;
 - Documented violations that sufficiently supported compliance, enforcement and public protection actions;
 - Ensured due process requirements were met when levying a fine;
 - Violation classifications were appropriate; and
 - Complied with Enforcement Response Regulations.

III. Recommended Corrective Actions on Core Program Areas, when Required

No recommended corrective action at this time.

IV. Non-Core and Other Pesticide Regulatory Activities

The following program area, Licensee Registration/ Notification, is designated as non-core. It has been determined that the Fresno CAC ensures that pest control businesses (PCBs), pilots (PCPs), agricultural pest control advisors (PCAs), farm labor contractors (FLCs), and structural pest control operators (SPCOs) are registered according to DPR policies and procedures and that the registration process is effective. The CAC also ensures that SPCOs provide proper notice of structural fumigations to be performed at least 24 hours prior to the time fumigations begin.

Outreach and Training

Fresno CAC's office provides presentations for continuing education classes and outreach activities sponsored at various public events, meetings and educational institutions for growers, pesticide applicators, pest control advisors, certified applicators, and other industry partners. The continuing education topics included laws and regulation updates as they pertain to pesticide use (refer to tables below).

2021 Continuing Education and Outreach	Attendees
Punjabi Radio Show – Drift Mitigation	50
Rodenticides and Labels	48
Sunmaid Growers Spring Meeting	94

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Pesticide Safety/Regulations Update	100
Citrus Research Board 2021 Webinar	119
SunMaid 2021 Summer CE Seminar	137
SJV Wine Growers	35
Maintenance Gardener 104	24
Field Worker Safety (9/2/21)	40
Field Worker Safety (9/3/21)	40
CAPCA	8
Alfalfa Field Day	35
PCA Recs, Label Interpretation, Permit review	5
PPE	62
Op ID/RM Permit, Paraquat, Alum Phosphide, Drift Management	170
PPE and Drift	136
Top 10 Violations of 2020	106
Op ID/RM Permit, Paraquat, Alum Phosphide, Drift Management	18
Top 10 Violations	107
Metam	15
PPE Compliance	979
What's New in Pesticides	36
Drift Mitigation	39
Top 10 violations	52
Permit Renewal	2093
OFAC Webinar	48
School Notification	3
Metam	33

2022 Continuing Education and Outreach	Attendees
CAPCA	8
Facility and The Compliance Bucket	65
Field Worker Safety	4
Fresno County Dept. of Agriculture jobs	200
CAPCA	10
Field Worker Safety	7
FLC Overview for Requirements	4
Aluminum Phosphide Use	5
Fieldworker Safety (4/5/22)	4
Fieldworker Safety (4/7/22)	14
Fieldworker Safety (4/20/22)	3
Use Reporting	1
Drift Prevention	145

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Sunmaid Growers Meeting	53
Fieldworker Safety	5
PAPA	148
Pesticide Container Storage, Transportation, and Disposal	2500
CAPCA	5
Dealer Responsibilities	4
Pesticide Application Concerns	6
What to Expect from Inspection	4
Headquarters Inspections	2
CAPCA	16
Training Requirements	20
Top Structural Violations	37
CAPCA	15
DMZ Westside	25
Labor Rights Week at the Mexican Consulate	200
Fieldworker Outreach	3
CalAg Permits	3
How to Complete Use Reports	3
Commodity Fumigations	5
Drift Prevention and New Laws and Regulations	60
Job Fair – Pesticide Inspector Recruitment	35
Citrus Research Board Fall Conference	256
New and Upcoming Regulations	73
Gloves, Squirrel Labels	89
Records Maintained	3
Rodent Control and Changing Regulations	27
Respirators, Drift, Training Requirements, PAC Updates	49
CAPCA	13
Drift Prevention	68
PUE Presentation	16
Safe Use of Application Equipment	7

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V. Priorities and Other Pesticide Regulatory Activities

- Fresno County is one of three counties with citrus/bee protection areas established by regulations (3CCR section 6656) and conducts regulatory activities to assure compliance. The Department continues to implement the utilization of BeeWhere: a real-time GIS mapping system that allows users to mark hive locations and growers and applicators to view these locations to help make appropriate pesticide application decisions to protect pollinators.
- The Commissioner actively participates with the Central California Environmental Justice Network monthly meetings (IVAN).
- Fresno CAC continues to maintain herbicide drift mitigations for growers on the west side of Fresno County to prevent damage to crops due to weather factors such as inversion layers.