

ALAMEDA COUNTY PESTICIDE USE ENFORCEMENT PROGRAM WORK PLAN

Calendars Years 2024, 2025 & 2026

The Alameda County Department of Agriculture/Weights & Measures is the local agency responsible for regulating the use of all pesticides including insecticides, herbicides, fungicides, fumigants, sanitizers and disinfectants. Residential, agricultural, industrial, institutional uses and pesticide dealers are routinely inspected for compliance with state and federal regulations.

Department staff provide training and compliance guidance on pesticide use, pest management practices, and safety. Our goal is to promote agriculture while protecting the consumer, agriculture workers and the environment.

County Resources

Alameda County is structured with a Pesticide Use Enforcement (PUE) Deputy as program director, four full-time Agricultural/Standards Investigators (ASI) primarily dedicated to PUE activities, and ten additional ASI's assigned to Pesticide Use Enforcement on part-time basis to varying degrees. This is a net increase in staff resources devoted to PUE in our Department from previous periods; with five ASI's now assigned to the Livermore field office who work PUE approximately 25% of their time (previously two). Six additional ASI's have been allocated for approximately 10 to 25% of their time on PUE between our three offices. With *Cannabis* cultivation in our urban northern area, support staff in the Oakland office have been performing regulatory oversight activities on this constantly evolving industry along with other regular pesticide enforcement sectors including increased structural oversight activities countywide.

Inspections are completed on iPads or other mobile devices, reviewed by the PUE Deputy and submitted and tracked on CalPEATS. Improvements and training on CalPEATS are ongoing. Inspection goals are determined by the previous years' work plan and inspection totals, as well as an analysis of violation trends, any new or changing uses of materials that may pose a high risk to human health/the environment or known changes to industry.

I. Restricted Materials Permitting

a. Current Status

2023 Alameda County Restricted Materials Permits

Agricultural RMPs	52
Non-Ag RMPs	10
Both Ag and Non-Ag RMPs	4
Operator ID Numbers (OINs)	122

The Restricted Materials Permit (RMP) Program provides an abbreviated review procedure that serves as part of the functional equivalent to an environmental impact report, which would normally be required by the California Environmental Quality Act (CEQA). The number of RMPs has held steady between 65 to 70 in the past few years. We anticipate with the addition of diphacinone to California's Restricted Materials list

through an update to California Code of Regulations (CCR) 6400, we may see an increase in RMPs as those operators continuing to use diphacinone are required to move from an Operator ID to a RMP.

Alameda County policy limits RMP's to a maximum period of 12 months. There are no multi-year permits issued in Alameda County. All permits expire on December 31st of the current calendar year.

Permit Evaluation

As required by school notification regulations, production agriculture permit applicants are required to identify all known areas including schools and childcare facilities that could be adversely affected by the use of pesticides within a ¼ mile of production sites. Applicants are required to plan their needs in advance, consider alternatives to reduce the use of restricted materials, including less-toxic pesticides, and other means of pest control, as well as promote dialogue with people who live/work near application sites before applying for a permit.

ASI's in Alameda County are responsible for knowing local conditions and using their knowledge in evaluating the permit application. The ASI determines the appropriateness of whether or not to issue a RMP. The ASI shall determine whether a substantial environmental impact may result from the use of any pesticide before issuing a permit and when evaluating the Notice of Intent (NOI). Only properly licensed and experienced ASI's issue permits.

Additional considerations include:

- PRESCRIBE queries to identify potential endangered species product use limitations
- The necessity of the proposed application and evaluation of hazards;
- Proximity of environmentally sensitive area(s), schools and daycare facilities;
- Mitigation measures necessary to minimize adverse environmental impact;
- Pesticide knowledge of the applicator;
- Qualified licensing of the applicant;
- Appropriate conditions or limitations of the pesticide(s); and
- NOI requirements for agricultural and non-agricultural use.
- Apiary Protection- Bee Safe/BeeWhere

The permit evaluation process includes a review of the permit, site and NOI for each proposed restricted material application. NOI's are reviewed by an ASI familiar with the proposed application site.

Planned Improvements

We continually provide education and outreach to growers regarding legislative or regulatory changes, including diphacinone as it becomes a restricted material. With regards to diphacinone, more education will be needed for agricultural operators that were not previously using restricted materials and need education for Notices of Intent (NOIs) and other restricted material requirements.

We have recently updated our process for reviewing Letters of Authorization to assure their validity and retention.

Training continues with new staff and new operators in commodity fumigation activities as new shipping companies emerge in different districts. For staff, we are continuing to train on various types of inspections and enforcement actions.

Goals and Projected deliverables

Alameda County is primarily an urbanized county with many non-agricultural pesticide applications, mostly residential, commercial landscape use and commodity fumigations. Agricultural use of restricted materials is primarily non-crop use by government agencies, golf courses, cemeteries, parks and other similar sites. In the Eastern Tri-Valley area of the county there remains a thriving agricultural production industry which includes, but is not limited to, vineyards, olive and pistachio orchards and various production nurseries. In recent years production nursery acreages have declined rapidly with increasing development and production costs in the region. On the northeastern border of the county there also remains a limited amount of Delta-Valley Type Farm Production with historic alfalfa production which in recent years has been partially converted to almond production acreage and also an industrial hemp industry. For each RMP applicant, the ASI determines if the individual is properly licensed or certified. Alameda County regularly uses an "Application for Restricted Materials Permit" form to improve and facilitate the permit evaluation process. This has helped the ASI assess the need for an RMP and has improved the county's permit process by ensuring required information is complete and documented, especially for new permit applications. It also ensures that the information provided by the applicant fulfills all requirements in order to obtain a RMP and this facilitates communication with the applicant. Other goals of this process are to:

- Evaluate the need for each restricted material on application
- Suggest alternatives, if known, during the application process
- Review, evaluate, and approve or deny (with reason) the permit application
- Process the application in a timely manner
- Review, evaluate, and approve or deny (with reason) NOI's as they are submitted
- Obtain additional training for ASI on mitigation measures and pesticide alternatives to the use of restricted materials
- Train ASI's to improve mapping skills in CalAgPermits

Deliverables

- "Application for Restricted Materials Permit" form given to RMP applicants
- Continue working on implementing mapping features available through CalAgPermits to improve accuracy of the information on the RMP
- Improve and facilitate dialogue and communication with permit applicants; especially between growers and schools and daycare facilities.
- Expand and increase knowledge of ASI regarding pesticide alternatives, IPM, and pesticides updates
- Improve understanding of neonicotinoid regulations, Apiary Protection, BeeWhere protocols, and Bee Checks
- Assist growers in completing Required School Notifications
- Provide grower assistance in completing PRESCRIBE queries to ensure wildlife protections

Measure of Success

Pre-site inspections on a minimum of 5% of total number of Notices of Intent.

Restricted Materials Alternatives and Mitigation "Application for RMP" form completed by all permittees for every permit, every year to be filed each year with the appropriate year's permit.

II. Compliance Monitoring

The goal of our PUE Program is to protect human health and the environment through compliance with pesticide laws and regulations in Alameda County. In pursuit of that goal, we make the most effective use of our available budget and staff. The compliance-monitoring component of the Program serves two purposes: First, it identifies violations of laws and regulations so that appropriate corrective enforcement actions may be taken. Second, it identifies compliance problem areas, enabling us to redirect efforts to where they are needed. Compliance monitoring consists primarily of inspections and follow-up inspections; investigations of pesticide-related injuries, illnesses, and complaints; and review of submitted pesticide-use reports.

A. Current Status

2023 Inspections and Compliance Rates

	Report	Closed (complete)	With Violations
102	Pre-Application Site Evaluation	24	0
103	Field Worker Safety Inspection	1	0
104	Pesticide Use Monitoring Inspection	76	15
105	Commodity Fumigation Use Monitoring Inspection	60	0
106	Field Fumigation Use Monitoring Inspection	0	0
107	Structural Fumigation Use Monitoring Inspection	105	0
108	Structural Use Monitoring Inspection	33	2
109	Pest Control Headquarters Inspection	82	0
110	Pest Control Business Headquarters Inspection	130	0
	Total	511	14

B. Planned Improvement

No deficiencies were identified in the last Performance Evaluation by the Department of Pesticide Regulation (DPR).

We are reviewing requirements with staff in Headquarters Inspections and the PUE Deputy is doing ride-a-longs with staff.

Currently we have fourteen ASI's working in our pesticide use enforcement program. In 2024, we will be training three new staff members in PUE to have the training and tools to perform pesticide use monitoring inspections when they come across them during assignments in other programs. These new staff members will receive trainings for multiple use monitoring inspections, learn by working alongside multiple senior ASI's by assisting with Notice of Intent (NOI) Review, and accompanying them on Pre-Application site visits, Pesticide Use Monitoring and Headquarters inspections, and RMP issuances.

We continue to review common violations with growers at our Alameda County Annual Private Applicator Certificate (PAC) meeting, with licensed Pest Control Operators (PCO's) at applicator trainings and continuing education (CE) meeting, and other industry group meetings.

Ongoing staff training for use of the CalPeats program to conduct and monitor Enforcement Activities, to maintain enforcement timelines. Staff training on enforcement procedures in CalPeats.

C. Goals and Projected deliverables

Alameda County's goal is to increase compliance with pesticide laws and regulations involving pesticide use within Alameda County. Most of the pesticide use reports received are submitted electronically through CalAgPermits. We continue to add webusers for companies to submit pesticide use reports electronically. We are committed to a pro-active comprehensive compliance inspection program based on our presence in the field; communication with growers, PCOs, and governmental agencies; and appropriate compliance and/or enforcement action when non-compliances are noted.

In addition to surveillance, staff have recently been asked to reach out to PCOs without recent use monitoring inspections and request scheduled inspections.

Anticipated Annual Inspections

	Report	
102	Pre-Application Site Evaluation	20
103	Field Worker Safety Inspection	5
104	Pesticide Use Monitoring Inspection	70
105	Commodity Fumigation Use Monitoring Inspection	50
106	Field Fumigation Use Monitoring Inspection	0
107	Structural Fumigation Use Monitoring Inspection	100
108	Structural Use Monitoring Inspection	50
109	Pest Control Headquarters Inspection	80
110	Pest Control Business Headquarters Inspection	125
		Total
		500

D. Measures of Success

A measure of success is to meet or exceed the anticipated annual number of inspections each year of our work plan. Licensed ASI's conduct unscheduled, as well as scheduled, inspections in accordance with the standards set forth in the Pesticide Use Enforcement Program Standards Compendium, "Volume #4, Inspection Procedures Manual". Inspections are conducted using CalPEATS on iPads and other mobile devices with results including any violations, reported in CalPEATS DPR inspection Forms (numbers PR ENF-102 through PR ENF-110). ASI's issue a Violation Notice (PR ENF-101) or a Letter of Warning in response to a violation. In most cases, it will be the inspecting ASI who will perform any required follow-up inspection, and he/she will reference the original inspection on his/her follow-up report. If violations are noted during an inspection, the ASI will discuss with the PUE Deputy the appropriate enforcement response.

III. **Enforcement Response**

A. Current Status

In 2023, 63 PUE violations were documented from inspections and investigations. One Cease & Desist was issued. 5 Administrative Civil Penalties were taken. The Alameda County Ag Commissioner's (CAC) office follows the Enforcement Response Regulations guidelines.

ASI's follow DPR's Compendium Volume 5 with regards to investigation procedures, sampling protocol and Investigation Reports.

The CAC has the option of referring cases to the District Attorney's Office for civil or criminal action if the violation is severe enough to warrant such action. The CAC also has the option of referring cases to DPR or Structural Pest Control Board (SPCB) for licensing action if the violation is severe enough to warrant such action.

B. Planned Improvement

The 2023 annual evaluation by DPR determined that Alameda County's enforcement program met the requirements of DPR including the appropriate and proper enforcement responses.

We will arrange for staff to receive DPR or in-house training related to enforcement and investigations with a focus on updated regulations, but also continually refreshing other topics to increase understanding and proficiency.

C. Goals and projected deliverables

Shorten time from date of non-compliance documented during an inspection/investigation to issuance of an enforcement action. The goal is to issue an enforcement action, when warranted, within 120 days of the non-compliance being found.

Participate in outreach opportunities to regulated industry on common violations.

D. Measures of Success

Issuing Enforcement Actions within 120 days of the non-compliance, when warranted.

Improving the quality of evidence and documentation accompanying each compliance action and inspection that results in a Notice of Proposed Action.

DPR Priorities and Other Pesticide Regulatory Activities

In addition to the above listed activities, Alameda County has other priorities or pesticide related activities that can arise throughout the year. These activities may be ongoing or occur seasonally and are incorporated into our program as needed.

- A. Soil Fumigant use compliance (including chloropicrin mitigation measures and approved soil fumigant tarps), labels, regulations and permits. In general, this does not apply to Alameda County.
- B. Monitor for new or revised laws and regulations and ensure enforcement of any changes. For the 2023/2024 Certification and Training Requirements updates, we joined with Contra Costa County in 2023 to hold mass PAC review and testing for the new PAC exam. We also did a review of the Burrowing Vertebrate Fumigation study guide and administered exams. We receive other updates from DPR through the Liaison's reports, which the PUE Deputy shares with all staff during monthly PUE huddles.
- C. Training and implementation on the Alternative Worksheet for Restricted Materials. The staff have received training and the PUE Deputy reviews all RMPs and verifies the attachment of the form. We have not started attaching digital copies of the form in CalAgPermits since most of the forms are discussed and submitted in person and handwritten.
- D. Compliance with new label requirements for Paraquat use and verification of training. Currently, paraquat is not on any RMPs in Alameda County. Operators have chosen less toxic alternatives.
- E. Reporting to DPR bee/pollinator incidents, including complaints or reports of loss associated with pesticide applications. ASI's have received training on pollinator protection and new bee restrictions on

pesticide labels. Alameda County requires apiary registrations from beekeepers via BeeWhere and demonstrates BeeWhere tool among local operators to protect valuable apiary resources. Complaints are documented in our complaint log and into CalPEATS as investigations.

- F. Compliance with AB 1788 SGAR Rodenticide law. ASI's have increased monitoring of rodent bait stations, responded to public inquiries about applications by agricultural and non-agricultural operators, and continually do outreach to industry. We are continuing outreach to PCOs and operators with recent diphacinone changes as well.
- G. Compliance with California regulations regarding pesticide use around schools. ASI's assure required school notifications are completed and are continuing to educate individual growers on the requirements during inspections, and at Operator ID and Permit renewal stages.
- H. Environmental Justice initiatives and outreach activities – Complaints and inquiries are investigated for violations. Our ASI's educate complainants and respondents on laws and regulations.
- I. Monitor businesses advertising COVID-19 disinfection services for compliance with Licensing requirements. This is not an avenue we are currently pursuing as these claims have decreased.
- J. Ensure implementation of pesticide policies and regulations for cannabis cultivation by monitoring and providing outreach to cannabis and hemp growers on pesticide regulatory requirements. As a newly regulated industry, most cultivators have no knowledge of pesticide laws and regulations. The increase in the department workload from issuing OIN's, proctoring PAC exams and individual compliance assessments is being distributed to an increased number of staff inspectors. We are planning to do a joint Pesticide Regulations for Cannabis Growers meeting with Contra Costa County in the summer of 2024 to increase our outreach and help the PACs earn relevant CE hours.
- K. Monitor to ensure compliance for sulfur burning in greenhouses. This is not an issue currently in Alameda County.
- L. Collaboration with the State Regional Water Quality Boards and DPR Environmental Monitoring Branch to protect water bodies, including ensuring compliance with ground water regulations, surface water regulations, and assisting DPR with surface water studies. We regularly discuss surface water regulations when working with PCOs during use monitoring inspections. There are currently no identified Groundwater Protection Areas within Alameda County.
- M. Inspect chemigation applications with special emphasis on backflow prevention devices. Staff are aware to ask about backflow prevention devices, but we do not have many chemigation applications in Alameda County.
- N. Training county staff on pesticide laws and regulations, including DPR policies and Compendium guidance manuals. Staff attend DPR and SPCB official training opportunities. Updates are regularly shared by email and reviewed at monthly PUE focused meetings. We have implemented weekly team meetings, with one meeting per month focused on PUE to discuss recent activities, program goals and to share knowledge and information as well as address staff questions and review issues to create consistency in inspections. Alameda County staff are encouraged to continue to develop their inspection and investigation skills to enhance their knowledge of the proper techniques in investigation evidence gathering and report writing.
- O. Regulatory outreach and education. Describe audience and subject(s), such as pollinator protection, closed systems, Worker Protection Standard (WPS), cannabis cultivation, Certification and Training updates, pesticides around schools regulations, and PPE regulations. Addressed above and ongoing at inspections, meetings and continuing education sessions. In 2023, we did 3 sessions jointly with Contra Costa County to help growers adjust to state licensing certification changes. We reviewed new requirements for private applicators and conducted mass testing to allow many growers to obtain their new card. We also held Burrowing Vertebrate Fumigation classes and had testing times set up to assist growers. Cannabis cultivation outreach is given every time we are on-site and often over the phone to

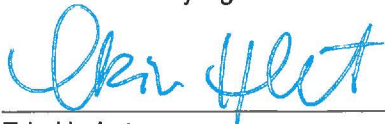
- help them understand all regulatory requirements for pesticides. We regularly speak at the East Bay Municipal Utility District's annual meeting to update all participants with regulation updates.
- P. Collaboration with DPR in addressing U.S. EPA activities or requests. Alameda County values input and training provided by DPR. We look forward to participating at in-person EPA trainings when they return.
- Q. Pesticide disposal projects providing a safe means for farmers/growers to dispose of legacy pesticides. We did a survey in December 2022 and there was very little interest from growers to participate in a disposal event. At this point, we are not planning a disposal event due to lack of need.
- R. Outreach and education for community/stakeholder engagement – We have outreach in the community with our Ag in the Classroom program. We also engage our growers throughout the county in our annual Ag Day with the Board of Supervisors recognizing the different programs throughout the 5 districts in Alameda County. We have an IPM committee that meets quarterly. Our office chairs the committee.
- S. Participation in AB 617 Air Protection Program events. The community projects in East Oakland (Alameda County) are examining pollutants (not pesticide related), and as such, our department is not involved.
- T. Collaboration with DPR on air monitoring, including agricultural, structural, and port uses of fumigants. While we are not participating in air monitoring, our department continues to monitor a majority of the commodity fumigation applications at the Port of Oakland and other areas of the county as well as structural fumigations throughout the county.
- U. Other special projects or significant activities identified by the County Agricultural Commissioner. In the current period Alameda County is working on implementing an online registration system which will improve office operations and facilitate improved record-keeping and regulatory compliance by our industry operators.



Cathy Roache
Alameda County Agricultural Commissioner



Date



Erin Herbst
Deputy of Agricultural and Standards Services, PUE



Date